

# London South Bank University

## Shared Parental Leave Policy

### Policy

London South Bank University (LSBU) recognises the challenge for staff of balancing work and childcare responsibilities. The University is keen to support parents when planning for the birth or adoption of a child and this policy sets out arrangements for implementing statutory Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) at the University.

SPL provides for parents whose baby is due or placed for adoption on or after 5 April 2015 to share time off work during the first year after the birth or placement of their child. It gives eligible employees the flexibility to start and stop their shared leave and to return to work between periods of leave and for qualifying employees to receive Statutory Shared Parental Pay (ShPP) whilst taking SPL. The policy also outlines the requirements and responsibilities of all parties where SPL is being considered or taken.

This document is intended as a statement of LSBU's policy and does not form part of the employee's contract of employment or otherwise have contractual effect. It may be reviewed from time to time and may change or be withdrawn at the University's discretion. It supersedes all other parental leave policies, procedures and practices.

### Procedure

#### Scope

This procedure covers eligible employees of LSBU. It is not available to non-employees, such as agency workers or self-employed contractors.

#### What is Shared Parental Leave (SPL)

SPL provides for eligible parents with caring responsibilities for babies or newly adopted children to share leave and pay by opting to end their period of maternity or adoption leave, pay or allowance early and transferring any remaining leave into SPL and (ShPP). Whilst the first two weeks following the birth or placement of the child cannot be shared and must be taken by the mother/ primary adopter, the remaining 50 weeks of leave and 37 weeks of pay can be shared providing the mother/adopter has given the University the required notice to end their entitlement to maternity or adoption leave.

Once the mother/adopter has given notice to end maternity/adoption leave and each parent has informed their employer of their entitlement to take SPL then the notice to end maternity leave is binding and can only be revoked in mitigating circumstances.

#### Amount of Shared Parental Leave

The amount of SPL available depends on how much maternity/ adoption leave has already been taken by the mother/ primary adopter at the point when they choose to end their maternity/ adoption leave entitlement. Providing both parents consent, any 'unspent' entitlement can be transferred to into SPL and ShPP and the remaining amount shared between the two eligible parents.

SPL can be taken by the partner of the mother/primary adopter at the same time that the mother/primary adopter is on maternity/adoption leave, or it can be taken by the parents at different times.

SPL entitlement is additional to paternity leave entitlement and therefore the partner of the mother/primary adopter should consider using the two weeks' paternity leave before opting into SPL as SPL will replace any paternity leave entitlement and employees may lose any untaken paternity leave entitlement.

### **How SPL can be taken**

Employees can submit up to a maximum of 3 requests for SPL. The requests for leave can be taken in either a continuous block of leave or in a discontinuous block, where the leave is broken down into separate blocks and the employee returns to work in between the periods of leave.

All SPL must be taken in blocks of complete weeks which can begin on any day of the week. The minimum amount of SPL that can be taken in any block is 1 week and the maximum amount of SPL is 50 weeks. The University has the right to decline requests for discontinuous leave.

In the event the mother/adopter is not entitled to occupational maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), providing they choose to end their entitlement before they have used the full 39 week allowance, their partner will still be entitled to take up to 50 weeks of SPL.

SPL must end no later than one year after the birth/placement of the child and any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

### **Eligibility for Shared Parental Leave (SPL)**

Employees qualify for SPL if:

- They are the Mother, Father or primary adopter of the child, or the partner of the mother or primary adopter.
- They have been continuously employed by the University for at least 26 weeks at the 15<sup>th</sup> week before the expected week of birth (known as 'qualifying week') or at the week in which the primary adopter was notified of having been matched for adoption with the child (known as 'relevant week').
- One of the parents (primary adopter/ partner) is still employed by the University at the start of each period of SPL.
- The other parent (primary adopter / partner) has worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the expected week of childbirth or the date of the adoption and has average weekly earnings of at least the lower earnings limit set by the government each tax year; and

- The employee has provided the University with the necessary statutory notice in writing to end or reduce any maternity/adoption entitlements.

### **Statutory Shared Parental Pay (ShPP)**

Eligible employees may be entitled to receive up to 37 weeks Statutory Shared Parental Pay (ShPP) whilst taking SPL. This is provided they have at least 26 weeks' continuous employment with the University at the end of the qualifying week or relevant week and their average earnings are above the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

### **Eligibility for Shared Parental Pay (ShPP)**

Employees qualify for ShPP if:

- The mother/primary adopter is entitled to maternity/ adoption pay or maternity allowance and has given notice to end or reduce any maternity/ adoption entitlements in accordance with the rules set out in this policy.
- They have/have had average weekly earnings, for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date, which are/were not less than the Lower Earnings Limit in force for national insurance contributions.
- They remain in continuous employment until the first week of ShPP has begun.

### **The amount of ShPP available**

The amount of ShPP an eligible employee can take is dependent upon the amount of Statutory Maternity/Adoption Pay (SMP/SAP) or Maternity Allowance (MA) the mother/adopter has remaining at the point they ended their entitlement. Providing they have not used the full 37 weeks, any remaining weeks can be shared as ShPP.

Where both parents are eligible for SPL and ShPP, it is for them to decide (and notify their employers) how the ShPP will be shared. The University must be notified of any change to the way parents wish to share ShPP between each other.

Where only one parent is eligible for SPL and ShPP, the leave and pay cannot be shared. However the eligible parent can still convert their remaining entitlement into SPL and take their leave in separate blocks.

### **Contractual entitlement during SPL**

The following contractual entitlements will continue during periods of SPL

- Accrual of annual leave. The line manager will discuss appropriate arrangements for taking annual leave prior to the period of SPL starting.
- Pension arrangements dependent upon relevant pension scheme rules.
- ShPP depending upon qualifying service.

### **Shared Parental Leave in Touch (SPLIT) days**

During a period of SPL an employee may be asked to attend work. These days may be used for training, departmental meetings or for keeping in touch (KIT). Keeping in touch days are optional which both the employee and line manager must agree.

An employee can agree to work for the University (or attend training) for up to 20 days over the course of their full SPL entitlement without bringing any period of SPL to an end or impacting on their right to claim ShPP for a particular week. These are known as Shared Parental Leave In Touch (SPLIT) days. The SPLIT days are in addition to the 10 KIT days already available to those on maternity/adoption leave.

The University has no right to require employees to carry out any work nor is it under any obligation to offer the employee any work, during the employee's SPL however an employee and their manager may agree to use SPLIT days to effect a gradual return to work towards the end of a long period of SPL.

Employees will receive the normal hourly/salary rate for the hours worked on such days; inclusive of any ShPP they are receiving (i.e. Statutory Shared Parental Pay will be 'topped up' by salary to the level of normal pay). Where both parents work for the University, each parent has their own individual entitlement to 20 SPLIT days.

### **Returning to work after Shared Parental Leave**

Providing the correct notification procedures have been followed a member of staff has the right to return to work after SPL. An employee returning to work after 26 weeks will be entitled to return to the same job and terms and conditions. An employee returning to work after more than 26 weeks may be able to return to the same job, however, if this is not reasonably practical, they will return to equivalent suitable alternative work, on terms and conditions no less favourable than would have applied had they had not been absent.

If they are unable to attend work due to sickness or injury, the University's normal arrangements for sickness absence will apply. In any other case, failure to return to work without prior authorisation will be treated as unauthorised absence.

On returning from a period of SPL, an employee may wish to consider applying for a change to their working hours/pattern through the University's Flexible Working Policy.

### **Returning to work earlier than expected**

Where an employee wishes to return to work earlier than the expected return date, they should provide a written notice to vary their leave giving the University at least eight weeks' notice of their date of early return. This will count as one of the 3 notifications that employees are allowed to make. If they have already used their three notifications to book and/or vary leave (or they fail to provide 8 weeks' notice) then the University does not have to accept the notice to return early but may do if it meets operational requirements and it is reasonably practicable to do so.

## **March 2015**

(webloded/13APR15/TP)

# Shared Parental Leave (SPL)

## Process flowchart

Please refer to the Shared Parental Leave Policy for more detailed information in relation to each area of the process.

