



PRIFYSGOL
BANGOR
UNIVERSITY

SHARED PARENTAL LEAVE POLICY

| Rev | Date | Purpose of Issue/Description of Change | | |
|-----------------------|-----------------------|--|--------------------------|-----------|
| 1. | 2015 | Policy Created | | |
| 2 | 2016 | Cosmetic changes | | |
| 3. | 2018 | Update for clarity of process | | |
| 4. | 2021 | Review - Improvements to eligibility criteria and related clauses | | |
| 5 | 2023 | Cosmetic changes and clarity to wording that does not affect content | | |
| Policy Officer | Senior Officer | Responsible | Approved and Date | By |

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| Catherine Jones | Steffan Griffith | Compliance Committee 21/04/2021 |
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1 INTRODUCTION

The University is fully committed to helping working parents balance the needs of work and family life and appreciates the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life or following their adoption or adoption via surrogacy.

Shared Parental Leave (SPL) is aimed at giving all eligible parents flexibility over how they share childcare during the first year of the child's life/placement.

We acknowledge the importance of using inclusive language and where possible we have used gender neutral language to ensure inclusivity for our parents. However, for simplicity and in line with legislation, the terms maternity and paternity will still be used in our forms and systems, including payroll, so please note that where used, maternity includes all pregnant parents and paternity includes all non-pregnant parents.

2 SHARED PARENTAL LEAVE

Shared Parental Leave (SPL) provides eligible parents with more options (beyond traditional maternity/adoption/paternity leave) when considering how to care for, and bond with, their new child. It allows parents to equally share the care of their child during the first year of birth or adoption. Using Shared Parental Leave, both parents can take leave at the same time, or they may wish to alternate between periods of leave and periods of work.

The amount of SPL available depends on when the mother/primary adopter ends their maternity/adoption entitlements. Any remaining entitlement to maternity/adoption leave is converted into SPL and can be shared between the two eligible parents. The partner of the mother/primary adopter can take SPL whilst the mother/primary adopter is still on maternity or adoption leave if they wish, providing the mother/adopter has given proper notice to end their entitlement to maternity/ adoption leave.

Colleagues can request SPL in continuous or discontinuous blocks and can submit up to a maximum of 3 notifications (to state when and how they wish to take their leave).

Shared Parental Leave should not be confused with unpaid Parental Leave.

Colleagues considering taking SPL are encouraged to contact their line manager to arrange an informal discussion as early as possible to discuss their plans and to enable the University to provide as much support as possible.

3 STATUTORY SHARED PARENTAL PAY (ShPP)

If colleagues are eligible they may be entitled to receive up to 37 weeks Statutory Shared Parental Pay (ShPP) whilst taking SPL, depending on how much maternity/adoption pay or maternity allowance the mother/primary adopter has already received at the point they choose to end their maternity/adoption leave (i.e. the remaining balance converts into an ShPP entitlement).

ShPP is paid at the statutory rate as set by the Government for the relevant tax year.

4 ELIGIBILITY FOR SHARED PARENTAL LEAVE

SPL can only be used by two people:

- The mother/primary adopter **and**
- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/primary adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally, if colleagues are seeking to take SPL, they must satisfy each of the following criteria:

- the mother/primary adopter must be/have been entitled to statutory maternity/adoption leave or statutory maternity/adoption pay or maternity

allowance and must have ended or given notice to end maternity/adoption entitlements;

- they must still be working for the University at the start of each period of SPL;
- their partner (if not also a Bangor University staff member) must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the baby's expected due date/matching date, must have worked for at least 26 weeks and earned an average of £30 in any 13 of those weeks.

5 PROCESS FOR SHARED PARENTAL LEAVE

5.1 STEP 1 NOTIFICATION OF THE END OF MATERNITY OR ADOPTION LEAVE

The option for Shared Parental Leave is created when a mother/primary adopter either:

- Brings forward the end date of their maternity/ adoption leave (i.e. reduces it to less than 52 weeks)

or, in cases where they are not entitled to maternity/adoption leave;

- They bring forward the end date of their statutory maternity/adoption pay period (i.e. reduce it to less than 39 weeks).

This can be done by:

- Giving written notice to their Line Manager to end their maternity/ adoption leave on a specified date. The Line Manager will update the absence details on iTrent.

Once a mother/primary adopter has done this, then they and their partner can declare an entitlement to Shared Parental Leave to their Line Manager (assuming both are eligible).

5.2 **STEP 2** ENTITLEMENT TO SHARED PARENTAL LEAVE

Colleagues must provide the University with a correct notification of their entitlement and intention to take SPL (and Shared Parental Pay where applicable). This must be at least eight weeks before they intend to take SPL. They will need to complete the required form on iTrent::

- Notification of Intention to take of Shared Parental Leave (Mother/Primary Adopter); or
- Notification of Intention to take of Shared Parental Leave (Partner of Mother/Primary Adopter)

Where both parents are employees of the University, both colleagues must submit both notifications.

The notification requires you to provide proposed dates of when you are considering taking your leave; however this is not automatically binding at this point and will not be treated as a request to book leave.

Once the mother/primary 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 withdrawn in exceptional circumstances.

If a colleague is the mother/primary adopter and an employee of the University, and they do not wish to take a period/ periods of Shared Parental Leave, but their partner does, they will need to complete the required form in iTrent to confirm that their partner is taking Shared Parental Leave (SPL) but they (Mother Primary Adopter) are not.

5.3 SHARED PARENTAL LEAVE SCHEMES AND PAY ENTITLEMENTS

| Type of Scheme | Entitlement/Pay |
|----------------|-----------------|
|----------------|-----------------|

| | |
|---|--|
| University Shared Parental Leave Scheme | • 8 weeks full pay (at your normal weekly rate). This includes compulsory 2 week maternity/ adoption leave period; |
| | • + 18 weeks at half pay (half your normal weekly rate) + Statutory Shared Parental Pay |
| | • + 13 weeks at the statutory rate, |
| | • + 13 weeks unpaid leave. |

Note - Average weekly earnings will be calculated by Payroll in accordance with the statutory shared parental pay regulations that may apply at that time.

Any weeks which have been paid as maternity/adoption leave, will be deducted from the available weeks of Shared Parental Leave entitlement.

For example, if a mother/primary adopter ends maternity/adoption leave after 8 weeks, there are 44 weeks of SPL available and/or 31 weeks of Statutory SPL available. If the other parent is the Bangor University employee and was to take SPL leave after these initial 8 weeks, he/she would receive half pay (half your normal weekly rate) + Statutory Shared Parental Pay.

5.4 TYPES OF SHARED PARENTAL LEAVE

a) Continuous leave - A single continuous period of unbroken leave.

A continuous leave notification must be accepted by the line manager.

b) Discontinuous leave - multiple periods of leave over a period of time where the colleague intends to return to work between each period of leave.

For discontinuous periods of leave, the University may:

- Consent to the periods requested;
- Propose alternative dates for leave requested;
- Decline requests.

If the periods of discontinuous leave are declined colleagues may either:

- Withdraw the notice;

- Elect to take the amount of leave requested in the notice as one continuous period of SPL, starting no earlier than 8 weeks from the date of the notice.

5.5 STEP 3 REQUESTING SHARED PARENTAL LEAVE

Providing you have already declared your entitlement, colleagues can formally request a period of SPL by submitting the relevant iTrent form to Book (or Vary) Shared Parental Leave (SPL) - at least eight weeks before the date on which they wish their leave to start.

Colleagues have the right to submit up to three requests, specifying leave periods they wish to take. Each request may be for:

- a) A single continuous period of unbroken leave; or
- b) Discontinuous leave

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday.

6 RESPONDING TO A REQUEST FOR SHARED PARENTAL LEAVE

Before a decision is made, the line manager should consider whether an informal meeting is required to discuss a request as per the following guide:

- Where the notice is for a single period of continuous leave then a meeting may not be necessary especially if the request has already been discussed.
- Where the request is for discontinuous leave which can, without further discussion, be approved then a meeting similarly may not be necessary.
- Where the request is for discontinuous leave and there are concerns over accommodating the request, a meeting is necessary.

The purpose of any informal meeting is to discuss in detail the leave proposed and what will happen while the colleague is away from work. Where it is a request for discontinuous leave the discussion should also focus on how the leave proposal could be agreed, whether this would be a modified arrangement, and what the outcome may

be if no agreement is reached, although Line Managers will do their best to support colleagues at this time.

7 COMMENCING SHARED PARENTAL LEAVE

SPL can commence as follows:

- The pregnant parent has to take at least two weeks' Maternity / Pregnant Parent leave immediately after the baby is born. If adopting, the Primary Adopter has to take two weeks Adoption Leave immediately following the child's placement (or if adopting through fostering to adopt / concurrent planning, immediately following the adoption placement order being granted).
- A father/partner/spouse can take SPL immediately following the birth/placement of the child but must be aware that in doing so they are choosing to forego any right to take statutory paternity leave (as they will not have taken any at that point and can't take any at a later date).

SPL must end no later than one year after the birth/placement of the child (or if adopting through fostering to adopt / concurrent planning, within 52 weeks of the adoption placement order being granted). Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

8 VARIATIONS TO SHARED PARENTAL LEAVE

Colleagues are permitted up to 3 variation notices, these being the original notice and a further 2 variations.

Notices which are withdrawn or varied as a result of the child being born or placed earlier or later than expected, or as a result of the University requesting a change (and the colleague being agreeable to the change), will be disregarded.

To vary a period of SPL, at least eight weeks' notice must be provided, (effective from either the original start/end date, or the new date, whichever falls first), to:

- a) Change the date of a period of SPL,
- b) cancel or withdraw notification,
- c) change the leave request from a single period of leave to a discontinuous period (or vice versa) or,
- d) vary the amount of leave requested.

If insufficient notice is provided the University does not have to accept the notice if it cannot reasonably accommodate the requested changes, the University may require you to start the next period of SPL on its expected start date, ending no later than the end date on which this period of SPL was due to end or 8 weeks after the University is informed of the change in circumstances, whichever is the earlier.

9 KEEPING IN TOUCH DURING YOUR SHARED PARENTAL LEAVE PERIOD - Shared Parental Leave in Touch (SPLIT) days

If colleagues wish to be kept updated on certain matters or developments whilst on shared parental leave, this should be discussed and agreed with their Line Manager before their leave commences.

Shared Parental Leave in Touch (SPLIT) days - On agreement with their line manager, colleagues may work up to a maximum of 20 days during their shared parental leave period, known as 'Shared Parental Leave in Touch' (SPLIT) days. These days may be taken at any stage during their shared parental leave.

Where SPLIT days are taken normal daily rates of pay will apply, this will not equal a day off in lieu. During the period of full shared parental leave pay no additional payment will be made except for ShPP which will be an additional payment on top of the normal daily rate. Should a colleague take one of these days on their period of half pay, SShPP or No pay your payment will be 'topped up' to their normal daily rate and when applicable by SShPP. Attendance for part of a day will count as one SPLIT day e.g 2 hours will count as 1 day.

Should you colleagues wish to undertake a SPLIT Day, they must agree the dates with their Line Manager. Their Line Manager will then process the details in iTrent to ensure Payroll is notified. Dates processed after the Payroll cut off will be processed the following month. KIT days can include training courses, staff meetings, away days, checking of emails, reading minutes of meetings, meeting with a Line Manger to discuss return to work plans etc Where both parents work for the University, each parent has their own individual entitlement to 20 SPLIT days.

10 RETURNING TO WORK

Change of return date (notice required) –

If colleagues intend to return to work before the end of their shared parental leave the must give 8 weeks' notice of the date on which they intend to return to their Line manager (. The Line manager must update iTrent with the details. If the required notice is not given, the Line manager may postpone their return until the full 8 weeks' notice has been given provided that this is not later than the previous expected end of shared parental leave and is no later than the end of the 50 weeks' shared parental leave.

Right to return to the same/similar role –

Colleagues will generally return to the job in which they were employed prior to their shared parental leave, on the terms and conditions that would have applied had they not been absent. Where they return from their period of leave, they are entitled to return either to the same job, or if this is not reasonably practicable (for example due to a restructure), to an equivalent job which would be considered suitable alternative work, on terms and conditions no less favourable.

Right to request flexible working –

We know that it can be challenging to balance having a new child with work. Flexible working might help – colleagues can find our Flexible working Policy on our website.

11 MEMBERS OF STAFF NOT RETURNING TO WORK

If colleagues do not intend to return to work after their shared parental leave, they

must comply with their obligation to give notice as set out in their terms and conditions of employment.

For shared parental leave under the enhanced University Shared Parental Leave scheme, the University reserves the right to reclaim the whole or part of the non-statutory element of shared parental leave pay if a colleague does not return to work, through choice, for a period of at least 3 months following the end of their shared parental leave. That is, the difference between the pay they have received, and what they would have received if they had opted for the Statutory Shared Parental Leave scheme.

12 RIGHTS & OBLIGATIONS

12.1 PENSION RIGHTS

Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme, providing that these provisions do not conflict with any statutory requirements that may apply at the time.

Pension benefits will normally be preserved during the period of paid leave. Colleagues have the option to agree to pay the contribution for the unpaid leave on their return to work and, provided that this occurs, the University will also pay employer contributions for the unpaid period of leave.

Further information on specific provision under respective pension schemes can be provided by the Pensions Manager.

12.2 CONTINUOUS SERVICE

The period of absence will be considered continuous service with the University for the purpose of redundancy rights and other similar rights.

Colleagues will also be entitled to progress through the normal annual increments on the University's salary scale in accordance with your terms and conditions of employment.

12.3 ANNUAL LEAVE

Colleagues will accrue annual leave during their shared parental leave. This includes any Bank holidays or University days that may fall within this period. It is not possible to take annual leave whilst on shared parental leave, but, via agreement with the line

manager, may be taken prior to or at the end of the shared parental leave period. Upon a colleagues' return from leave they may carry over any accrued / untaken annual leave into the following leave year. Leave carried over into the next leave year must be taken within that leave year. The Line Manager or departmental administrator will ensure that the annual leave entitlement is updated in iTrent.

12.4 PROVIDING FALSE INFORMATION

If it is identified that a colleague has provided false information or a false declaration e.g. regarding their own or their partner's eligibility, the leave taken by their partner etc., this will be classed as gross misconduct and will be addressed under the disciplinary procedure. Where fraudulent activity is found the University reserves the right to reclaim any payments received from the University or statutory payments that you received.

13 STAFF ON FIXED-TERM CONTRACTS

Colleagues should consult with their line manager at the earliest opportunity in the event their contract of employment is due to expire during their shared parental leave.

If they are on a fixed term contract that ends during / at the end of their leave and it has not been possible to identify a redeployment opportunity, they would not be expected to repay the non-statutory part of their pay. However, if they are offered an extension of their current contract or a redeployment position at the University, but choose not to accept it, we reserve the right to reclaim the non-statutory part of their pay.

Where no extension is possible the remaining shared parental pay will be honoured, and Payroll will process outstanding monies accordingly in a lump sum.

14 MEMBERS OF STAFF FUNDED BY EXTERNAL INCOME

Should a colleagues' contract be funded by external income they should consult with their Line Manager and / or the grant holder at the earliest possible opportunity.

The policy of research funders with regards to increasing funding and extending the duration of the grants to cover these types of leave varies. In conjunction with the line manager, the funder's provision should be checked to see whether, for example, they will provide additional funding to make a substitute appointment to compensate for the whole, or part, of a period of leave, extend the duration of a grant for a period equivalent to the leave taken so that the project can be completed, and / or cover

additional costs associated with the period of leave such as time off following the period of leave via use of accrued annual leave for example.

In conjunction with the Line Manager, please check the terms and conditions of the funder from the award letter, funder website or contact the Research and Impact Support Officer in Integrated Research and Impact Support (IRIS) Service for further information.

The default position is that additional costs associated with shared parental leave should be recovered from the external funding body wherever possible. Where this is not supported by the funder, the employing School / Department will meet the costs from their central funds. The matters noted above are those agreed between the University and the funding body and will not affect a colleagues' right to leave and pay.

OTHER SUPPORT

We know it can be challenging to balance having a new child with work and having a child can mean big changes to your life, for which colleagues may need extra support with. Remember we have an Employee Assistance Programme (EAP) who can provide this support.

15 POLICY REVIEW

This Policy and Procedure will be reviewed at regular intervals of not less than three years and will at all times be read and applied subject to the general law. All reviews will be undertaken in consultation with the recognised campus Trade Unions and any changes agreed with them, prior to approval from the University Council. This policy has been equality impact assessed prior to its implementation