



PRIFYSGOL  
**BANGOR**  
UNIVERSITY

**SHARED PARENTAL LEAVE POLICY**

Rev	Date	Purpose of Issue/Description of Change	Review Date
1.	2015	Policy Created	2017
2	2016	Cosmetic changes	2018
3.	2018	Update for clarity of process	2020
4.	2021	Review - Improvements to eligibility criteria and related clauses	2023
Policy officer	Senior Responsible Officer	Approved and Date	By Equality and Impact Assessed and date
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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.

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.

## **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.

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

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

If you are considering taking SPL you are encouraged to contact your line manager to arrange an informal discussion as early as possible to discuss your potential entitlement, to talk about your plans and to enable the University to provide as much support as possible.

## **3 STATUTORY SHARED PARENTAL PAY (ShPP)**

If you are eligible you 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, or 90% of your average weekly earnings if this is lower than the rate set by the Government.

#### **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 you are seeking to take SPL, you 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;
- you must still be working for the University at the start of each period of SPL;
- your 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.
- you must correctly notify the University of your entitlement

#### **5 PROCESS FOR SHARED PARENTAL LEAVE**

Flowcharts outlining the process for each parent can be found [here](#). They include which forms should be completed in each circumstance.

## 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 employer to end their maternity/ adoption leave on a specified date

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

If the mother/primary adopter is an employee of the University, they can give notice to end their maternity/adoption leave by completing Form 1 (Ending of Maternity Adoption Leave to take up Shared Parental Leave).

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

You must provide the University with a correct notification of your entitlement and intention to take SPL (and Shared Parental Pay where applicable). This must be at least eight weeks before you intend to take SPL. You will need to complete either:

- Form 2: Notification of Intention to take of Shared Parental Leave (Mother/Primary Adopter); or
- Form 4: Notification of Intention to take of Shared Parental Leave (Partner of Mother/Primary Adopter)

Where both parents are employees of the University, both individuals must submit both notifications. You should return this form to HR and send a copy to your line manager.

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.

Upon receiving your form, your line manager should hold an early discussion with you around your leave intentions and how you wish to use your SPL entitlement.

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 you are the mother/primary adopter and an employee of the University, and you do not wish to take a period/ periods of Shared Parental Leave, but your partner does, you will need to complete Form 3 (Notice confirming that Partner is taking Shared Parental Leave (SPL) but you (Mother Primary Adopter) are not.

### 5.3 SHARED PARENTAL LEAVE SCHEMES AND PAY ENTITLEMENTS

<b>Type of Scheme</b>	<b>Entitlement/Pay</b>
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, or 90% of our normal weekly rate if this is less.
	• + 13 weeks at the statutory rate, or 90% if this is less.
	• + 13 weeks unpaid leave.

Note - Average weekly earnings will be calculated 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, or 90% of our normal weekly rate if this is less.

#### 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 your line manager.

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

You may request to take discontinuous periods of leave. Requests for discontinuous periods of leave will be considered on a case by case basis by your line manager taking into considering the business needs of the section/department.

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 you 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.

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

#### 5.5 **STEP 3** REQUESTING SHARED PARENTAL LEAVE

Providing you have already declared your entitlement, you can formally request a period of SPL by submitting Form 5 - Request to Book (or Vary) Shared Parental Leave (SPL) - to HR with a copy to your line manager at least eight weeks before the date on which you wish your leave to start.

You have the right to submit up to three requests, specifying leave periods you 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, your 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 you are 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 you would agree to a modified arrangement, what options are open to you and what the outcome may be if no agreement is reached.

## **7 COMMENCING SHARED PARENTAL LEAVE**

SPL can commence as follows:

- A mother can take SPL after she has taken the compulsory two weeks of maternity leave immediately following the birth of the child.
- An adopter can take SPL after taking at least two weeks adoption leave.
- 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).

When a mother/primary adopter has given notice to end their maternity/adoption entitlement then their partner can take Shared Parental Leave at the same time as them (i.e. while they are still using their maternity/adoption entitlements).

SPL will generally commence on your chosen start date, the date specified in your application request, or in any subsequent variation notice.

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

## **8 VARIATIONS TO SHARED PARENTAL LEAVE**

You 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 employee 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**

During your shared parental leave period, you and your line manager should make reasonable contact with each other. The frequency and mode of communication should be agreed between you both prior to the commencement of your leave. If you wish to be kept updated on certain matters or developments whilst on shared parental leave, this again should be discussed and agreed before your leave commences.

Shared Parental Leave in Touch (SPLIT) days - On agreement with your line manager, you may work up to a maximum of 20 days during your shared parental leave period, known as 'Shared Parental Leave in Touch' (SPLIT) days. These days may be taken at any stage during your shared parental leave. Keeping in touch days should be mutually agreed – you are not required to undertake such days, and the University is not obliged to agree to them.

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 your normal daily rate. Should you take one of these days on your period of half pay, SShPP or No pay your payment will be 'topped up' to your normal daily rate and when applicable by SShPP. Attendance for part of a day will count as one KIT day.

Should you wish to undertake a SPLIT day, you must agree the days / dates and type of work in writing with your line manager. Appropriate consultation will then take place between yourself and your line manager and your request will be responded to appropriately. Your line manager will then confirm the details with Human Resources to ensure details are processed in a timely manner.

The type of work undertaken should be agreed between you and your line manager. SPLIT days can include training courses, staff meetings, away days, performance & development reviews, etc. and should not be restricted to the performance of your normal duties. It is the responsibility of your line manager to monitor SPLIT days, and to record these with Human Resources within the month of you undertaking them.

Where both parents work for the University, each parent has their own individual entitlement to 20 SPLIT days.

## **10 RETURNING TO WORK FOLLOWING SHARED PARENTAL LEAVE**

### *Change of return date (notice required) –*

If you intend to return to work before the end of your shared parental leave you must give 8 weeks' written notice of the date on which you intend to return to your line manager (with a copy to Human Resources). If the required notice is not given, your line manager may postpone your 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 –*

You will generally return to the job in which you were employed prior to your shared parental leave, on the terms and conditions that would have applied had you not been absent. Where you return from your period of leave, you 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 than would have applied if you had not been absent.

### *Right to request flexible working –*

On returning from your period of shared parental leave, you have the right to request a change to your working hours/pattern. Whilst there is no automatic right to have this request approved, all requests for part-time work or other flexible working arrangements will be considered in line with operational requirements and needs. If you would like this option to be considered, you should complete the Application to Work Flexibly form setting out your proposals as soon as possible in advance of your return date. The procedure for dealing with such requests is set out in the University's Flexible Working Policy.

## **11 MEMBERS OF STAFF NOT RETURNING TO WORK**

If you do not intend to return to work after your shared parental leave, you must comply with your obligation to give notice as set out in your 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 you do not return to work, through choice, for a period of at least 3 months following the end of your shared parental leave. That is, the difference between the pay you have received, and what you would have received if you 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. You have the option to agree to pay the contribution for the unpaid leave on your 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 Officer.

## 12.2 CONTINUOUS SERVICE

Where you exercise your right to return to work following a period of maternity leave, the period of absence will be considered continuous service with the University for the purpose of redundancy rights and other similar rights.

You 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

You will accrue annual leave during your 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 your line manager, may be taken prior to or at the end of your shared parental leave period. Upon your return from leave you 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.

## 12.4 PROVIDING FALSE INFORMATION

If it is identified that you have provided false information or a false declaration e.g. regarding your own or your partner's eligibility, the leave taken by your 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**

You should consult with your line manager at the earliest opportunity in the event your contract of employment is due to expire during your shared parental leave period or prior to the completion of 3 months return to work (if under the University Shared Parental Leave scheme). Where no extension is possible and, if eligible, your shared parental leave pay will continue for the full 39 weeks or remaining weeks, however all other benefits associated with your employment will cease as of the end of contract date.

## **14 MEMBERS OF STAFF FUNDED BY EXTERNAL INCOME**

Should your contract be funded by external income you should consult with your line manager and / or the grant holder at the earliest possible opportunity. Some funding

bodies have a policy to extend grants to cover periods of absence such as shared parental leave. This will not affect your right to shared parental leave and pay.

## **15 POLICY REVIEW**

This policy will be reviewed and updated at periodical intervals to ensure continuing suitability for organisational needs and compliance with relevant legislation.