

ST HUGH'S COLLEGE SHARED PARENTAL LEAVE AND PAY POLICY

Introduction

The College implements the shared parental leave and pay rights set out in legislation. This document sets out the College's policy on shared parental leave and pay in relation to both the birth of a child and the adoption of a child.

The following abbreviations are used in this policy:

Adopter	the person with whom the child is, or is expected to be, placed for adoption by an adoption agency, or, in a case where two people have been matched jointly, whichever of them has elected to be the child's main adopter.
EWC	expected week of childbirth - the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.
Parent	one of two people who will share the main responsibility for the care of the child (and who may be the mother, the father, the adopter, or the mother's or adopter's partner).
Partner	the mother's or adopter's spouse or civil partner or someone (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

Shared parental leave (SPL) is only available to employees where the EWC, or the date of placement of the child for adoption, is on or after 5 April 2015.

Entitlement to shared parental leave

You are entitled to SPL in relation to the birth or adoption of a child if:

- you are the child's mother or adopter and you share the main responsibility for the care of the child with the child's father (birth cases only) or the person who, at the date of the child's birth or placement for adoption, is your partner, or
- you are the child's father (birth cases only) and you share the main responsibility for the care of the child with the child's mother, or
- you are the mother's or adopter's partner at the date of the child's birth or placement for adoption and you share the main responsibility for the care of the child with the child's mother or adopter (in birth cases, where the child's father does not share the main responsibility with the mother).

In order to qualify for the right to take SPL, you must also meet each of the following eligibility criteria:

- you have worked continuously for the College for 26 weeks calculated as at the 15th week before the EWC or, in respect of an adopted child, calculated as at the week in which the adopter is notified of having been matched with the child for adoption
- you remain in continuous employment with the College until the week before the period of

SPL to be taken

- if you are the mother or the adopter, you are entitled to maternity or adoption leave in respect of the child and you have ended your entitlement to such leave, either by serving a curtailment notice or by returning to work before the end of your maternity or adoption leave period
- if you are the father or partner, the mother or adopter is entitled to maternity or adoption leave, and/or statutory maternity pay (SMP), maternity allowance (MA) or statutory adoption pay (SAP), in respect of the child and they have ended their entitlement to such leave and/or pay, either by serving a curtailment notice or by returning to work before the end of their maternity or adoption leave period
- the other parent has worked in an employed or self-employed capacity for at least 26 of the 66 weeks immediately preceding the EWC or the week in which the adopter is notified of having been matched with the child for adoption, and had average weekly earnings of at least £30 per week for any 13 of those weeks
- you have given both a notice of entitlement and a period of leave notice to the College, and complied with any statutory evidence requirements imposed by the College.

SPL is additional to the statutory right to two weeks' paternity leave. If you are entitled to paternity leave, you should consider using this before taking SPL. This is because you will lose any untaken paternity leave entitlement once you start a period of SPL.

Length of shared parental leave

You and the other parent are jointly entitled to a maximum of 50 weeks of SPL between you, subject to satisfying the eligibility conditions for entitlement to SPL. All of the 52 weeks of maternity or adoption leave, except the two-week period of compulsory maternity leave after birth, or the first two weeks of adoption leave, are available for sharing between you as SPL, less the weeks spent by the child's mother or adopter on maternity or adoption leave (or the weeks in which the mother or adopter has been in receipt of SMP, MA or SAP if they are not entitled to maternity or adoption leave).

The earliest that SPL may be taken in relation to birth is the date of birth and in relation to adoption is the date of placement of the child for adoption. SPL can start for the other parent while the mother or adopter is still on maternity or adoption leave, provided the mother or adopter has served a curtailment notice.

SPL must end by the day before the child's first birthday, or by the day before the first anniversary of the child's placement for adoption.

The minimum period of SPL is one week and it must be taken in multiples of complete weeks. It can begin on any day of the week as long as it is taken in complete weeks.

SPL may be taken as one single continuous period or in discontinuous periods.

Ending maternity or adoption leave early

If you are the child's mother or adopter on maternity or adoption leave and you wish to return to work earlier than your expected return date, you must give the College, preferably in writing, at least eight weeks' notice of your proposed date of early return and then you must return to

work early.

Alternatively, you can bring forward the date on which your maternity or adoption leave ends by giving the College a curtailment notice. You must also give us, at the same time as the curtailment notice, a notice of entitlement to opt in to the SPL scheme (see below), or a written declaration of consent and entitlement stating that the other parent has given a notice of entitlement to their employer and you consent to the amount of SPL that the other parent intends to take.

Your curtailment notice must be in writing and it must state the date on which you want your maternity or adoption leave to end. That date must be at least one day after the end of the two-week period of compulsory maternity leave or at least two weeks after the start of adoption leave, at least eight weeks after the date on which your curtailment notice is given and at least one week before the last day of your maternity or adoption leave. You can give a curtailment notice before or after you give birth or before or after adoption leave starts.

You must either return to work early or give a curtailment notice before you or the other parent can take SPL. The other parent may be eligible to take SPL from their employer before your maternity or adoption leave ends, provided you have given the curtailment notice.

The curtailment notice is normally binding and cannot be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:

- if you discover that neither you nor the other parent are in fact eligible for SPL or statutory shared parental pay (ShPP), you can revoke the curtailment notice in writing up to eight weeks after it was given, or
- if the other parent has died, or
- if you gave the curtailment notice before your child's birth, you can revoke it in writing up to six weeks after birth (for mothers only) - in this case, you will still be able to opt in to SPL at a later date, either by returning to work and then giving a notice of entitlement to take SPL or by giving another curtailment notice.

If you revoke your curtailment notice, you will remain on maternity or adoption leave.

If you are the child's father or the mother's or adopter's partner, you will only be able to take SPL once the mother or adopter has either returned to work early from their maternity or adoption leave or has given one of the following notices:

- a curtailment notice to their employer to end their maternity or adoption leave, or
- if they are not entitled to maternity or adoption leave but are entitled to SMP or SAP, a curtailment notice to their employer to end their SMP or SAP, or
- if they are not entitled to maternity leave or SMP, a curtailment notice to the Department for Work and Pensions to end their MA.

Opting in to shared parental leave

If you wish to take SPL, you must formally opt in to the SPL scheme by giving the College a notice of entitlement and intention to take SPL.

The written notice of entitlement must be given at least eight weeks before the date you intend your SPL to start and it must contain the following information:

- your name and the name of the other parent
- if you are the child's mother or adopter, the start and end dates of your maternity or adoption leave
- if you are the child's father or the mother's or adopter's partner, the start and end dates of the mother's or adopter's maternity or adoption leave, or if they are not entitled to maternity or adoption leave, the start and end dates of any SMP, MA or SAP period
- the total amount of SPL available
- how much of that SPL will be allocated to you and how much to the other parent (you can change the allocation later by giving the College a further written notice)
- if you are claiming ShPP, the total amount of ShPP available
- how much of that ShPP will be allocated to you and how much to the other parent (you can change the allocation later by giving the College a further written notice)
- an indication of the pattern of SPL and ShPP you are thinking of taking, including the proposed start and end dates for each period of SPL and ShPP - this indication is non-binding until a period of leave notice is given
- the EWC and the child's date of birth or, in the case of adoption, the date that the adopter was notified of having been matched with the child for adoption, the date the child is expected to be placed for adoption and the adoption placement date.

It must also include a signed declaration from you that you satisfy, or will satisfy, the eligibility conditions for entitlement to SPL and ShPP, that the information given in your notice of entitlement is accurate and that you will immediately inform the College if you cease to be eligible.

If you are the child's father or the mother's or adopter's partner, you must also declare that you are the child's father or the partner of the mother or adopter and that you will inform the College if the child's mother or adopter tells you that they have ceased to satisfy the eligibility conditions.

Finally, your notice of entitlement must include a signed declaration from the other parent stating:

- their name, address and national insurance number
- they satisfy the eligibility conditions to take SPL
- they consent to the amount of SPL and ShPP that you intend to take
- they consent to the College processing the information provided in their declaration
- if you are the mother or adopter, that they are the child's father or your partner
- if you are the child's father or the mother's or adopter's partner, that they have reduced their SMP, MA or SAP (if you are claiming ShPP) and will immediately inform you if they cease to satisfy the eligibility conditions.

If you give a notice of entitlement before your child is born or before the adoption placement date, you must inform the College of the child's date of birth or the adoption placement date as soon as reasonably practicable after the birth or placement and, in any event, before the first period of SPL that you wish to take.

It is up to you and the other parent to agree between you how much SPL each of you will take and whether you want to take the time off at the same time or at different times.

Evidence of entitlement

If requested by the College within 14 days beginning with the date on which your notice of entitlement was given, you must provide:

- a copy of the child's birth certificate (or, if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- the name and address of the other parent's employer (or a declaration that they have no employer).

You have 14 days to provide this information (14 days from the date of birth to provide a birth certificate if the College's request was made before birth).

In the case of adoption, the evidence that the College can request is one or more documents issued by the adoption agency showing the name and address of the agency, the date that the adopter was notified of having been matched with the child for adoption, the date on which the agency expects to place the child for adoption and the name and address of the other parent's employer (or a declaration that they have no employer).

Notifying your shared parental leave dates

Having opted in to the SPL system by giving us a notice of entitlement, you also need to give the College a period of leave notice telling us the start and end dates of the SPL that you intend to take. This can be given at the same time as your notice of entitlement or it can be given later, but it must be given not less than eight weeks before the start date of the first period of SPL requested in your period of leave notice. You can request more than one period of SPL in your notice. If given before the child is born or placed for adoption, the notice can contain start and end dates expressed as a number of days following the child's birth or adoption placement date, rather than specific dates.

You must also state in your notice the dates on which you intend to claim ShPP, if applicable. You can give up to a maximum of three period of leave notices. This may enable you to take up to three separate periods of SPL (although if you give a notice to vary or cancel a period of SPL, this will in most cases count as a further period of leave notice - see "varying or cancelling your shared parental leave dates" below).

If your notice gives dates for a single continuous period of SPL, you will be entitled to take the SPL set out in your notice (as long as it does not exceed the total number of weeks of SPL available to you).

In general, your period of leave notice should set out a single continuous period of SPL. However, in some cases, the College may be willing to consider a period of leave notice where the SPL is split into shorter, discontinuous periods (with periods of work in between). Where your notice is for discontinuous SPL, if we are unable to agree to your request straight away, there will be a two-week discussion period to enable the College to consider your request and discuss it with you. The College may, at its absolute discretion:

- agree to your requested pattern of discontinuous SPL; or
- refuse your request as it was made but propose alternative dates; or
- refuse your request.

If, by the end of the two-week discussion period, the College either agrees to your request for discontinuous SPL or agrees alternative dates with you, you will then be entitled to take SPL on the dates agreed.

If, however, by the end of the two-week discussion period, we cannot reach an agreement with you on your requested pattern of discontinuous SPL, you will be entitled to take the full amount of SPL that you requested as a single continuous period to begin on the start date of the first period of SPL requested in your period of leave notice. Alternatively, you may:

- withdraw your period of leave notice on or before the 15th day after it was given (in which case it will not be counted and you may submit a new period of leave notice if you wish), or
- choose a new start date which you must notify to the College within five days of the end of the two-week discussion period (and this date must be at least eight weeks after your period of leave notice was given).

Varying or cancelling your shared parental leave dates

You can cancel a period of SPL by notifying the College in writing at least eight weeks before the start date in the period of leave notice.

You can vary the start date for a period of SPL, or the length of a period of SPL, by giving the College at least eight weeks' written notice of the variation before the original start date or the proposed new start date, whichever is sooner.

You can vary the end date for a period of SPL by giving the College at least eight weeks' written notice of the variation before the original end date or the proposed new end date, whichever is sooner.

However, you do not have to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In this case, please notify the College in writing of the change as soon as possible.

A notice to cancel or vary a period of SPL will count as one of your three period of leave notices, unless:

- the variation is at the College's request; or
- the variation is as a result of your child being born earlier or later than the EWC or being placed with you earlier or later than the expected placement date; or
- the College agrees otherwise.

Statutory shared parental pay

ShPP of up to 39 weeks (less any weeks of SMP, MA or SAP claimed by you or the other parent - which must be at least two weeks) may be available during SPL provided you have been

continuously employed by the College for at least 26 weeks ending with the 15th week before the EWC or the week in which the adopter is notified of having been matched with the child for adoption, you remain in continuous employment with the College until the week before the ShPP period begins and your average weekly earnings in the eight weeks up to and including the 15th week before the EWC, or up to and including the week in which the adopter is notified of having been matched with the child for adoption, are not less than the lower earnings limit for National Insurance contributions.

The weekly rate of ShPP is paid at a rate set by the government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the government's set weekly rate.

ShPP is paid into your bank account in the same way as salary is normally paid.

ShPP is treated as earnings and is therefore subject to deductions of income tax and National Insurance contributions. ShPP is payable whether or not you intend to return to work after your SPL.

It is important for ShPP purposes that you notify your line manager if, during the ShPP pay period, you are taken into legal custody or start work for another employer.

Contractual shared parental pay

For eligible employees the College offers an enhanced, contractual ShPP Scheme.

To qualify for the College's Contractual ShPP Scheme, the employee must:

- meet the qualifying conditions for statutory SPL;
- have at least 26 weeks' continuous service with the College, as an employee;
- provide the correct notifications; and
- have the intention to return to work for a minimum of three months following the end of SPL.

If all the qualifying requirements are met, the employee will be eligible to receive the benefits of the College ShPP Scheme. Subject to how much maternity/adoption leave has been taken, and how leave and pay are shared between the parents, an employee may be entitled to (in chronological order of SPL):

- up to 24 weeks' paid at the full rate of the employee's normal pay (only in the first 26 weeks following the birth/placement of the child);
- up to 13 weeks paid at the statutory rate of pay; and
- up to 13 weeks of unpaid leave.

If SPL is taken simultaneously by both parents, the entitlement to full pay is split evenly between them, ie up to 12 weeks each, and will be applied from the start of any block of SPL.

Other terms during shared parental leave

During the period of SPL, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue and annual leave entitlement will continue to accrue.

Salary may be replaced by ShPP for some of the SPL period if you are eligible to receive it (see above). The remaining period of SPL will be unpaid.

Contact during shared parental leave

Shortly before your SPL starts, if necessary the College will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The College reserves the right in any event to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Shared parental leave in touch days

You may agree to work for the College for up to a maximum of 20 days during your SPL without that work bringing the period of your SPL to an end and without loss of a week's ShPP. These are known as "shared parental leave in touch" (SPLIT) days. Any work carried out on a day constitutes a day's work for these purposes.

SPLIT days are in addition to any keeping in touch days that you may have taken during maternity or adoption leave.

The College has no right to require you to carry out any work, and you have no right to undertake any work, during your SPL. Any work undertaken, including the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between the College and you. Any SPLIT days worked do not extend the period of your SPL. Once the SPLIT days have been used up, you will lose a week's ShPP for any week in which you agree to work for the College.

Returning to work

You are expected to return on the next working day after the end date of your SPL, unless you notify the College otherwise. If you are unable to attend work at the end of your SPL due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

Whilst you are under no obligation to do so, it would assist the College if you could confirm as soon as convenient during your SPL that you will be returning to work as expected.

If you wish to return to work earlier than your SPL end date or you wish to extend your SPL (assuming you still have unused SPL entitlement remaining), the provisions above on "varying or cancelling your shared parental leave dates" apply and your notice to vary will still constitute one of your maximum of three period of leave notices. Therefore, if you have already given us three period of leave notices, you will not be able to end your SPL early or extend your SPL without the College's agreement.

If you decide not to return to work at all after SPL, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice

period would expire after your SPL has ended, the College may require you to return to work for the remainder of your notice period.

Your rights on return to work

On resuming work after SPL, you are entitled to return to the same job as you occupied before commencing SPL on the same terms and conditions as if you had not been absent, provided that the total leave taken (including any time on maternity, paternity or adoption leave) amounts to no more than 26 weeks in aggregate, even if taken in discontinuous blocks.

On resuming work after SPL where you have taken more than 26 weeks' leave in total (including any time on maternity, paternity or adoption leave), or you have taken a period of SPL in combination with more than four weeks of ordinary unpaid parental leave, again you are entitled to return to the same job as you occupied before commencing SPL on the same terms and conditions as if you had not been absent. If, however, it is not reasonably practicable for the College to allow you to return to the same job, the College may offer you suitable alternative work, of equivalent status and responsibility and on terms and conditions that are no less favourable than would have applied if you had not been absent.

If you worked full time prior to your SPL you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the College's business. If you would like this option to be considered, you should write to your line manager setting out your proposals as soon as possible in advance of your return date, so that there is adequate time for full consideration of the request.