



Queen Margaret University
EDINBURGH

Shared Parental Leave

Policy Summary:	The Shared Parental Leave Policy provides guidance on leave and pay arrangements within QMU
Policy Owner:	Human Resources
Approved By:	Executive Board:
Consultation Completed:	Trade Unions:
Equality Impact Assessed:	
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1.0 Aims and Objectives

The aim of this policy is to provide Managers and staff with guidance on shared parental leave and pay arrangements to ensure that this is undertaken fairly and consistently across Queen Margaret University in accordance with equality and diversity principles.

2.0 Scope of the Policy

This policy applies to all employees taking shared parental leave or pay within Queen Margaret University.

3.0 Monitor and Review

Human Resources are responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals.

Anyone who feels they have been unfairly treated or discriminated against should contact Human Resources.

4.0 Equal Opportunities

Queen Margaret University is committed to equality of opportunity for all staff and it is the responsibility of all QMU employees to promote “equality and diversity” in the application of this policy ensuring that there is no discrimination on the grounds of disability, race/ethnic origin, sex/gender, age, religion, marital/family status, dependency, sexual orientation, political opinion, and economic or social status.

5.0 Responsibility for this Policy

Human Resources.

Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies.

QMU reserves the right to update HR Policies in line with new or updated Employment Legislation.

6.0 Introduction

Queen Margaret University recognises that employees may face challenges when balancing work and childcare responsibilities. Shared Parental Leave (SPL) provides employees with the opportunity to consider balancing their childcare needs allowing parents to share up to 50 weeks of leave within a year following a child's birth or adoption.

This policy applies to parents of children who were born or placed for adoption on or after 5 April 2015. Shared Parental Leave allows parents to share statutory parental leave and pay.

Shared Parental Leave allows parents the opportunity to share the care of their child within the first year of birth or adoption. The mother must take the first 2 weeks of leave post childbirth (or the primary adopter must take the first 2 weeks adoption leave) and the remaining 50 weeks' leave (and 37 weeks' pay) can be shared.

7.0 Shared Parental Leave (SPL)

The mother can choose to bring her maternity leave to an end at any point after the initial two week compulsory maternity leave period following the birth of the child. The primary adopter can choose to bring her / his adoption leave to an end at any point after the first two weeks of adoption leave. The parents can then choose how to share the remaining 50 weeks of leave between them.

Both parents can take leave at the same time or they may wish to alternate the period of the leave. Shared Parental Leave can be requested in continuous or discontinuous blocks, however the University has the right to decline requests for discontinuous leave. Up to a maximum of three requests may be made to book or vary Shared Parental Leave (SPL).

Shared statutory parental pay will be paid at the same rate as statutory maternity pay.

Two weeks' paid paternity leave is still available and must be taken by the father / partner prior to them taking Shared Parental Leave (SPL). Additional paternity pay and leave is no longer available. If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking Shared Parental Leave (SPL). Once you commence Shared Parental Leave (SPL) you will lose any untaken paternity leave entitlement.

An employee considering taking SPL should arrange to discuss with their line manager as early as possible to discuss their potential entitlement and plans and to enable the University to provide as much support as possible.

8.0 Shared Parental Pay

8.1 Statutory Shared Parental Pay (ShPP)

Eligible employees may be entitled to receive up to 37 weeks Statutory Shared Parental Pay (ShPP) whilst taking Shared Parental Leave (SPL). Shared Parental Pay (ShPP) is paid at the same rate as Statutory Maternity Pay (SMP) set by the Government each year.

9.0 Eligibility Criteria

9.1 Shared Parental Leave

The Shared Parental Leave (SPL) policy applies to parents of children born / adopted on or after 5th April 2015.

Shared Parental Leave (SPL) may be used by a maximum of two people.

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

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

In addition to the criteria set out above the following criteria also apply:

- The mother / adopter of the child must be entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements.
- The employee must still be employed by Queen Margaret University at the start of each period of SPL.
- Employees must have at least 26 weeks continuous service with the University by the end of the 15th week before the expected birth date / matching date.
- In the 66 weeks leading up to the child's expected birth date / matching date, the employee's partner must have worked for at least 26 weeks and earned an average of at least £30 per week in any 13 of those weeks.
- The employee must correctly notify Queen Margaret University of their entitlement and provide evidence by completing the Declaration of Entitlement to Shared Parental Leave Form (Appendix 1). This includes notice to end any maternity leave, statutory maternity pay or maternity allowance period.

9.2 Shared Parental Pay

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption pay period or maternity allowance period.
- The employee must intend to care for the child during the week(s) in which ShPP is payable.
- The employee must have/have had average weekly earnings, for the period of 8 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.
- The employee must remain in continuous employment until the first week of ShPP has begun.
- The employee must give proper notice in accordance with the rules set out below.

9.2.1 Statutory Shared Parental Pay (ShPP) of up to 37 weeks (less any weeks of statutory maternity pay or adoption pay claimed by the employee or other parent over and above the compulsory first 2 weeks following childbirth which must be taken by the mother or primary adopter in the case of adoption leave) may be available provided the employee:

- (i) have at least 26 weeks' continuous employment with us at the end of the 'relevant week' and
- (ii) your average earnings are not less than the lower earnings limit set by the government each tax year

Statutory Shared Parental Pay (ShPP) is paid at the same rate as Statutory Maternity Pay (SMP) and is set by the government each year.

10.0 Notification of intention to take Shared Parental Leave

Shared Parental Leave cannot commence until at least two weeks after the child is born or two weeks after the adoption leave pay or period starts.

The mother or primary adopter must either

- (i) return to work; or
- (ii) curtail their maternity or adoption leave period (or statutory maternity/adoption pay or maternity/adoption allowance, as applicable)

Employees should notify the University of their intention to take Shared Parental Leave at least 8 weeks before the date they intend their Shared Parental Leave to commence. At the same

time, notice of entitlement and intention to take SPL must be provided, or a declaration that their partner has served such a notice.

You must also provide on request:

- (i) A copy of the birth certificate (or a signed declaration of the child's date and place of birth);
- (ii) Documents from the adoption agency confirming its names and address; the date of notification of having been matched or adopted; and the date on which the child is expected to be placed; and
- (iii) The name and address of the other parent's employer (or a declaration that they have no employer)

11.0 Declaring an Entitlement to Shared Parental Leave / Shared Parental Pay

Employees must provide a declaration of their entitlement and intention to take Shared Parental Leave. This must be in writing using the "Declaration of Entitlement to Shared Parental Leave Form" (Appendix 1) and must be submitted at least eight weeks before the employee intends to take Shared Parental Leave.

Where both partners are employed by Queen Margaret University, both employees must submit separate declarations. Completed forms should be returned to their line manager and copied to HR.

The declaration requires the employee to provide proposed dates of when they are considering taking their leave. However, this is not automatically binding at this point and will not be treated as a request to book leave.

Whenever an employee wishes to change the amount of leave or pay they will use, they must complete a "Request to Book or Vary Shared Parental Leave Form" (Appendix 2)

12.0 Requesting Shared Parental Leave

Providing they have already declared their entitlement, employees can formally request a period of Shared Parental Leave by submitting a form "Request to Book or Vary Shared Parental Leave Form" to their line manager at least 8 weeks prior to the first date of leave they are requesting.

Employees have the right to submit up to three requests to book (or vary) Shared Parental Leave. Each request may be for:

- i) A single continuous period of unbroken leave

An employee has an automatic right to take a continuous block of leave which they request in a single notification providing it does not exceed the total number of Shared Parental Weeks available to them. Employees must also give at least 8 weeks' notice.

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

An employee may be granted permission to take Shared Parental Leave (SPL) over a number of split periods. Employees should discuss such requests with their line manager and HR in advance of submitting formal notice. Each request for discontinuous leave will be considered on a case by case basis.

If the University is unable to agree to your request straight away, there will be a 2 week discussion period. At the end of that period, any agreed arrangements will be confirmed in writing. If agreement is not reached, the employee will be entitled to take the full amount of requested Shared Parental Leave (SPL) as one continuous block, commencing on the start date stated in the notice. (eg a request of three separate periods of four weeks, the employee would be entitled to one 12 week period of leave).

Alternatively:

- (i) An employee can choose a new start date (which must be at least 8 weeks after the original period of leave notice was provided) and notify the University within 5 days of the end of the 2 week discussion period; or
- (ii) Withdraw their period of leave notice within two days of the end of the 2 week discussion period. This will not be counted as a request and a new request can be submitted)

Shared Parental Leave can only be taken in complete weeks but may begin on any day of the week. For example, if a week of Shared Parental Leave commenced on a Friday it would end on a Thursday.

13.0 Requests to Vary arranged Shared Parental Leave

Employees can vary or cancel an arranged period of Shared Parental Leave, provided they advise their line manager in writing at least 8 weeks before the original leave date or the new leave date, whichever is earlier. A request to vary pre-agreed leave should be made using the "Request to Book or Vary Shared Parental Leave" form. Any revised commencement date for Shared Parental Leave cannot be earlier than eight weeks from the date of the variation request.

Any cancellation or variation made by the employee will normally count as one of the three opportunities to book / vary leave. A change as a result of an earlier birth date or as a result of the University requesting a change (agreed by the employee) will not count as one of the employee's three opportunities.

14.0 Shared Parental Leave in Touch (SPLIT) days

Employees and Line Managers are encouraged to keep in touch during period(s) of Shared Parental Leave.

An employee is able to attend work for up to 20 days over the course of their full Shared Parental Leave without ending any period of Shared Parental Leave. Any work carried out on a full or part day is known as Shared Parental Leave In Touch (SPLIT) days and will constitute a day's work for these purposes. This is in addition to any Keeping in Touch (KIT) days you may have taken during maternity or adoption leave.

Before any period of Shared Parental Leave commences the Line Manager should discuss arrangements with the employee around how contact will be maintained during their period(s) of leave.

15.0 Terms and Conditions during Shared Parental Leave (SPL)

During any period of Shared Parental Leave all your normal terms and conditions of employment continue with the exception of salary, as explained above. Any benefits will continue as normal.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave.

Employees will continue to accrue annual leave during Shared Parental Leave (SPL). Where possible annual leave should be taken in the year that it is accrued. Where a period of Shared Parental Leave overlaps two annual leave years, the employee should consider how their annual leave entitlement can be used by the end of the annual leave year.

16.0 Returning to Work after Shared Parental Leave

Employee's will have been advised in writing of the end date of any period of SPL and are expected to return to work on the next working day after this date, unless they notify the University otherwise. 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.

If an employee wishes to end a period of Shared Parental Leave (SPL) early, then must give 8 weeks' prior notice, in writing, of the new return date. This will count as 1 of the 3 allowed notices to book or vary leave that employees are allowed to take.

If an employee wishes to extend their Shared Parental Leave (SPL) they must submit a Request to Book or Vary Shared Parental Leave (appendix2) detailing the new period of leave notice at least 8 weeks before the date they were due to return to work, assuming they still have Shared Parental Leave (SPL) entitlement remaining and have not already submitted 3 periods of leave notices.

If an employee is unable to request more Shared Parental Leave (SPL) they may be able to request annual leave or ordinary parental leave. This may be granted subject to business needs.

An employee returning to work from a period of statutory leave (i.e. maternity/paternity/adoption leave or SPL) of less than 26 weeks will generally return to the job in which they were employed prior to the leave, on the terms and conditions that would have applied had they not been absent.

An employee returning from a period of continuous statutory leave exceeding 26 weeks is entitled to return either to the same job, or if this not reasonably practicable (for example due to a restructure), to an equivalent job which would be considered suitable work, on terms and conditions no less favourable than would have applied if the employee had not been absent.

Declaration of Entitlement to Shared Parental Leave Form

Please ensure you have read the Shared Parental Leave Policy before completing this form.

This form should be used to declare your entitlement to shared parental leave. It captures the details required to confirm your eligibility for shared parental leave and provides the University with early notice of the proposed dates on which you are considering taking your leave.

You may provide dates for your shared parental leave on this form however this is not a requirement at this stage, these may be provided later using the Shared Parental Leave Dates form as long as you submit this form at least eight weeks prior to the first date of leave you are requesting.

1. Basic Details

Employee Name:	
Employee Payroll Number:	
Job Title:	
Department:	
Are you the mother / main adopter of the child or the spouse/partner of the mother / main adopter?	
What is/was your child's expected due date/matching date?	
What was your child's actual date of birth/adoption? (if applicable):	
Date on which the mother or main adopter commenced (or will commence) maternity/adoption leave:	

2. Notice of curtailment of maternity / adoption leave

In order to create an entitlement to shared parental leave, the mother/adopter must give notice to curtail their entitlement to maternity/adoption leave. Maternity/adoption leave cannot end sooner than 2 weeks after birth/adoption.

Please complete either box **a)** or **b)** depending on whether you are:

a)	The mother or main adopter.	Date
I wish my maternity/adoption leave and/or pay (if applicable) to end on the following date:		

Signed:	Date:
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b) The partner (of the mother or main adopter)	Date
I confirm my partners maternity/adoption leave and/or pay ended (or they have given formal notice for it to end) on the following date:	

Signed:	Date:
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3. Shared Parental Leave/Pay Details

You should only complete the field relating to Shared Parental Pay if you have checked that you are eligible to receive it (Note – eligibility criteria for Shared Parental Leave and Shared Parental Pay differ).

Total Leave/Pay Entitlement (Both Parents Combined)	Weeks
Enter the total number of weeks of Shared Parental Leave available <u>to both parents combined</u> : (i.e. 52 weeks minus the number of weeks' maternity/adoption leave/pay taken (or to be taken) by the date you provided in Section 2):	
Enter the total number of weeks of Shared Parental Pay (ShPP) available <u>to both parents combined</u> : (i.e. 39 weeks minus the number of weeks' pay taken (or to be taken) by the date you provided in Section 2):	

How Leave/Pay will be shared (between each parent)	Leave	Pay
Number of weeks of Shared Parental Leave / Pay you intend to take:		
Number of weeks of Shared Parental Leave / Pay the other parent intends to take:		

4. Shared Parental Leave and Pay – Proposed Dates (Non-binding)

I request to take:

Leave Type	Please mark your requested option with an 'X'
Continuous	
Discontinuous	

Please provide the proposed (non-binding) start and end dates of the Shared Parental Leave (and Pay, if eligible) that **you** intend to take. This should tally with the number of weeks you have indicated you will take in section 3.

Shared Parental Leave Dates (To – From)	Total Weeks	Shared Parental Pay (ShPP) Dates (To-From)	Total Weeks

5. Declarations of Eligibility

Declarations of eligibility must be provided by both the employee and their partner. There are separate eligibility criteria for shared parental leave and shared parental pay. Where both partners are employees of the University, each individual must complete and submit their own form to their own line manager. Please read each section then tick to confirm the statement applies before signing below:

<u>Employee</u>	
Declaration of Eligibility for Shared Parental Leave (SPL)	X
I am the mother, adopter or father of the child or the spouse, civil partner or partner of the child's mother/adopter.	
At the date of the child's birth/adoption I will share the main responsibility (with the other parent) for the care of the child.	
The child being cared for was born or adopted on or after 5 th April 2015.	
The mother/adopter is/was entitled to statutory maternity/adoption leave and has ended or given notice to end their entitlement to this as detailed in Section 2 above. Or The mother/adopter isn't/wasn't entitled to statutory maternity/adoption leave but is/was entitled to statutory maternity/adoption pay or maternity allowance and has ended or given notice to end their entitlement to this as detailed in Section 2 above. Or I am the mother/main adopter and I am/was entitled to statutory maternity/adoption leave and have ended or given notice to end my entitlement to this as detailed in Section 2 above.	
I had/will have a minimum of 26 weeks' continuous service at the end of the 15 th week before the child's expected due date/matching date and I intend to be employed by the University at the start of each period of shared parental leave.	
(Only for employees normally entitled to paternity leave) - I understand that I am not entitled to take statutory paternity leave after taking shared parental leave.	
Declaration of Eligibility for Shared Parental Pay (ShPP)	
I confirm that the mother/adopter is/was entitled to statutory maternity/adoption pay or maternity allowance and has ended (or given notice to end) their entitlement to this as detailed in Section 2. Or I am the mother/adopter and I am/was entitled to statutory maternity/adoption pay or maternity allowance and have ended (or given notice to end) my entitlement to this as detailed in Section 2.	
I confirm that in the 8 weeks leading up to and including the 15 th week before the child's	

expected due date/matching date I have had/will have had average weekly earnings which were/will be no less than the Lower Earnings Limit in force for National Insurance Contributions (<i>Contact HR Manager to verify if necessary</i>)		
Summary		
I have correctly notified the University of my entitlement and will comply with the notice requirements, as outlined in the Shared Parental Leave Policy, for any periods of leave requested (or varied).		
The information I have provided is accurate and I will immediately inform APUC if I cease to care for the child or if my eligibility for shared parental leave changes/ceases.		
Signed:		Date:

Other Parent		
Declaration of Eligibility		✓
I am the mother, adopter or father of the child or the spouse, civil partner or partner of the child's mother/adopter.		
At the date of the child's birth/adoption, I shared/will share the main responsibility (with the other parent) for the care of the child.		
I have worked/will work for at least 26 weeks out of the 66 weeks leading up to my child's due date/matching date and in that time earned/will earn an average of at least £30 per week in any 13 of those weeks.		
I consent to the amount of shared parental leave (and pay if applicable) that my partner wishes to take and confirm that Section 3 has been completed accurately.		
I consent to APUC processing the information provided in this form for the purposes of establishing our entitlement to shared parental leave.		
Other Parent – Additional Declarations (If you are the mother/adopter)		
I have ended or given notice to my employer to end my maternity/adoption leave entitlement (including my entitlement to statutory maternity/adoption pay or maternity allowance if applicable) and this has been correctly recorded by my partner in Section 2.		
I will immediately inform my partner if I withdraw my notice to end my maternity leave (and pay if applicable).		
Additional Details (Required)		
Name:		NI Number
Address:		
Name and Address of Employer: (Or state if self-		

<i>employed)</i>			
(Name of HR Contact at partners employer:)			
Signed:		Date:	

For the purposes of confirming entitlement the University retains the right, within 14 days of this form being submitted, to request evidence of a birth/adoption. Any information obtained for this purpose will be treated in strict confidence in line with Data Protection requirements and will be destroyed once any eligibility has been confirmed.

Completed forms should be returned to your line manager and copied to the HR Manager. If you have requested to take leave in discontinuous blocks you will be notified of the outcome of your request within 14 days.

For line manager use:

Manager Approval Checklist	
Date Form Received:	
Date Copied to HR:	
Decision:	Approved / Rejected
Date HR Notified of Decision: <i>*HR will write to confirm the decision to the employee</i>	

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Request to Book or Vary Shared Parental Leave Form

Please ensure you have read the University Shared Parental Leave form before completing this form.

This form should be used to formally request to book (or vary) a period of shared parental leave. To request to book or vary leave, you must have previously submitted a Declaration of Entitlement to Shared Parental Leave form.

Any request for leave must be submitted to your manager at least eight weeks prior to the first date of leave you are requesting.

Basic Details

Employee Name:	
Employee Payroll Number:	
Job Title:	
Department:	

1. Initial Request to Take Shared Parental Leave

Please provide details of the Shared Parental Leave you wish to take.

I request to take:

Leave Type	Please mark your requested option with an 'X'
Continuous	
Discontinuous	

Please provide the proposed start and end dates of the Shared Parental Leave (and Pay, if eligible) that **you** intend to take.

Shared Parental Leave Dates (To – From)	Total Weeks	Shared Parental Pay (ShPP) Dates (To-From)	Total Weeks

2. Request to Vary Shared Parental Leave

Please provide details of your shared parental leave and pay that is already in place :

Shared Parental Leave Dates (To – From)	Total Weeks	Shared Parental Pay (ShPP) Dates (To-From)	Total Weeks

Please provide details of your revised shared parental leave and pay that you wish to be considered:

Shared Parental Leave Dates (To – From)	Total Weeks	Shared Parental Pay (ShPP) Dates (To-From)	Total Weeks

3. Summary of Shared Parental Leave/Pay Balance

If you are requesting to vary your Shared Parental Leave please provide details below (in complete weeks) to summarise your shared parental leave/pay balance. Please only complete the pay column if you are eligible:

	Leave	Pay
As notified in my initial Declaration of Entitlement to Shared Parental Leave (or any subsequent notification to change my amount), the total		

amount of weeks I intend to take is:		
The amount I have already taken (prior to this request) is:		
This request amounts to a total of:		
If this request is approved, my remaining leave balance will be:		
If this request is approved, I will have used		of my 3 allowed notices to book or vary leave.

4. Employee Declaration

Signed: (Employee)		Date:	
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Completed forms should be returned to your line manager and copied to the HR Manager. If you have requested to take leave in discontinuous blocks or to vary your leave you will be notified of the outcome of your request within 14 days.

For line manager use:

Manager Approval Checklist	
Date Form Received:	
Date Copied to HR:	
Decision:	Approved / Rejected
Date HR Notified of Decision: <i>*HR will write to confirm the decision to the employee</i>	