



Shared Parental Leave and Pay

Policy

Introduction

The College is committed to advancing gender equality and supporting staff to achieve a balance between work and family that works for them. Shared Parental Leave (SPL) provides a legal entitlement for eligible parents to share leave and pay, giving them more choice and flexibility in relation to the care of their child or children during the first year of birth or adoption.

Purpose

This policy aims to support employees who are prospective and/or new parents to understand the structural framework of SPL and Shared Parental Pay (ShPP) and its relation to other family-leave policies, by outlining their statutory and occupational entitlements.

The accompanying procedure provides clear guidance on the application of the policy and outlines both the administrative processes to be followed by employees wishing to request SPL/ShPP and the College's statutory duty to consider requests in accordance with a prescribed procedure.

Eligibility

This policy applies regardless of the employee or employee's partner's gender.

To qualify for SPL and ShPP, the employee must share the main responsibility for care of the child and be one of the following:

- The birth parent/biological parent of the child.
- The spouse (including, civil partner or partner)
- Living in an enduring family relationship with a parent of the child, but who is not an immediate relative of the child.
- A joint adopter or parent through surrogacy who is eligible for a parental order (adopting parent).

The criteria for birth parents and adopters are set out below. Please note the figures given below are those set by the government and further details can be obtained by going to the government website [here](#).

Adoptive Parents

Parents sharing SPL and ShPP must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the week of being matched with the child
- Continue in employment with the same employer while on SPL
- Be employees and not workers
- Both earn an average of at least £120 a week (if either partner earns less than £120 per week SPL can be shared but not ShPP).

Where only one parent wishes to take SPL and ShPP the criteria are the same as above and the other partner must:

- Have worked for at least 26 weeks during the 66 weeks before the week of placement
- Have earned at least £390 in total in 13 of the 66 weeks (this is gained by adding up the highest paying weeks which do not need to be continuous)

If the parent who wants to take SPL earns less than £120 per week they may receive SPL but not ShPP. Where they are a worker they can get ShPP but not SPL.

Birth Parents

Parents sharing SPL and ShPP must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the week of being matched with the child
- Continue in employment with the same employer while on SPL
- Be employees and not workers
- Both earn an average of at least £120 a week (if either partner earns less than £120 per week SPL can be shared but not ShPP).

Where only the partner of the birth parent wishes to take SPL and ShPP the birth parent must:

- Have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due
- have earned at least £390 in total across any 13 of the 66 weeks

and the partner must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- Stay with the same employer while they take SPL
- Be an employee and not a worker
- Have earned at least £120 a week (if the partner is a worker they may receive ShPP but not SPL and if they earn less than £120 a week they may receive SPL but not ShPP).

If the birth parent only wants to take the SPL and ShPP they must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- Continue in employment with the same employer while on SPL
- Be an employee and not a worker
- Earn an average of at least £120 a week

and the partner must:

- Have been working for at least 26 weeks during the 66 weeks before the week the due date
- Have earned at least £390 in total across any 13 of the 66 weeks

The employee's partner does not have to work for the College, as set out above, but they must satisfy the above employment and earnings criteria as set out above for the shared parental leave being sought.

Roles and Responsibilities

Employees

- In order to access the benefits outlined in this policy, employees must meet the formal requirements including the various notification procedures.
- Engage and communicate with managers as requested
- Keep managers informed of plans before, during and about return at the end of such leave
- Notify HR and line manager of intention to take leave at least 8 weeks before the start of SPL and submit notification form to line manager.
- Discuss concerns and/or issues with line manager and/or HR, where appropriate.
- Agree terms of 'Keeping in Touch Days' with line manager.
- Provide notification (8 weeks) of early return to work or other change to arrangement to line manager, where required.

Line Managers

- Manage all cases in a timely and supportive manner.
- Meet with employee to discuss notification form and leave arrangement.
- Communicate with employees as appropriate ensuring those on leave are kept informed of necessary communications
- Provide option to staff member to participate in 'Keeping in Touch Days' scheme.
- Forward notification form to HR and ask HR for advice where appropriate.

Human Resources

- Confirm receipt of notification form and return to work date in writing to employee.
- Ensure appropriate documentation is sent to employee.

- Provide advice or guidance where requested.

Shared Parental Leave (SPL)

Parents can share up to 50 weeks of leave and up to 37 weeks of pay subject to the conditions set out below. Parents who are eligible for SPL can be off work together for up to 6 months or structure their leave so that one of them is always at home in the first year of their child or children's life.

SPL is triggered when the parent who qualifies for maternity or adoption requirements commits to ending their maternity or adoption entitlement early to take SPL. This must be done in writing to their Line Manager and the HR Department. The notice to end Maternity or Adoption Leave is binding.

The birth parent is required by law to take a minimum of two weeks' Maternity Leave after the birth of their child or children, regardless of length of service. The Primary Adopting Parent must take the first 2 weeks of Adoption Leave (or they will be deemed to have taken that leave for the purpose of calculating SPL entitlement).

If parents do not choose to take SPL initially, they can choose to enter this scheme at a later date while they are still eligible. Entitlement to leave and pay for SPL when this occurs will be on the remaining period not already used under another policy i.e. Maternity, Adoption or Surrogacy Leave.

The birth or adopting parent cannot revert back to Maternity or Adoption Leave once the SPL scheme has been initiated.

SPL entitlements remain the same regardless of the number of children resulting from pregnancy or adoption.

In the case of birth parents, SPL must be completed by the child's/children's first birthday. In the case of adopting parents, it must be taken within a year of the child/children being placed with the family for adoption.

Partners may want to consider taking their two weeks' paternity leave and pay before taking SPL as Paternity Leave and pay is lost once SPL starts.

Continuous and Discontinuous Shared Parental Leave

Continuous Leave is where a staff member takes their share of SPL as a continuous and unbroken period of leave. Requests for continuous leave

(one single unbroken period of leave) will be granted, provided the required notice is provided

Discontinuous Leave is where a staff member takes multiple periods of leave interspersed with periods of work. SPL must be taken in blocks of at least one week at a time. Therefore, for example, an employee cannot work two days a week and take SPL three days a week. Employees can submit up to three separate leave notices. Discontinuous leave can only be taken with the agreement of the College and each request is considered on a case-by-case basis with the business needs of the College taken into consideration including operational requirements, impact on delivery and cover arrangements amongst others.

Statutory Shared Parental Pay (SShPP)

A total of 39 weeks Statutory Maternity or Adoption Pay is available to the birth/adopting parent subject to qualifying criteria. If wages fall below the qualifying amount some individuals may be eligible for Maternity Allowance so it is therefore imperative that this is discussed with the Human Resources Department.

As there is a compulsory Maternity/Adoption Leave period of two weeks, this means that a birth/adopting parent who ends their Maternity/Adoption Leave at the earliest opportunity can share up to 37 weeks SShPP, if eligible, with their partner. The number of actual weeks leave and pay will depend on the amount by which the birth/adopting parent reduces their Maternity/Adoption Pay.

If the parent is eligible for SShPP, they will receive the lower amount of 90% of their average earnings or the statutory standard rate for each week that they claim Shared Parental Pay.

To qualify for Statutory Shared Parental Pay, the birth/adopting parent must be entitled to Statutory Maternity/Adoption Leave or Statutory Maternity/Adoption Pay or Maternity Allowance.

If both parents qualify for SShPP, they must decide who will receive it, or how it will be divided, and they must discuss this with their employers.

Occupational Shared Parental Pay (OSPP)

The College offers enhanced Occupational Shared Parental Pay (OSPP) for employees meeting the following conditions:

- Continuous employment with the College for at least 26 weeks at the end of the 15th week before the expected week of childbirth or placement date.
- Return to work for at least 3 full working months following SPL. Employees on fixed-term contracts need to return to work for at least 3 full working months following SPL or to the end of their contract, whichever date is sooner.

Employees who are eligible for OSPP and whose contract ends during their SPL will not be required to return to work. OSPP will be paid until the end of their contract and thereafter SShPP (if applicable) will continue to be paid.

It should be noted that the return to work period begins from the point employees return to the workplace and start work after SPL. Periods of unpaid absence prior to a return to work, immediately following SPL or an initial return to work period for a discontinuous period of SPL, does not count towards the 3 month qualifying period.

If employees do not return to work, or complete the required length of service following SPL, the occupational pay minus any statutory entitlements will be fully recoverable. The OSPP will also be fully recoverable where employees employed on a fixed-term contract are offered, and subsequently decline, an extension to their contract which would allow for a return to work for 3 full working months.

The maximum amount of SPL eligible employees are entitled to receive is:

- 16 weeks full pay (Occupational Shared Parental Pay)
- 21 weeks Statutory Shared Parental Pay (where applicable)
- 13 weeks unpaid leave

OSPP will only be paid in respect of the first 16 weeks' SPL and will not be payable in respect of any further periods of SPL beyond that period. As the OSPP scheme pays at the rate of the employee's normal full pay for up to the first 16 weeks of SPL, any SShPP entitlement is an inclusive part of that payment. No combination of payments during this period will exceed the normal full pay.

In the event that SPL, SShPP and OSPP are used the entitlement will be offset by that taken under another linked policy and the entitlement reduced by the relevant amount i.e. if 14 weeks full pay have been taken under the Occupational Maternity Policy this would be deducted from the full pay and leave entitlement under the OSPP.

Shared Parental Leave in Touch Days (SPLiT)

Employees can work up to 20 paid Shared Parental Leave Keep in Touch days with prior line management agreement. These are normally days the employee will attend their place of work. They can be used singly, consecutively or in blocks. Any amount of work on one of these days will count as one whole SPLiT day. These days of work are in addition to the 10 KIT days that can be worked during a period of maternity leave.

The employee can choose to notify the College of their intention to take SPLiT days when submitting notification of their intention to take SPL, or these can be arranged and agreed whilst on leave.

Staff should complete the SPLiT day form, get approval from their line manager and return it to HR Operations, preferably within one month of the SPLiT day being taken.

Abbreviations

SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SShPP	Statutory Shared Parental Pay
OSPP	Occupational Shared Parental Pay
SPLiT	Shared Parental Leave in Touch Days

Linked Policies

Details on other family friendly policies can be found on the HR webpages, including:

- Maternity Leave and Pay
- Adoption and Surrogacy
- Paternity
- Parental

Policy Schedule	
Policy Title	
Policy Owner	
Policy Lead Contact	
Consultation with College Unions	
Approving Body	
Date of Approval	
Review Interval	