

EMPLOYEE GUIDANCE ON SHARED PARENTAL LEAVE

What is Shared Parental Leave?

- Shared parental leave is created when a mother or primary adopter chooses to end their maternity/adoption leave and pay early, so that the remaining period of leave and pay can be shared with the child's father or their partner (all provisions apply to same sex partners).
- A maximum of 50 weeks of shared parental leave and 37 weeks of shared parental pay can be created.
- Shared parental leave cannot start before the birth of the child or placement for adoption and must be taken by the day before the child's first birthday or the day before the first anniversary of the placement of an adopted child.
- Shared parental leave gives parents greater choice in how they share the care of their child in the first year of their life. It provides mothers and primary adopters the opportunity to return to work earlier, as their partner can be on leave caring for their child. Shared parental leave may also enable parents to be on leave simultaneously for longer periods of time.
- In addition to shared parental leave, eligible fathers, or the mother, or primary adopter's partner can still take up to two weeks paternity/partner leave. For further information, please see our Paternity/Partner Leave Policy and Procedure:

https://www.leedsbeckett.ac.uk/staff/files/NN_Paternity-Partner_Leave_Policy_Procedure.pdf

Considering Shared Parental Leave and Pay

Eligibility

- Please refer to the Shared Parental Leave Policy and Procedure for details of eligibility requirements for leave and pay, and the process for applying to take and book shared parental leave.
- The Government's interactive tool can help you find out whether you and your partner qualify and if so, how much leave and pay you are entitled to: <https://www.gov.uk/pay-leave-for-parents>

Considerations

- It is a requirement of shared parental leave that the mother or primary adopter must curtail their maternity or adoption leave. When deciding whether shared parental leave and pay are suitable for you and your partner you may wish to consider:
 - Whether both you and your partner qualify for shared parental leave and how you would like to share the care of your child e.g. whether you would like to take leave simultaneously or separately;
 - In the case of the mother or primary adopter, whether you are prepared to reduce your maternity or adoption leave;
 - The availability of childcare options;
 - Any financial implications to the family as a result of taking shared parental leave and pay e.g. monthly income and pensions;
 - Essential dates when leave must be taken.
- Mothers and primary adopters should be aware that once you have provided your employer with your notification of entitlement, then the notice to end your maternity or adoption leave is binding and cannot be withdrawn unless you have not returned to work, the curtailment date has not passed and one of the following circumstances applies:
 - It is discovered in the 8 weeks following the notification of entitlement that neither you or your partner qualifies for shared parental leave or pay;
 - In the event of the death of your partner;
 - (for mothers only) If you gave your notice to curtail your maternity leave before the birth, and you revoke your maternity leave curtailment notice in the six weeks following the birth.

Consequently, it is important that you and your partner fully discuss your plans to take shared parental leave.

- Think about what patterns of leave you and your partner may want to take. If the care of your child is dependent on one or both of you agreeing discontinuous leave arrangements, it could be useful to talk to your manager informally regarding what leave arrangements they might be agreeable to. This should help you and your partner decide whether shared parental leave is suitable for you and assist in planning your leave arrangements.
- Make yourself aware of the timescales involved in providing notices to our University – in particular the 8 weeks' notice required before you can take a period of leave. These are outlined in the Shared Parental Leave Policy and Procedure. This is

particularly important if you are wanting to opt in to shared parental leave or book periods of leave after your child is born/has been placed for adoption. The timescales may influence whether it is possible for you or your partner to take leave on the dates that you would like.

- If you choose not to take shared parental leave and pay immediately, you do have the option to take it at a later date, as long as you and/or your partner are still eligible. The Government's interactive tool can help you calculate the amount of shared parental leave and pay you may still be eligible to take.
- If you have any questions regarding your individual circumstances please speak with your manager or Human Resources.

Shared Parental Pay

- There are a maximum of 37 weeks of shared parental pay available for you and your partner to share.
- Our University also offers occupational shared parental pay, mirroring our enhanced maternity and adoption pay schemes. Please refer to Appendix 1 of our Shared Parental Leave Policy and Procedure for a summary of statutory and occupational shared parental pay entitlements.
- You are sharing the 37 weeks' pay with your partner and therefore you will not both automatically receive payment from week 1 of the occupational pay scheme, even if you are both on leave at that time.
- If you meet the eligibility requirements for occupational shared parental pay (outlined in the Shared Parental Leave Policy and Procedure) please refer to Appendix 1 of this guidance for information on how your payments will be calculated.

Opting in to Shared Parental Leave and Claiming Shared Parental Pay

Notice of Entitlement

- Make sure that you complete the 'Notification of Entitlement' form (Appendix 2) of the Shared Parental Leave Policy and Procedure.
- Prior to completing your notification of entitlement, you and your partner will need to work out how many weeks of leave and pay you would each like to take and have a good idea of the start and end dates of your period(s) of leave and pay.

- Make sure that you and your partner correctly complete the relevant sections of the form.
- You should submit a copy of the completed form to Human Resources, as well as providing your manager with a copy.
- The form should be submitted at least 8 weeks prior to the date on which you would like your first period of leave to start.
- If your child is born early, different notification requirements apply in the 8 weeks following the birth. Please contact Human Resources who will be able to advise you on this.
- If you decide after submitting your notice of entitlement that you wish to change how much leave you and your partner will each take, you should inform Human Resources and your manager in writing.

Booking Shared Parental Leave

- Shared parental leave can only be taken in complete weeks; therefore the minimum period of leave that can be booked is one week, (or the relevant proportion of a week if you work part-time).
- A period of leave may begin on any day of the week. For example, if a week of shared parental leave begins on a Tuesday it would finish on a Monday. If you choose to return to work between periods of shared parental leave, the next period of leave can start on any day of the week.
- You may book up to three periods of shared parental leave. Each booking notice can be for either one single block of continuous leave or several blocks of discontinuous leave (i.e. take a period of leave, return to work and then take another period of leave).
- For example, you may wish to request a period of 6 weeks leave and then return to work for 4 weeks, followed by a further 6 weeks of leave. This would be a request for discontinuous leave.
- All requests for periods of continuous leave will be accepted. However, requests for discontinuous blocks of leave may result in a two week discussion period with your manager (see below).

Booking a Period of Leave

- To book a period of leave please complete the 'Request to book Shared Parental Leave' form (Appendix 3) of the Shared Parental Leave Policy and Procedure.
- The completed form should be submitted to Human Resources and your manager at least 8 weeks prior to the date you want your period(s) of leave to start.
- Leave can be booked at the same time as, or following your notification of entitlement to shared parental leave. Your booking form should outline the start and end dates of your period(s) of leave, and if you are requesting discontinuous leave, any dates you wish to return to work in-between your blocks of leave. Your partner does not need to sign this form.
- Be aware that if your request for leave is accepted (i.e. it is a request for continuous leave, or your manager has agreed to your pattern of discontinuous leave) it is binding and will count as one of your three booking notices. Therefore, it is important that you and your partner fully consider your leave dates.

Discontinuous Leave

- If you would like to request a period of discontinuous leave, you should consider the implications your pattern of leave could have on your team, the service you provide and what cover your manager may need to arrange. Your manager will consider these business grounds when making their decision.
- You should have an early, informal discussion with your manager regarding your preferred pattern of leave before you submit any formal request for a discontinuous pattern of leave. This is particularly important if you are devising a plan for periods of leave with your partner that is dependent on the agreement of one or both of your employers.
- You cannot take proposed patterns of discontinuous leave by right and instead, a 2 week discussion period will follow (starting from the date of your request), during which your manager may arrange a meeting with you to discuss your proposed pattern of leave. During this period your manager can agree or refuse the leave you have requested or propose alternative dates.
- During the discussion period, you should be prepared to be flexible. Your manager may ask if there are any other leave patterns you would be willing to consider or a different start date to the period of leave.

- You may, if you wish, be accompanied by a full-time Trade Union officer, Trade Union representative (who is an employee of our University) or a work colleague at any meetings with your manager.
- The earlier you submit a request for discontinuous leave, the more likely a pattern of leave can be agreed with your manager, as it will give you both time to explore alternative options if your original request is not suitable.

The Outcome

- You will be informed of your manager's decision in writing. Depending on the outcome, you may need to take further action. Please familiarise yourself with the default provisions which are in place so that you do not miss an important deadline:
 - **Within 14 calendar days of the original notification requesting a period of leave:** If an agreement is reached regarding when you will take your leave, no default provisions will apply. If no agreement is reached or your manager refuses your discontinuous leave notification or your manager makes no response to a discontinuous leave notification, the default provisions will apply as follows:-
 - **Within 15 calendar days of the original notification requesting a period of leave:** As no agreement has been reached, you may withdraw your discontinuous leave notification (this will then not count as one of your three notifications to book leave). If you do not withdraw your request, the discontinuous leave notification automatically defaults to a period of continuous leave.
 - **Within 19 calendar days of the original notification requesting a period of leave:** You can choose when the continuous leave will start (as long as it is not sooner than 8 weeks from the date the original notification was given). If you do not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

Cancelling or Varying a Period of Leave

- Should you need to cancel or vary a period of leave, please complete the 'Request to Vary/Cancel Shared Parental Leave' form (Appendix 4) of the Shared Parental Leave Policy and Procedure.
- You will need to give Human Resources and your manager at least 8 weeks' notice of any variation/cancellation to a period of leave.

- The form must be signed by both you and your partner to indicate your agreement to the new allocation of leave and pay.
- You can submit up to a maximum of 3 notices to book leave or to vary a previously agreed pattern of leave.

APPENDIX 1 – OCCUPATIONAL SHARED PARENTAL PAY

If you meet the qualifying requirements for occupational shared parental pay, the information below and the scenarios in Appendix 2 explain how your payments will be calculated. As you are sharing the 37 weeks' pay, you and your partner will not both automatically receive payment from week 1 of the occupational pay scheme even if you are both on leave at that time.

- Shared Parental Pay (ShPP) is not available to either parent until the mother/adopter has curtailed their maternity or adoption pay. For example, if the mother/adopter decides to end their maternity/adoption pay after week 10, weeks 11-39 will be available as ShPP.
 - Even if the partner takes leave in weeks 3-10, they cannot receive the higher payment of 90% of their average weekly earnings because the mother/adopter is receiving maternity pay during this period – they have not elected to share the pay until after week 10. The partner will therefore only receive payment from week 11.

- However, if the mother/adopter commences shared parental leave immediately after the compulsory 2 week maternity/adoption period, ShPP will be available from week 3 and the partner will have access to the higher contractual payment.
- The table on the right provides an illustrated example. The mother/adopter curtails their maternity/adoption pay after 25 weeks. The partner has access to 5 weeks ShPP at 50% of their average weekly earnings plus statutory ShPP and 9 weeks of statutory ShPP.
- You will receive payment for the number of weeks you are on leave in **consecutive** weeks starting from the week following the curtailment of maternity/adoption pay. This is regardless of whether you book periods of continuous or discontinuous leave.
- So using the example on the right again, if you book 10 weeks of shared parental leave in two separate blocks (e.g. you take leave during weeks 3-7 and then weeks 35-39), you would still receive payment for weeks 26-35, (after the curtailment of the maternity/adoption pay period).

Week	SHARED PARENTAL PAY
1	Compulsory 2 week maternity or adoption pay period
2	
3	90% of average weekly earnings
4	
5	
6	
7	
8	
9	
10	
11	50% of average weekly earnings plus statutory ShPP
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	Maternity/Adoption Pay curtailment line
27	
28	
29	
30	
31	Statutory ShPP only
32	
33	
34	
35	
36	
37	
38	
39	
40-52	Unpaid

Weeks 26-39 are available as ShPP – these weeks are after the maternity/adoption pay curtailment date.



- If both you and your partner are Leeds Beckett University employees, you must share the 37 weeks entitlement to ShPP. Therefore you cannot both be paid the 8 weeks at 90% of average weekly earnings – you will have to decide who will receive payment for each of the 37 weeks.
- For you to receive ShPP, the paid leave must be taken within the first 39 weeks following the start of the maternity/adoption pay period. Any leave you wish to take following week 39 will be unpaid.
- If you have any questions regarding your specific circumstances please contact your manager or Human Resources.
- Appendix 2 outlines three scenarios to further demonstrate how occupational ShPP payments are calculated.

APPENDIX 2 – OCCUPATIONAL SHARED PARENTAL PAY SCENARIOS

The following three scenarios show how ShPP will be paid if you and your partner are both Leeds Beckett University employees and also if your partner works at another organisation. They also demonstrate how ShPP will be paid if you are taking continuous or discontinuous periods of leave.

Key

Week of birth/placement for adoption
Maternity or adoption pay
Paternity pay
Shared parental pay – 90% average weekly earnings
Shared parental pay – 50% average weekly earnings plus statutory shared parental pay
Shared parental pay – Statutory shared parental pay
Shared parental pay – not a Leeds Beckett University employee
Unpaid shared parental leave
At work

Example 1

Simon and Jane are both Leeds Beckett University employees. 8 weeks before Jane is due to give birth, she provides a notification of entitlement to curtail her maternity leave and pay 2 weeks after the birth of her baby. She would also like to take 2 weeks maternity leave and pay before her due date, so Jane will take a total of 4 weeks maternity leave and pay. Therefore, 35 weeks of ShPP is created to be shared between the couple. Simon has access to ShPP from week 5 in the table (weeks 1-4 are maternity pay). Jane submits a request to book 38 weeks of consecutive shared parental leave to follow on immediately after her maternity leave.

At the same time as Jane provides her notification of entitlement, Simon also provides his notification of entitlement and submits 2 requests for periods of leave, each 5 weeks in length. One block is to be taken immediately following his 2 weeks of paternity leave and the other is to be taken just before Jane returns to work. Simon is only eligible to be paid for his first 5 weeks of leave because his second block of leave falls more than 39 weeks after the start of Jane's maternity pay period.

Despite both parents being on leave during the '90% of average weekly earnings' pay period – they must share this pay and therefore Simon cannot receive this amount in payment for his 5 weeks of leave, if Jane is also receiving ShPP for this period. They must decide who will receive the higher contractual payment. Simon is the higher earner and therefore it is financially beneficial for Simon to receive payment at 90% of his average weekly earnings for his 5 weeks of leave. There are 10 weeks at '90% of average weekly earnings' available – Jane has used 4 of these as maternity pay and Simon will use a further 5 when he receives ShPP. This leaves 1 week remaining that Jane can receive payment at 90% of her average weekly earnings.

The table below demonstrates the amount Jane and Simon will receive in ShPP payments.

Week (following the start of maternity/adoption pay)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Jane	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Simon			1	2	1	2	3	4	5									
Leave week	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Jane	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Simon																		
Leave week	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52		
Jane	37	38	39	40	41	42												
Simon		6	7	8	9	10												

Example 2

Mary is a Leeds Beckett University employee and is eligible for adoption leave – she is adopting a child with her partner Sanjeev who works for another organisation. 12 weeks into her adoption leave Mary decides she will return to work for 6 weeks after week 20 to assist her team with an important project. She provides her notification of entitlement immediately and curtails her adoption leave and pay from week 20. Sanjeev and his parents will alternate responsibilities in caring for their child during this 6 week period and therefore Sanjeev will take shared parental leave and pay for 3 weeks in discontinuous blocks of 1 week each. After 6 weeks at work, Mary goes back onto shared parental leave until the first anniversary of their child's adoption (they are no longer eligible to take shared parental leave after this date).

Mary will receive adoption pay for weeks 1-20. This leaves 19 weeks' ShPP available to Mary and Sanjeev to share. Sanjeev is only taking 3 weeks ShPP so this leaves 16 weeks ShPP available to Mary. However, she cannot be paid for leave taken after week 39 and therefore they lose 3 weeks of ShPP as Mary can only be paid for 13 weeks. Therefore Mary will only receive ShPP payments for weeks 21-33.

The table below demonstrates the amount Mary and Sanjeev will receive in ShPP payments.

Week (following the start of maternity/adoption pay)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Mary	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Sanjeev			1	2														
Week	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Mary	19	20							21	22	23	24	25	26	27	28	29	30
Sanjeev			1		2		3											
Week	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52		
Mary	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46		
Sanjeev																		

Example 3

Josh is a Leeds Beckett University employee and his wife Alicia, who is pregnant, works for another organisation. Alicia opts into shared parental leave two months before the birth of their child. She states she wishes to curtail her maternity leave and pay two weeks after the birth – their baby arrives early so she does not take any maternity leave or pay prior to the birth. As a result there are 37 weeks of ShPP for Josh and Alicia to share.

Following his 2 weeks paternity leave, Josh takes 4 weeks paid shared parental leave. He then returns to work but decides he wishes to take a further 4 weeks leave at a later date. He knows he will not be paid if he takes his leave 39 weeks after the start of Alicia's maternity pay period, so he decides to take his leave just before this cut off point. He is taking 8 weeks paid shared parental leave in total and has access to ShPP from week 3 (the first 2 weeks are compulsory maternity leave) and Josh will therefore receive payment at the rate available for weeks 3-10.

Week (following the start of maternity/adoption pay)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Alicia	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Josh	1	2	1	2	3	4												
Week	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Alicia	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Josh																		5
Week	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52		
Alicia	37	38	39	40	41	42	43	44										
Josh	6	7	8															