

Shared Parental Leave Policy and Procedure

POLICY COVERSHEET

# Key Details

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# Policy Hub

## For further information on policies:

1. You can go to the Secretariat pages on InSite at [https://outlookuwicac.sharepoint.com/sites/Secretariat](https://outlookuwicac.sharepoint.com/sites/Secretariat/);
2. You can go to the Policy Hub at [cardiffmet.ac.uk/about/policyhub](https://www.cardiffmet.ac.uk/about/policyhub); or
3. Contact policies@cardiffmet.ac.uk.

**Mae'r ddogfen hon hefyd ar gael yn Gymraeg** / This document is also available in Welsh.

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Shared Parental Leave Policy

# Introduction

## The University recognises the demands and importance of family life. It is therefore committed to supporting employees through a range of family friendly procedures to achieve a balance between work and home life wherever possible.

## Eligible parents or adopters can decide to curtail their maternity or adoption leave and pay early to create shared parental leave and pay, with the other parent. The other parent does not need to be an employee of the University.

## Assuming that both parents and adopters are eligible, they will be able to choose how to share the leave that is available between them and they can decide to be off work at the same time or different times.

## This policy and procedure reflects the statutory and occupational rights of eligible parents or adopters to take time off and receive payment in relation to the birth or care of a child.

# Scope

## This policy applies to all eligible employees, regardless of sex, gender identity or gender expression.

## For the avoidance of doubt, the terms “partner” or “spouse” are inclusive of same sex partnerships.

## Employees on shared parental leave currently must be given priority for suitable alternative employment in a redundancy situation.

## This also applies from the date an expectant mother, or those adopting a child or taking shared parental leave, notifies their employer of their pregnancy, match for adoption, intention to take shared parental leave; and extends for 18 months from the birth date.

# Statutory Shared Parental Leave

## To be eligible for shared parental leave for one or both parents, the birth parent or primary adopter must:

### Have a partner

### Be entitled to maternity/adoption Leave, or statutory maternity/adoption pay or maternity allowance

### Have curtailed or provided notice to reduce their maternity/adoption leave and maternity/adoption pay in accordance with the shared parental leave procedure

## The employee will be entitled to shared parental leave in relation to the birth or adoption of a child if:

### The employee is the child's parent, and shares the main responsibility for the care of the child;

### At the date of the birth the employee is the birth parent's partner, and shares the main responsibility for the care of the child.

### The employee is adopting a child through an adoption agency or following the birth of a child in a surrogacy arrangement, and will share the main responsibility for the care of the child with their partner.

## The following conditions must also be fulfilled:

### The employee must have 26 weeks’ continuous service by the end of the 15th week before the expected week of childbirth (referred to hereafter as EWC) or;

### The employee must have 26 weeks’ continuous service at the week the adopter was notified of having matched with a child;

### Still be employed by the University in the week before shared parental leave is to be taken;

### The other parent must have worked, in an employed or self-employed capacity, in at least 26 of the 66 weeks before the EWC or, in the case of adoption, the qualifying week and had average weekly earnings of at least £30 during 13 of those weeks;

### Both individuals must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay or maternity allowance periods; and

### The birth parent or primary adopter must be entitled to statutory maternity or adoption leave and/or statutory maternity pay, statutory adoption pay or maternity allowance.

## The total amount of shared parental leave available to be taken between the parents is 52 weeks, less the weeks spent by a parent on maternity leave or adoption leave, or the weeks in which a parent was in receipt of statutory maternity pay, statutory adoption pay or maternity allowance.

## The birth parent or adopter is unable to share the compulsory maternity leave period, or the first two weeks of adoption leave. This is the period of two weeks immediately following the birth of, or placement of a child.

## The employee must provide the University with the details of their partner’s employment and the child’s birth certificate or official notification in the cases of adoption.

## Additionally, the University provides its employees with paid occupational shared parental leave for the partner of the birth parent.

## The entitlement to paid occupational shared parental leave will be shared between the parents, so that the combined entitlement per couple does not exceed the maximum entitlement.

# Statutory Shared Parental Pay

## Employees may be able to claim shared parental pay of up to 39 weeks, less any weeks of statutory maternity pay, statutory adoption pay or maternity allowance claimed by the employee or their partner if they have at least 26 weeks’ continuous employment with the University at the 15th week prior to the EWC.

## Statutory shared parental pay will be paid at 90% of the employee’s average weekly earnings for 6 weeks followed by the current rate per week for statutory shared parental pay, or 90% of the employee’s average weekly earnings if this is less than the weekly statutory maternity pay rate for the remaining 33 weeks.

# Cardiff Metropolitan University’s Occupational Shared Parental Pay

## The employee will be eligible to receive occupational shared parental pay if they have been continuously employed by the University during the 12 month period ending with the 11th week prior to EWC or expected week of placement, in the case of adoption.

## Where employees meet the criteria set out in section 4.1, they will be in receipt of the following payments:

### 13 weeks at normal contractual weekly earnings

### 26 weeks at 50% of normal contractual weekly earnings plus statutory shared parental pay. Normal contractual weekly earnings cannot be exceeded.

# Welsh Language Standards

## The University has considered what effects this policy has on opportunities to use the Welsh language and has considered its duty in treating the Welsh language no less favourably than the English language.

## This policy and associated documents are available in both the Welsh language and the English language.

## Any paper correspondence in relation to this policy will be provided in Welsh, should the employee have chosen to receive any correspondence in relation to their employment, in Welsh.

Shared Parental Leave Procedure

# Curtailment of Maternity Leave or Adoption Leave

## If you are taking maternity or adoption leave and you wish to opt into the shared parental leave scheme, you must provide a curtailment notice to your manager, giving at least 8 weeks written notice to end your leave. The notice must state the date that the maternity or adoption leave will end. You should do this using ‘form 1 – Curtailment of Maternity/Adoption Leave and Pay form.

## You must also give the University, at the same time as the curtailment notice, a notice to opt into the shared parental scheme or a written declaration that the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice (Form 2 ‘Notification that the Birth parent/Primary Adopter intends to take Shared Parental Leave and Shared Parental Pay).

## The other parent may be eligible to take shared parental leave from their employer before your maternity or adoption leave ends, provided you have given the curtailment notice.

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

### if you realise that neither you nor the other parent are eligible for shared parental Leave or shared parental pay, in which case you can revoke the curtailment notice in writing up to 8 weeks after it was given;

### if you gave the curtailment notice before giving birth, you can revoke it in writing up to 8 weeks after it was given, or up to 6 weeks after birth, whichever is later; or

### if the other parent has died

## Once you have revoked a curtailment notice you will be unable to opt back in to the shared parental scheme unless you revoked it in the circumstances in paragraph 1.4.2.

# Curtailment of the Other Parent’s Maternity or Adoption Leave or Pay

## If the other parent is taking maternity leave or claiming statutory maternity pay, statutory adoption pay, or maternity allowance, you will only be able to take shared parental leave once they have either:

### Returned to work;

### Given their employer a curtailment notice to end their maternity or adoption leave;

### Given their employer a curtailment notice to end their statutory maternity pay or statutory adoption pay, if they are entitled to statutory maternity pay, or statutory adoption pay, but not maternity or adoption leave;

### or

### Given the Department for Work and Pensions a curtailment notice to end maternity allowance.

# Evidence of Entitlement

## You must also provide on request:

### The name and address of the other parent’s employer, or a declaration that they have no employer; and

### Either:

#### for childbirth, a copy of the birth certificate, or if you have not yet obtained a birth certificate, a signed declaration of the child’s date and place of birth; or

#### for adoption, one or more documents from the Adoption Agency showing the Agency’s name and address, the date the adopter was notified of being matched with the child, and the expected placement date.

# Opting into Shared Parental Leave and Pay

## Not less than 8 weeks before the date you intend your shared parental leave to start, you must complete ‘Form 3 -Notice to book a Period of Shared Parental Leave form for the Birth parent/Primary Adoptor’ or the ‘Form 5 - Notification that the Partner intends to take Shared Parental Leave and Shared Parental Pay’ depending on whether you are the birth parent/main adopter or other biological parent/spouse/partner.

## Having opted into the shared parental leave scheme, you will need to give a period of leave notice telling the University the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least 8 weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

## If your period of leave notice gives dates for a single continuous block of shared parental leave, you will be entitled to take the leave set out in the notice.

## You are entitled to submit a maximum of 3 notifications to the University to book or vary shared parental leave. If you submit more than 3 notifications to the University, it is not obliged to consider these additional requests. However, if the University proposes a variation to a notification which is agreeable to you, this will not count as one of your notifications.

# Requesting a Continuous Period of Shared Parental Leave

## In general, a period of leave notice should set out a single continuous block of leave and where you submit a period of leave notice requesting one continuous period of leave, you will be entitled to take it.

# Requesting Discontinuous Periods of Shared Parental Leave

## The University may, in some cases, be willing to consider a period of leave notice where the shared parental leave is split it into shorter periods of at least a block of 1 week, with periods of work in between. You should discuss this with your manager in good time before formally submitting your Period of Leave notice. This will give us more time to consider the request and hopefully agree a pattern of shared parental leave with you from the start.

## You must submit a period of leave notice setting out the requested pattern of shared parental leave at least 8 weeks before the requested start date.

## 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, the University will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested shared parental leave as one continuous block, starting on the start date given in your notice, for example, if you requested 3 separate periods of 4 weeks each, they will be combined into one 12-week period of leave. Alternatively, you may:

### Choose a new start date, which must be at least 8 weeks after your original period of leave notice was given, as long as you tell us within 5 days of the end of the 2-week discussion period; or

### Withdraw your period of leave notice within 2 days of the end of the 2-week discussion period in which case it will not be counted and you may submit a new one if you choose

### Submit a maximum of 3 notifications to the University to book or vary your shared parental leave request. If more than 3 notifications are requested, the University is not obliged to consider these additional requests.

# Amending Shared Parental Leave Requests

## You can cancel a period of shared parental leave by notifying your manager in writing at least 8 weeks before the start date in the period of leave notice.

## You can change the start date for a period of shared parental leave, or the length of the period of shared parental leave, by notifying your manager at least 8 weeks before the original start date and the new start date.

## You do not need to give eight weeks’ notice if you are changing the dates of your shared parental leave because your child has been born earlier than the EWC, where you wanted to start your shared parental leave for a certain length of time, but not more than 8 weeks after the birth. However, you should notify your manager in writing of the change as soon as you can.

## You can change the end date for a period of shared parental leave by notifying your manager in writing at least 8 weeks before the original end date and the new end date.

## You can change split periods of shared parental leave into a single continuous period of shared parental leave by notifying your manager in writing at least 8 weeks before the start date of the first period of shared parental leave.

## You can request that a continuous period of shared parental leave be split into two or more discontinuous periods with periods of work in between.

## A notice to change or cancel a period of shared parental leave will count as one of your 3 period of leave notices, unless:

### The variation is a result of your child being born or placed for adoption earlier or later than expected;

### It is a withdrawal;

### The variation is at our request; or

### The University agrees otherwise.

## If you do not return to work for a minimum of 3 months following the period of occupational shared parental leave, the University reserves the right to reclaim all or part of the occupational entitlement of the occupational shared parental pay, which you have received.

# Annual Leave, Bank Holidays and Concessionary Days

## It is not possible for you to take annual leave at the same time as paid shared parental leave.

## Whilst on shared parental leave you will accrue your entitlement to bank holidays and concessionary days on a pro rata basis. It will usually be possible for you to take any unused annual leave either before you start shared parental leave or at the end of the shared parental leave period. This should be by advance agreement with your manager as per the usual procedure.

# Pension

## Whilst on paid shared parental leave, your pensionable service will continue. Although your pension contributions will be based on your actual shared parental pay, you will continue to build up pension benefits in the normal way as if you had been in work.

## During any unpaid period of shared parental leave, no further pension contributions will be payable until you return to work. This period of leave will not be included as pensionable service and therefore benefits will not build up.

## You may be able to pay back contributions in order for any periods of unpaid leave to count as pensionable. However, there will be conditions on this subject to the rules of your particular pension scheme. Please contact the Payroll Office before you commence your leave to discuss your options.

# Keeping in Touch during Shared Parental Leave

## Each parent, by advance agreement with the University, can undertake up to 20 days work, which are known as shared parental leave in touch days or SPLIT days, during any stage of the shared parental leave period.

## SPLIT days enable the employee to keep up to date with developments in the workplace, retain knowledge, maintain relationships with colleagues and other stakeholders, take advantage of training and development activities and may help to ease the employee’s transition back into the workplace at the end of their shared parental leave.

## SPLIT days may include any activity which would normally be classed as work under your contract of employment, for example attending a meeting, attending a conference, training or development activity or any other activity in accordance with their job description.

## SPLIT days will be taken intermittently throughout the shared parental leave period by advance agreement and not taken as a block of 1 or 2 consecutive weeks. Any work that is undertaken as a SPLIT day will be counted as one whole day even as little as half an hour will be counted as one whole day.

# Return to Work after Taking Shared Parental Leave

## You must give your manager at least 8 weeks’ notice if you intend to return to work earlier than the agree period of shared parental leave.

## If you return to work, having taken no more than 26 weeks’ leave, this includes time taken as maternity leave, paternity leave, and adoption leave, you have the right to return to the same job you left.

## If you return to work, having taken more than 26 weeks’ leave, (this includes time taken in paternity, maternity and adoption leave) and it is not reasonably practicable for you to return to the same job, you will be offered another suitable and appropriate job on not less favourable terms and conditions.

## If you do not return to work for a minimum of 3 months following the shared parental leave, the University reserves the right to reclaim all or part of the occupational entitlement of the occupational shared parental pay, but not statutory shared parental pay which you have received.

## The return to work period starts when you physically return to work. Periods of paid or unpaid absence before you return to work, e.g. annual leave or sickness absence, do not count towards the three month period.

## If you return to work after taking more than 26 weeks’ leave, this includes time taken as maternity Leave, paternity Leave, and adoption Leave, and it is not reasonably practicable for you to return to the same job, you will be offered another suitable and appropriate job, on no less favourable terms and conditions. In the event that it is not reasonably practicable for you to return to the same job, we will provide sufficient notice and consult with you.

## Upon your return to work, you will have an initial meeting with your line manager in order to inform you of any workplace developments, agree objectives, organise handover arrangements, introduce you to new members of staff, and to assess if you have any training or development needs. At this initial meeting further review meetings will be scheduled between you and your line manager.

## Should you wish to make a formal flexible working request in order to request changes to your working pattern, hours or place of work, you should do so using the University’s Statutory Right To Request Flexible Working Guidance. Where possible, this request should be made no later than 8 weeks before your return from shared parental leave to ensure that the University has time to consider your request and that both parties have time to make any necessary arrangements.

# Related Documents

## Maternity Policy and Procedure

## Paternity Policy and Procedure

## Parental Leave Policy and Procedure

## Adoption and Surrogacy Policy and Procedure

## Flexible Working Guidance

# Examples of how Shared Parental Leave can be taken

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| --- |
| **Example 1****Both parents work for Cardiff Metropolitan University and both are eligible for occupational shared parental leave and pay.** |
| The birth parent takes 8 weeks maternity leave and is paid as follows: * 4 weeks normal contractual weekly earnings
* 2 weeks 90% of normal contractual weekly earnings
* 2 weeks 50% of normal contractual weekly earnings

The birth parent curtails their maternity and opts into shared parental leave. Maternity leave ends at the end of week 8 and the birth parent returns to work in week 9. The partner takes 2 consecutive weeks paternity leave at full pay and commences shared parental leave at week 9. The partner will be taking 20 weeks Shared Parental Leave. The partner is paid as follows: * 10 weeks 50% of normal basic weekly earnings.
* 10 weeks at statutory shared parental pay or 90% of normal contractual weekly earnings, whichever is lower.
 |
| **Example 2****The birth parent works for Cardiff Metropolitan University and is entitled to Shared Parental Leave and Occupational Shared Parental Pay. The birth parent/primary carer’s partner does not work for Cardiff Metropolitan University but is entitled to Paternity Leave and Shared Parental Leave. The birth parent/primary carer’s partner is subject to their own organisation’s pay arrangements.**  |
| The birth parent/primary carer takes 12 weeks maternity leave/adoption leave and is paid as follows:* 4 weeks normal contractual weekly earnings
* 2 weeks 90% of normal contractual weekly earnings
* 6 weeks 50% of normal contractual weekly earnings

The birth parent/primary carer’s partner will be entitled to any enhanced or occupational payments as provided by their employer. |
| **Example 3****The birth parent/ does not work for Cardiff Metropolitan****University and is subject to their employer’s Maternity Leave and Pay arrangements. The birth parent/primary carer’s partner works for Cardiff Metropolitan University and they qualify for paid Occupational Shared Parental Leave.**  |
| The birth parent takes 16 weeks maternity leave and curtails the maternity/adoption leave and opts in to shared parental leave. The birth parent’s partner takes shared parental leave at week 17 for 23 weeks and they are paid as follows:* 2 weeks 50% of normal contractual weekly earnings
* 21 weeks statutory shared parental pay at the current rate or 90% of normal contractual weekly pay (whichever is the lower)
 |
| **Example 4****Requesting discontinuous periods of shared parental leave** |
| The birth parent works for Cardiff Metropolitan University and is entitled to shared parental leave and occupational shared parental pay. The birth parent’s partner does not work for Cardiff Metropolitan University but is entitled to paternity leave and shared parental leave. The birth parent’s partner is subject to their own organisation’s pay arrangements. The birth parent has requested two discontinuous periods of shared parental leave, which the manager has approved, as follows: * 8 weeks maternity leave
* The birth parent will return to work for 6 weeks from week 9.
* The birth parent’s partner will take shared parental leave for this 6 week period. The birth parent’s partner will be subject to their own organisation’s shared parental leave and pay arrangements.
* The birth parent will take shared parental leave from week 15 for 25 weeks.

The birth parent/primary carer will be paid as follows:* 4 weeks normal contractual weekly earnings
* 2 weeks 90% of normal contractual weekly earnings
* 2 weeks 50% of normal contractual weekly earnings
* 6 weeks at normal contractual weekly earnings as birth parent/primary carer is back in work.
* 25 weeks statutory shared parental pay
 |