

Questions and Answers on Shared Parental Leave

Q. What is Shared Parental Leave?

Shared Parental Leave provides eligible parents with the opportunity to choose to share between them the care of their child during the first year following the child's birth or adoption.

Q. How do I know if I am eligible for Shared Parental Leave?

The government have produced a calculator which can be used to help with this. It can be found at: <https://www.gov.uk/pay-leave-for-parents>

Q. Do I have to take Shared Parental Leave?

No – if eligible you can still take 52 weeks of Maternity/Adoption Leave and 37 weeks of Statutory Maternity Pay/Statutory Adoption Pay or Maternity Allowance – it is totally up to you if you wish to share the leave with the Birth/Adoptive Partner.

Q. How do I decide whether taking Shared Parental Leave is the best option for me?

If you are the Mother or Adopter, then ultimately it is your decision whether to end your maternity / adoption leave early and opt into Shared Parental Leave.

You will need to consider your personal circumstances and should take into account such things as:

- whether both you and your partner qualify for Shared Parental Leave
- you wish to return to work
- the family financial implications, and
- how will the sharing of the upbringing of the child work

Q. Do I have to make a decision to take Shared Parental Leave immediately?

No – you can choose to opt into Shared Parental Leave at any time, as long as there is some untaken maternity/adoption leave to share, and you can give 8 weeks' notice of the intention to opt in.

Q. Can I take Shared Parental Leave at the same time as my partner?

Yes – both parents can be absent from work on Shared Parental Leave at the same time.

It is also possible for a Birth/Adoptive Partner to take Shared Parental Leave while the Mother/Adopter is still on maternity/adoption leave, as long as they have given notice to end their Maternity / Adoption Leave and this is accompanied by a notice of entitlement to Shared Parental Leave.

Q. How much Shared Parental Leave can I take?

The Mother/Adopter has to take a minimum of 2 weeks Maternity/Adoption Leave following the birth/placement which means in reality up to a maximum of 50 weeks can be shared.

Q. How much Shared Parental Leave can I take if I have a multiple birth?

Only one period of Shared Parental Leave and Statutory Shared Parental Pay will be allocated in the event of multiple births or multiple additions at the same time period and any SPL not taken by the child's first birthday or first anniversary of placement or adoption is lost.

Q. What happens if my partner is not eligible for Shared Parental Leave?

Sometimes only one parent in a couple will be eligible to get Shared Parental Leave – if this is the case it means you can't share the leave.

Q. Is there a time by which all Shared Parental Leave has to be taken?

Yes, all leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption.

Q. Can I still take Paternity Leave – as well as Shared Parental Leave?

If as an employee you are the child's father or adoptive father, you should consider using your Enhanced Paternity Leave before taking Shared Parental Leave (as 2 of the 3 weeks leave Paternity Leave must be taken in a block within the first 56 days of the birth or date of placement of the child and cannot be taken after Shared Parental Leave or Statutory Shared Parental Pay).

The other week of Enhanced Paternity Leave must be taken within 4 months of the birth in a block or as individual days and cannot be taken after Shared Parental Leave or Statutory Shared Parental Pay.

Q. Can I cancel my decision to end Maternity or Adoption Leave if I have already given you notice that I am intending to take Shared Parental Leave?

Yes -you can change your decision if:

- you haven't taken any Shared Parental Leave yet, and
- the date you gave in your notice has not yet passed, and
- you haven't already returned to work.

One of the following must also apply:

- it's discovered during the 8 week notice period that neither you or your partner are eligible for Shared Parental Leave or Statutory Shared Parental Pay.
- your partner has died
- it is less than 6 weeks after the birth (and you gave notice before the birth)

Q. When should I tell you that I might wish to take Shared Parental Leave?

As early as possible – having an early and informal discussion with your manager can provide an opportunity to talk about any preferences as to when Shared Parental Leave is taken. You do not have to inform the University however until 8 weeks before your first period of Shared Parental Leave.

Q. Are there any changes to Parental Leave with the introduction of Shared Parental Leave?

No – you can still take up to 18 weeks' Parental Leave in relation to a child before their 18th birthday. Parental Leave is unpaid, and entitlement won't be affected by whether or not you decide to take Shared Parental Leave.

Q. Do I have the right to return to my current position at the end of the Shared Parental Leave period?

On returning to work after Shared Parental Leave you are entitled to return to the same job if your aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

The same job is the one you occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of Shared Parental Leave, on the terms and conditions of employment as if you had not been absent.

If your maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or more in aggregate, you are entitled to return to either the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Q. Do I have any rights if my job role becomes redundant while I am on Shared Parental Leave?

Yes – you would have the right to be considered for redeployment to another post at the same grade. If you do not take up this post, or if there is no suitable vacancy, then your employment may be terminated by reason of redundancy.

Q. Can I come into work at all while I am on Shared Parental Leave?

You can agree to work for the University (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to Shared Parental Pay for that week. These are known as Shared Parental Leave in Touch (SPLIT) days.

Any work carried out on a day or part of a day constitutes a day's work for these purposes.

Q. Will I receive any pay while I am off?

Yes, up to 37 weeks' Statutory Shared Parental Pay is potentially available for parents to share between them while on Shared Parental Leave.

The Mother/Adopter can choose to curtail their Maternity/Adoption leave and Statutory Maternity Pay/Statutory Adoption Pay and take Shared Parental Leave and Statutory Shared Parental Pay with her partner, or the child's father.

The amount of Statutory Shared Parental Pay that is available for the parents to share is 39 weeks, minus the amount of Statutory Maternity Pay/Statutory Adoption Pay or Maternity Allowance taken by the Mother/Adopter. The Mother cannot curtail her maternity leave and pay until the end of the compulsory maternity leave period, so the maximum amount of Statutory Shared Parental Pay available is 37 weeks.

Statutory Shared Parental Pay is paid at the fixed rate set by the Government similar to the lower rate of maternity/adoption pay (this rate normally increases annually each April, for the current rate of ShPP please visit <http://www.nidirect.gov.uk>) or 90% of average weekly earnings, whichever is lower.

Q. How is Statutory Shared Parental Pay divided between us if we take shared parental leave at the same time?

The total amount of Statutory Shared Parental Pay available for eligible parents to share is 39 weeks, minus the amount of Statutory Maternity Pay/Statutory Adoption Pay or Maternity Allowance paid to the Mother/Adopter.

Parents can be on Shared Parental Leave at the same time as each other and can receive Statutory Shared Parental Pay at the same time.

Q. Who is responsible for paying for Shared Parental Leave, and how does it work?

If you take Shared Parental Leave, the University will pay you any entitlement you have to Statutory Shared Parental Pay and it's your partner's employer who is responsible for paying them.

Q. Can you refuse my request to take Shared Parental Leave, or ask me to take it at a different time?

This will depend on the pattern of leave you have requested.

If you ask for one continuous period of leave, the University must allow you to take that on the dates requested. The University cannot ask you to take it at a different time

If you submit a request for what is known as "discontinuous periods of leave" in one leave notice, then the University can refuse your request, and may suggest alternative dates for a period or periods of leave (but are not obliged to do so).

The University suggests that if you wish to put in a request for discontinuous leave this is done as early as possible, and a meeting arranged with your line manager so that it can be discussed and, if the original request is not possible, that an alternative leave pattern which suits both you and the University can be agreed.

You can be accompanied at this meeting if you wish, by a Trade Union representative or work colleague.

Q. Can I take more than one period of Shared Parental Leave?

Yes, you can submit up to three separate leave notices. As long as you give a separate notice, and at least eight weeks' notice of each period of leave, you can take these separate periods of leave and the University does not have the right to refuse your request.

Q. Can I change my mind about when I want to take ShPL?

Shared Parental Leave arrangements that have been notified can be changed by means of a notice to vary the agreed leave provided 8 weeks' notice is given. You can give notice to end a period of leave earlier or later than previously notified, or to aggregate a number of discontinuous weeks into a single block using a variation notice.

A notice to vary agreed leave counts towards one of the three permitted leave notices, and will be considered in the same way as set out above. This means that the initial leave request will count as one leave notice, and the variation as a second leave notice.

Q. Is Surrogacy covered by Shared Parental Leave?

Yes - intended surrogate parents are entitled to leave and pay on the same basis as an Adopter. This includes the right to take Shared Parental Leave and Shared Parental Pay.

Q. What happens to my Terms & Conditions while I am on Shared Parental Leave?

During the period of Shared Parental Leave your contract of employment remains in force and you will receive all normal contractual benefits with the exception of salary.

Pension contributions will continue to be deducted as normal whilst you are in receipt of salary or Statutory Shared Parental Pay. Total contributions will be based on your normal salary, however, you will only pay contributions based on the actual payment received.

Therefore, the University will make up the difference in your contributions based on your normal salary during the period of paid leave. If you take unpaid Shared Parental Leave, pension contributions will not be maintained for the period of unpaid leave.

You may elect to cease pension contributions before a period of Shared Parental Leave commences. Membership of the pension scheme would be suspended.

Generally, and in line with legislation, Statutory Shared Parental Pay is payable up to 39 weeks.

Q. What will happen to my annual leave whilst I am on Shared Parental Leave?

You will continue to accrue contractual annual leave entitlement during your Shared Parental Leave. You are encouraged to agree with your line manager when you intend to take your annual leave before the start of your Shared Parental Leave.

You may take your leave before, after or between periods of Shared Parental Leave.

You are expected where possible to take your full annual leave entitlement in a particular year. However, should this not be possible due to shared parental leave arrangements or exceptional circumstances, he/ she will be able to carry over up to the full complement of leave (42 days) to the next leave year, the scheduling must be taken by agreement with the Head of School/ Department/ Unit.

Q. What Forms need to be filled in?

- **SPL1:** Notice of Curtailment of Maternity/Adoption Leave
- **SPL2:** Notice of Entitlement and Intention to take Shared Parental Leave (Mother)
- **SPL3:** Notice of Entitlement and Intention to take Shared Parental Leave (Father/ Partner)
- **SPL4:** Notice to Book/Vary Shared Parental Leave

Please note if you are the Mother and a University employee you must fill in and complete SPL1, SPL2 and SPL4 (the latter for each leave request).

If you are the Father and a University employee you must fill in and complete SPL3 and SPL4

Q. Where can I access the University's other Family Friendly Policies?

The University's Work Life Balance Policies and Procedures (including forms) can be downloaded from this page:

<http://www.qub.ac.uk/directorates/HumanResources/annual-family-other-leave/work-life-balance-policies/>