Shared Parental Leave Policy
Shared Parental Leave Policy

1 Purpose

Shared Parental Leave enables eligible parents to choose how to share the care of their child’s first year. All eligible employees have a statutory right to take Shared Parental Leave. This policy sets out the rights and responsibilities of Newcastle University employees who wish to take Shared Parental Leave and receive Shared Parental Pay.

Eligible employees may be entitled to take up to 50 weeks Shared Parental Leave during the child’s first year. The number of weeks available is calculated using the mother’s/adopter’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks’ leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may take any remaining weeks as Shared Parental Leave.

2 Eligibility

2.1. Shared Parental Leave can be used by two people who must share the main responsibility for the care of the child at the time of the birth/placement for adoption:

- the mother/adopter and
- one of the following: the father of the child (in the case of birth) or
  the spouse or partner of the child’s mother/adopter

2.2. In order for an employee to take Shared Parental Leave:

2.2.1. The mother/adopter must:
- be/have been entitled to Statutory Maternity/Adoption Leave and Pay, or Maternity Allowance.
- have ended or given notice to reduce any maternity/adoption entitlements.
- meet the employment and earnings test

2.2.2. The employee must:
- have a minimum of 26 weeks’ service at the end of the 15th week before the child’s expected due date/matching date;
- The employee must have correctly notified the University of their entitlement and provide evidence as required.

2.3. If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity/Adoption Pay or Maternity Allowance, they must reduce their entitlement to less than 39 weeks. If they do this, their partner may be entitled to up to
50 weeks of Shared Parental Leave. This is calculated by deducting from 52 the number of weeks of Statutory Maternity/Adoption Pay or Maternity Allowance taken by the mother/adopter.

2.4. Shared Parental Leave can commence as follows:

- The mother/adopter can take Shared Parental after they have taken the legally required two weeks of maternity/adoption leave immediately following the birth/placement of the child.
- The father/partner/spouse can take Shared Parental Leave immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as they cannot take paternity leave or pay once they have taken Shared Parental Leave or Pay).

2.5. In order to have time off at the same time as the father/partner/spouse, the mother/adopter must reduce the leave they take.

2.6. Any Shared Parental Leave not taken by the first birthday or first anniversary of placement for adoption, is lost.

3 Entitlements

3.1. Notification of entitlement for Shared Parental Leave and Pay must be done via completion of the Shared Parental Leave forms, which must be submitted to the local HR team eight weeks before the planned start date of leave.

3.2. Shared Parental Leave Entitlements

Shared Parental Leave can only be taken in complete weeks but may begin on any day of the week. The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either:

- A single period of continuous leave; OR
- Two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

3.2.1. The University will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave.

3.3. Shared Parental Pay Entitlements

Eligible employees may be entitled to receive up to 37 weeks Shared Parental Pay, dependent on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
3.3.1. In order for the employee to receive Shared Parental Pay:

The mother/adopter must:
• be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;

The employee must:
• intend to care for the child during the time in which Shared Parental Pay is payable;
• have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date which are not less than the lower earnings limit in force for national insurance contributions;
• remain in continuous employment until the first week of Shared Parental Pay has begun;
• give proper notification in accordance with the procedure.

3.3.2. Any Statutory Shared Parental Pay will be paid at a rate set by the Government for the relevant tax year.

3.3.3. Shared Parental Pay is payable as follows:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Shared Parental Leave and Pay</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or more years</td>
<td>Maximum of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>16 weeks of Occupational Shared Parental Pay* (full pay inclusive of Statutory Shared Parental Pay)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>21 weeks Statutory Shared Parental Pay</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13 weeks unpaid</td>
<td></td>
</tr>
<tr>
<td>26 weeks – less than 1 year</td>
<td>Maximum of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>37 weeks of Statutory Shared Parental Pay</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13 weeks unpaid</td>
<td></td>
</tr>
</tbody>
</table>

*To receive Occupational Shared Parental Pay leave must be taken within the first 18 weeks of the commencement of maternity/adoption leave.

3.3.4. Within the first 18 weeks:
• if the mother/adopter is not taking leave at the same time as the University employee taking Shared Parental Leave the University employee will receive Occupational Shared Parental Pay
• if the mother/adopter is taking leaving at the same time as the University employee taking Shared Parental Leave, the University employee will receive Occupational Shared Parental Pay for half of the time, and Statutory Shared Parental Pay for half of the time
• if the mother/adopter and partner are both employees of the University and take leave at the same time they can either:
  • both receive Occupational Pay for half the time and Statutory Pay for half the time, or
  • agree that one of the employees will receive Occupational Pay for the time they are both off and the other employee receive Statutory Pay

3.3.5. Any enhancements or awards due whilst are on Shared Parental Leave will be considered in the usual way and pro-rated appropriately based on the time at work.

4  Further Entitlements

4.1. Before going on Shared Parental leave, the line manager will plan with the employee how to ensure that their development needs are met upon return to work by agreeing some initial objectives. They can then begin to assess if any additional support is required. These initial objectives may be reviewed prior to return and discussions will incorporate any changes in circumstances. Employees may want to use Keeping in Touch Days (KiT Days) for this to facilitate a smooth return to work.

4.2. Line managers are responsible for maintaining contact whilst employees are on Shared Parental Leave. The employee and manager should agree the kind of contact to be maintained to keep up to date with developments in the workplace.

4.3. If the employee and line manager agree, the employee can do up to 20 KiT days during Shared Parental Leave. KiT days can only be taken during the Shared Parental Leave period (paid or unpaid) and not in any period of annual leave that may be added on to the end of the Shared Parental Leave period. If it is agreed that an employee will come in to work during any period of annual leave, their annual leave entitlement should be adjusted accordingly.

4.4. Entitlement to annual leave accrues during Shared Parental Leave. Annual leave may be taken immediately prior to, or immediately following Shared Parental Leave by agreement with line management. Staff are expected to take all of their holiday entitlement during the holiday year in which it accrues. However, where it is agreed with line management that this is not practicable due to operational reasons or exceptional circumstances, leave can be carried forward into the next holiday year but this must be taken at the end of the shared parental leave period, immediately prior to return to work.

4.5. Employees are entitled to be credited for Bank Holidays and University Closure Days that fall on their normal days of work during paid Shared Parental Leave.

4.6. To determine what the employee should be credited they should refer to the Annual Leave Calculator to determine the total number of Bank Holidays and Closure Days/hours that fall on their normal days of work during paid Shared Parental Leave. These days/hours must be taken at the end of the Shared Parental leave period before return.
5 Pensions

5.1. If the employee is a member of USS/RBP/NHS on a contributory basis, or are a member of NEST, contributions to the fund are made by both the employee and the university throughout the paid period of Shared Parental Leave.

5.2. Contributions are based on actual pay received for the pay period (including Shared Parental Pay); the University will contribute the balance required to ensure the employee continues to accrue pension benefits as though working at their normal rate of pay.

5.3. If the employee is taking unpaid leave they will be contacted by the Payroll and Pensions Team to discuss whether they wish to maintain contributions during the period of unpaid leave. If the employee chooses not to maintain their own pension contributions, membership of the scheme will continue in that they will continue to be covered by the death in service provisions, but will not accrue any pension benefits during this period. However, if employment comes to an end membership of the pension scheme will end with it unless transferred to another employment linked to the same scheme.

5.4. If the employee is an RBP/USS Pensions+ member they will continue with pensions salary sacrifice during paid periods of Shared Parental Leave, providing their salary less any salary sacrifices is not reduced below the National Minimum/Living Wage. Salary sacrifices cannot be made against any statutory payments including Shared Parental Pay, so the sacrifice will only apply to Occupational Shared Parental Pay. If the employee chooses to take a period of unpaid leave they will be contacted by the Payroll and Pensions Team to discuss whether they wish to increase their salary sacrifice on return to work to maintain pensionable service during the unpaid period.

5.5. If the employee does any KiT days during Shared Parental Leave, and this day is outside of the paid period of Shared Parental Leave, no pension contributions will be due. For further information contact the Payroll and Pensions Team.

6 Returning to Work

6.1. We will presume employees are going to return to work on the date stated on their Shared Parental Leave Notification Form(s).

6.2. If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the University at least eight weeks’ notice of their date of early return. This will count as one of the employee’s notifications. If they have already used their three notifications to book and/or vary leave
then the University does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

6.3. On returning to work after Shared Parental Leave, the employee is entitled to return to the same job if the employee’s aggregate total statutory maternity/paternity/adoption leave and Shared Paternity Leave amounts to 26 weeks or less, they will return to the same job, on the same terms and conditions of employment as if they had not been absent.

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

6.5. If the employee wishes to resign they should give the University the appropriate notice as stated in their conditions of service.

6.6. If the employee has received the benefits of the University’s Occupational Shared Parental Pay and do not return to work for at least one month at the end of Shared Parental Leave, the University has the right to reclaim all or part of the non-statutory element of Shared Parental Pay.

Related Policies and Documents:

Shared Parental Leave Procedure
Shared Parental Leave Forms 1 – 6 [Hyperlink]