

St Anne's College

Shared Parental Leave Policy (ShPL)

What is Shared Parental Leave and how does the scheme work

The ShPL and Shared Parental Pay (ShPP) statutory scheme enables eligible parents, if they so wish, to share a period of leave and pay in the 52 weeks immediately following the birth or adoption of their child.

If both parents meet the eligibility criteria, the mother/primary adopter has the option to end their maternity or adoption leave/pay or allowance early and to convert any 'unused' part of that leave and/or pay into ShPL and ShPP. A mother or primary adopter must take the first two weeks following the birth or placement of the child as compulsory maternity or adoption leave. After that, maternity or adoption leave and pay may be curtailed and eligible parents may split the remainder of the 52 week leave and 39 week pay entitlement, ie up to 50 weeks of leave and up to 37 weeks of pay, between them.

The minimum amount of ShPL and ShPP that can be taken is one week. SHPL can only be taken in blocks of complete weeks.

Any time spent on maternity or adoption leave by the mother or the primary adopter will reduce the amount of ShPL available by that amount. For example, where the mother curtails her maternity leave after the 20th week, the entitlement to ShPL is reduced by that amount, leaving 32 weeks' leave for the parents to share and take as ShPL.

Unlike maternity and adoption leave, time spent on paternity leave will not reduce the amount of ShPL and ShPP available. However, any untaken paternity leave entitlement will be lost as soon as the father/mother's partner starts a period of ShPL.

The scheme allows parents the opportunity to start and stop their shared leave and to return to work between the periods of leave. Parents are not obliged to take SHPL.

Terminology for the purpose of this guidance

For the purpose of this guidance:

- 'mother' refers to birth mothers
- 'primary adopter' refers to the designated primary parent in an adopting couple
- 'partner' refers to the child's father or the mother's/primary adopter's partner (who may be of the same sex), this could be a spouse, civil or long-term partner, but who is not her relative, such as a sibling, child or parent
- 'parent(s)' refers to one of two, or both people (who may be same-sex couples) who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father, or adoptive parents)
- 'qualifying week' is the 15th week before the Expected Week of Childbirth (EWC).

When can Shared Parental leave begin

Employees must satisfy the qualifying conditions for ShPL and they must comply with the notification requirements, as outlined in 'ShPL notifications - birth' or 'ShPL notifications - adoption' sections of this guidance. ShPL cannot begin before the birth or placement for adoption, or until the end of the compulsory two-week maternity or adoption leave period.

NB The other parent may be eligible to take SHPL before the mother's maternity leave ends, provided that the mother has given her curtailment notice. A curtailment notice is binding and she will therefore have committed to end her maternity leave on a future date).

How can a period of ShPL and ShPP be shared between parents

In order to share a period of SHPL and/or pay each parent must qualify for SHPL separately, ie in their own right.

After the two-week compulsory maternity or adoption leave, eligible parents may curtail their maternity or adoption leave and pay (or allowance) and take the remaining balance as SHPL. Parents have a maximum entitlement of 50 weeks of leave and 37 weeks of pay to share between them, as they see fit. Eligible parents can request to take SHPL in one continuous block of leave or they can request to book it in discontinuous blocks (i.e. ShPL it into shorter, discontinuous periods, with periods at work in between). Parents have the option of taking the leave together or at separate times. All periods of SHPL must be taken in the 52 weeks immediately following the birth or adoption of the child.

Requests for a continuous block of leave will be automatically approved (as is the case with maternity leave), provided the necessary notifications have been given. However, if employees wish to take SHPL in discontinuous blocks, they should discuss this with their Manager informally first, before submitting the request, as it may not always be operationally possible for the Manager to agree to this. Managers will not unreasonably refuse a request for discontinuous leave, and they may propose an alternative pattern of leave instead.

See the 'ShPL notifications - birth' or 'ShPL notifications - adoption' sections of this guidance for further notification details.

Below you can find some examples of how SHPL and ShPP can be taken.

ShPL examples

Example 1 (continuous block of leave): both parents are employees of the College

Mother goes on maternity leave two weeks before the baby is born and remains on maternity leave for a further two weeks following the birth, at full pay.

Father takes two weeks' ordinary paternity leave (OPL) at the time of the birth, at full pay.

Mother ends her maternity leave after a total of four weeks' maternity leave. SHPL begins immediately with a total of 48 weeks' leave entitlement and 35 weeks' pay, to be shared by both parents.

Mother and father take SHPL together at the same time for 11 weeks at full pay (exhausting 22 weeks of SHPL in total).

Father returns to work at the end of the 15th week from when the maternity leave started. The mother remains on SHPL for a further 26 weeks (13 weeks at statutory pay rate and 13 weeks unpaid).

The cost of SHPL is met by each employee's department:

The mother's will be paid:

Four weeks' maternity leave at full pay and 11 weeks' SHPL at full pay, 13 weeks at statutory pay rate.

The father's will be paid:

Two weeks' OPL at full pay and 11 weeks' SHPL at full pay.

Example 2 (discontinuous blocks of leave): partner is the employee of the College

Mother goes on maternity leave two weeks before the baby is born. Following the birth she remains on maternity leave for a further 12 weeks (total of 14 weeks).

Partner takes two weeks' ordinary paternity leave (OPL) at the time of the birth, at full pay and then returns to work immediately.

Mother returns to work after a total period of 14 weeks of maternity leave at which point ShPL begins and the father goes on a period of SHPL for 12 weeks, at full pay.

Partner returns to work at the end of the 26th week after the maternity leave started, at which point the entitlement to full pay under the College's scheme has been exhausted.

The mother goes back on ShPL (paid at the statutory rate) for a further 13 weeks and then returns to work.

The partner then takes the remaining period of 13 weeks of leave, unpaid.

The cost of the relevant proportion of the ShPL taken by the College employee (the partner) is met by their department.

The partner's will be paid:

Two weeks' OPL at full pay and 12 weeks' ShPL at full pay.

The mother's employer will pay:

14 weeks' maternity leave at whatever rate she is eligible to receive, 13 weeks' ShPP at the statutory rate of pay.

What happens if one of the parents has multiple employers

If the mother has multiple jobs, with more than one employer she must give notice to curtail her maternity leave to each of her employers at the same time in order to create leave under the ShPL provisions. A mother cannot take ShPL if she has only brought forward the date on which her maternity leave period ends with one of her employers (i.e. it is not possible to take maternity leave and ShPL at the same time). The same provisions apply to a primary adopter.

Where an employee (whether the mother or the partner) with multiple employers meets the qualifying criteria for ShPL and/or ShPP in their College employment, they can take leave and pay under the ShPL arrangements, as normal (subject to the provisions above concerning curtailing

maternity leave in all employment). If they also meet the criteria for ShPL and/or ShPP from an employment elsewhere, they can take the leave and pay from that employer as well.

An employee with multiple jobs/employers who qualifies for ShPL and/or ShPP in respect of each employment, is entitled to take ShPL from each of their employers.

Further information

The arrangements for this scheme are complex. This guidance covers general principles and most common scenarios. In the event of complicated cases, Manager/employees should contact HR for advice.