

Policy and procedure

Shared parental leave and pay

In Summary

In accordance with UK legislation, employees have the option to take statutory shared parental leave and where they meet eligibility requirements, to be paid statutory shared parental pay.

The aims of shared parental leave include enabling parents to have increased flexibility in how they share childcare during the first year of their child's life. Parents will be able to take it in turns to take periods of leave to care for their child and/or to take leave at the same time as each other.

Shared parental leave and shared parental pay are subject to continuous service and earnings requirements and must be taken within 52 weeks of the date of birth or adoption.

Eligible employees have the option to end their maternity/adoption leave early, and to convert the balance of this leave into shared parental leave to share with the other parent or their partner.

The policy applies to all employees regardless of the gender identity of the employee or the employee's partner.

Employees will need to give their line manager/Head of Department at least eight weeks' notification of the start date for any period of shared parental leave to be agreed.

Shared parental leave may be taken as one block of continuous leave, or separate blocks of (discontinuous) leave periods interspersed with periods of work. A maximum of three leave requests may be submitted within the 52-week period.

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1. Purpose

1.1. The University is fully committed to promoting equality of opportunity and enabling working parents to balance work and family responsibilities.

1.2. In accordance with UK legislation, parents have the option to take statutory shared parental leave and where they meet eligibility requirements, to be paid statutory shared parental pay.

2. Scope

2.1. Shared parental leave and shared parental pay is available to all employees at the University, subject to a number of eligibility requirements which are set out below.

2.2. The policy applies to all employees regardless of the gender identity of the employee or the employee's partner.

3. Eligibility

3.1 Shared parental leave

3.1.1. Parents are able to share up to 50 weeks of shared parental leave and may decide to be off work at the same time and/or to take it in turns to take leave to care for their child.

3.1.2. There is a two-stage test for eligibility for shared parental leave. Employees will need to be eligible in their own right, and their partner will also need to meet certain [eligibility criteria](#).

3.1.3. To be eligible for shared parental leave each parent will need to pass the continuity of employment test which includes:

- To have at least 26 weeks of continuous service with the University at the end of the 15th week before the week the child is due (or the week in which adoption notification was advised)
- To still be employed by the University in the week before their shared parental leave is to be taken.

3.1.4. If only one parent meets the continuity of employment test requirements that parent may still qualify for shared parental leave, if their partner meets the requirements of the employment and earnings test which includes:

- To have worked for at least 26 weeks (this does not need to be continuous) in the 66 weeks prior to the expected week of childbirth/date of adoption commencement.
- To have earned at least £390 in total in 13 of the 66 weeks.

3.1.5. If adoption is via a surrogacy arrangement the primary adopter and the secondary adopter may be eligible for shared parental leave.

3.1.6. The duration of shared parental leave is not extended for multiple births from one pregnancy, or the adoption of more than one child at the same time.

3.2. Statutory shared parental pay

3.2.1. To qualify for statutory shared parental pay the parent must have met the continuity of employment test (please see 3.1.3.), and to have earned an average salary of the lower earnings limit of £123 per week or more for the eight week period prior to the expected week of childbirth.

3.2.2. A maximum of 37 weeks of statutory shared parental pay is payable.

3.2.3. Statutory shared parental pay is paid weekly at the statutory rate or 90% of average weekly earnings (whichever is lower). Rates may change in line with national increases and can be found [here](#).

3.3. University shared parental pay

3.3.1. If the parent who is pregnant or has given birth/primary adopter is eligible for the University's maternity/adoption pay (please see the University's Maternity and Adoption policies) and the other parent is an employee at the University and also meets the eligibility requirements, they may share any unused University maternity/adoption pay. The enhanced pay will need to be shared in the time period which applies for the University's maternity/adoption pay.

3.3.2. The eligibility requirements which both parents must meet for University Shared Parental Pay include:

- One year of continuous service by the expected week of childbirth/date of adoption commencement
- Earnings above the lower earnings limit of £123 per week
- Return to work for at least three months after the end of each employee's final period of shared parental leave.

3.3.3. Payment of University shared parental pay will incorporate any statutory shared parental pay payable.

3.3.4 Employees are required to return to work for at least three months after the end of shared parental leave. If the employee does not return to work for this period, the University will reclaim the non-statutory elements of shared parental pay.

4. Paternity leave and pay

4.1. The two weeks of paid paternity leave will continue to be available to parents, who share the childcare (please see the University's [Paternity Leave policy](#)), subject to the qualifying criteria for paternity leave and pay.

4.2. Time spent on paternity leave will not reduce the amount of shared parental leave and shared parental pay available. Paternity leave must be taken prior to any shared parental leave. However, any untaken paternity leave will be lost as soon as the employee starts a period of shared parental leave.

5. Procedure

5.1. In accordance with UK legislation, the employee must take the first two weeks after giving birth as maternity leave. The primary adopter must take at least two weeks of adoption leave.

5.2. Employees have the option to give notice to end their maternity/adoption leave early, and to convert the remaining leave into shared parental leave to share with their partner.

5.3. Parents must give the University eight weeks' notice of an earlier end date of their maternity or adoption leave in order to convert it into shared parental leave. Once an individual has returned to work at the University, the maternity/adoption leave will end and cannot be re-started.

5.4. By giving notice to end maternity/adoption leave and convert the leave to shared parental leave, where eligible the partner could take shared parental leave whilst the other parent is still on maternity/adoption leave.

5.5. Notification to the manager/Head of Department must be in writing and requires the following:

- The employee's name and department
- The name of the other parent/partner
- The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken or received in respect of the child and the total amount of shared parental leave and shared parental pay available
- The date on which the child is expected to be born and the actual date of birth, or in the case of an adopted child, the date on which the parent was notified of having been matched with the child and the date of placement for adoption
- The duration and dates of shared parental leave each parent intends to take
- A signed declaration from the parents
- That if the parent or their partner should no longer be eligible for shared parental leave they will inform their manager/Head of Department and HR.
- A copy of the MAT B1 certificate (where applicable)

5.6. Individuals will also need to obtain a signed declaration from their partner confirming:

- Their name, address and national insurance number
- That they are the other parent or primary adopter of the child, or are the partner
- That they satisfy either the continuity of employment test or the employment and earnings test
- That they consent to the amount of shared parental leave that the employee intends to take
- That they consent to the University processing the information contained in the declaration form.

5.7. A maximum of three requests for shared parental leave can be submitted by each parent within the 52 week period.

5.8. Parents must give eight weeks' written notice of each period of continuous shared parental leave requested.

5.9. All notices for a continuous period of leave, where eligible, will be accepted provided the necessary notifications are given.

5.10. If the baby arrives prematurely the eight weeks' notice of entitlement will be deemed to have been satisfied if notice of the period of shared parental leave is given as soon as reasonably practicable after the birth.

5.11. An important element of shared parental leave is that the leave may be requested as separate (discontinuous) leave (in blocks of leave of at least one week) interspersed with periods at work. It may not always be operationally possible for departments to agree to discontinuous leave. However, managers/Heads of Departments must not unreasonably refuse a request for discontinuous leave and must respond to the requests within 14 calendar days of receipt of the request.

5.12. Parents must give eight weeks' written notice of the start date of the first period of any discontinuous leave requested.

5.13. Each notification may contain either; (a) a single period of continuous weeks of leave; or (b) discontinuous leave, with a return to work in between periods of shared parental leave.

5.14. If a request for discontinuous leave is not reasonably operationally viable, parents have the following options:

- To take the leave in one block
- To withdraw the request
- To request alternative dates for the discontinuous leave.

5.15. Shared parental leave can only be taken in complete weeks and needs to be in blocks of at least one week. Shared parental leave may begin on any day of the week.

6. Contact during shared parental leave

6.1. Parents may be contacted during shared parental leave by the University or department to ensure they are kept up to date with relevant information.

6.2. The legislation provides the option of 'shared parental leave in touch' days for each parent to work during shared parental leave. Parents may each take up to 20 shared parental leave in touch days. These days are in addition to the 10 'keeping in touch' days available on maternity or adoption leave. There is, however, no requirement to carry out shared parental leave in touch days, nor for departments to agree to these days.

6.3. If parents take a shared parental leave in touch day they will receive normal full pay for any day or part of a day worked which should be processed via SuccessFactors. If a shared parental leave in touch day occurs during the week when parents are receiving shared parental pay or no pay, they will receive normal full pay when working on a shared parental leave in touch day.

7. Pension membership

7.1. Members remain in their existing pension scheme during shared parental leave. Subject to scheme rules for USS, NHS or UPS contributions will be as follows:

- During any normal full pay period contributions will be deducted and made as usual
- During any periods of reduced pay or shared parental pay, employee contributions will be deducted based on the level of actual pay or shared parental pay. The University will make up normal member contributions and pay employer's contributions as if the employee was being paid normal full pay.
- In some circumstances during any periods of unpaid leave, pension membership can be suspended.

7.2 Employees participating in salary sacrifice for their pension immediately prior to shared parental leave should contact the Pensions team for guidance on any potential impact.

7.3 Further enquiries on the implications of shared parental leave on pension membership, including whether it would be possible to make good any periods of suspended pension scheme membership should be directed to the Pensions team.

7.4 Employees are strongly advised to contact the Pensions team (HR.Pensions@warwick.ac.uk) prior to shared parental leave commencing, in order to understand any specific pension implications relating to individual circumstances.

8. Holiday entitlement

8.1. Individuals will accrue normal contractual annual leave during the full period of shared parental leave. Statutory and customary days which fall during the period of shared parental leave are accrued at the normal entitlement. In accordance with University policy, leave for the year to 30 September will be lost if not taken by 31 March in the calendar year following the leave year. However, if shared parental leave prevents an individual from taking the accrued annual leave before 31 March the leave owing may be carried over into the new leave year.

8.2. Annual leave may only be taken before or after a period of shared parental leave.

8.3. In general, academic colleagues take annual leave during vacation (University student holidays) so that teaching commitments can be met. If, however, the majority of shared parental leave falls across a vacation and it is not possible to take annual leave out of term time, consideration will be given to allowing annual leave in term time. As much notice as possible should be given in this situation so that departments have the chance to accommodate requests.

9. Return to work

9.1. Individuals taking no more than 26 weeks in total of shared parental/maternity/adoption/paternity leave are entitled to return to the same job. If the total absence period is more than 26 weeks then individuals are entitled to return to the same job, or if that is not practicable, to return to a suitable alternative job on no less favourable terms and conditions.

9.2. Individuals may return to work earlier or later than previously notified provided eight weeks' written notice has been given.

9.3. Return from shared parental leave should be confirmed to HR as soon as possible by the manager/Head of Department.

9.4. Individuals who do not wish to return to work following shared parental leave should inform their manager/Head of Department of this in writing, giving the notice required in their contract.

10. Expiry of fixed term contracts

10.1. If the contract of employment expires during shared parental leave, or within 52 weeks of the start of shared parental leave, individuals should talk to their manager/Head of Department and the HR Business Partner.

11. Responsibilities

11.1. Manager/Head of Department

11.1.1. Managers/Heads of Departments are responsible for ensuring colleagues are aware of the policy and procedures, and that any requests submitted are in line with the notice and information requirements detailed in this policy.

11.1.2. Managers/Heads of Departments are responsible for ensuring that HR receive adequate notice of any leave periods and return to work dates so that colleagues receive the correct pay.

11.1.3. Managers/Heads of Departments will need to carefully consider any shared parental leave requests submitted for discontinuous leave and only refuse the requests (after prior discussion with their HR Adviser) if it is

not operationally viable. A decision on discontinuous leave requests needs to be provided within 14 days of receipt of the request.

11.2. Human Resources

11.2.1. HR Business Partners will work with individuals and departments to provide guidance as required.

11.3. Individuals

11.3.1. Individuals are responsible for ensuring that they are familiar with the policy and procedures, and that they submit any requests for shared parental leave in line with the notice and information requirements detailed in this policy.

12. Organisational changes

12.1. If a post becomes at risk of redundancy whilst an employee is on shared parental leave or is within an additional protected period of 18 months from the child's actual date of birth (provided that the employee has taken a period of at least 6 consecutive weeks of shared parental leave) they will be contacted and consulted about the situation, which will be managed in accordance with the relevant University procedure. This will include the opportunity to attend a meeting or, depending on circumstances, the opportunity to discuss via telephone, or to present written questions. The employee has the right to be offered suitable alternative employment in preference to other employees, who may also be at risk. The post offered must be on terms and conditions which are not substantially less favourable than their original post.

12.2 If the employee has also taken maternity or adoption leave, then the relevant redundancy protection periods apply instead.

12.3. In line with the University's Redeployment policy employees will be:

- Considered for any vacancies which arise in the department and the wider University where the employee has expressed an interest in the vacant post(s)
- If requested employees will be sent copies of the University's vacancy notices for all requested categories of posts.

12.4. If an employee wishes to be considered for redeployment, they will need to provide a CV and a completed redeployment requirement form. If an employee identifies a potential redeployment opportunity or considers that they meet the essential criteria of a post they must notify the relevant HR Adviser at the earliest opportunity with confirmation of the closing date for the post, so that this can be considered in line with the University's Redeployment policy.

13. Breaches of the policy/procedure

13.1. All individuals are responsible for ensuring that University policies and procedures are adhered to and implemented in a consistent and fair way. Where queries or issues arise, the HR Adviser should be contacted for guidance.

14. Confidentiality

14.1. Information shared for the purposes of shared parental leave will be classed as confidential information and only shared for the required purposes of considering and agreeing any period of shared parental leave.

15. Further information

15.1. Increments and/or cost of living increases will continue during leave and will be taken into account for the calculation of pay and shared parental pay.

15.2. If individuals are on shared parental leave they will be contacted as appropriate about any merit pay or senior staff review schemes in operation during their leave.

15.3. Eligibility for study leave will continue to accrue during shared parental leave.

15.4. Employees on a career break may not be eligible for University shared parental pay. Eligibility for statutory shared parental pay may be affected during a career break and advice should be sought from your HR Business Partner.

15.5. Payslips will continue to be available to view and download on Success Factors during shared parental leave.

15.6. Further information is available from HR Business Partners, the Payroll team and from Jobcentre Plus.

15.7 Further guidance and a tool to help plan shared parental leave is available on the government website below:

<https://www.gov.uk/plan-shared-parental-leave-pay>

16. Equality Impact Assessment

16.1. The University of Warwick recognises its responsibility to ensure that no-one is discriminated against or disadvantaged in relation to a protected characteristic which include: age, disability, sex, trans and gender reassignment, maternity, paternity and adoption, marriage and civil partnership, race, religion or belief, or sexual orientation. For further information, please refer to the University's Diversity and Inclusion website.



16.2. The Shared Parental policy and procedure has been assessed as being of high relevance to our duties under equality legislation and the University will review its impact on equality and diversity, identify any inequalities by regular monitoring, and take action where necessary.