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**Shared Parental Leave and Pay – FAQ’s**

Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. SPL is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents are able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

**I would like to take SPL…**

**Does SPL replace existing Maternity Leave and Paternity/Partner Leave policies?**

No, SPL hasn’t replaced the Statutory Maternity, Adoption or Paternity/Partner Leave and Pay, it complements it. Working parents can now decide whether they would like to swap some of their maternity or adoption leave for Shared Parental Leave and allow their partner to be involved with the childcare.

**Am I eligible for SPL?**

To qualify for SPL a mother/father/partner/adopter must meet the following criteria:

* be an employee, and remain employed by BU while taking SPL
* have a partner with whom they share the primary responsibility for the child at the time of the birth or the placement for adoption
* the mother/adopter must be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance
* the mother/adopter must have curtailed, or given notice to curtail, their maternity/adoption leave (or their pay/allowance, if not eligible for maternity/adoption leave)
* the employee requesting SPL must pass the ‘continuity test,’ which requires them to have a minimum of 26 weeks' service at the end of the 15th week before the child’s expected due date/matching date
* the father/partner must meet the ‘employment and earnings test’ requiring them in the 66 weeks leading up to the child’s expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks

See the [Shared Parental Leave Eligibility Criteria & Requirements Table](https://intranetsp.bournemouth.ac.uk/pandp/Shared%20Parental%20Leave%20Eligibility%20Criteria%20Table.docx) for more details.

**What if I am on a fixed term contract?**

You are entitled to SP and ShPP, presuming you meet the eligibility criteria for SPL and your fixed term contract doesn’t expire until after you complete your Shared Parental Leave.

**How does SPL work?**

SPL may be taken at any time within the period which begins 2 weeks after the date the child is born or date of the placement and ends 50 weeks after that date (when the child turns 1, or 12 months after the placement). Leave must be taken in complete weeks and may be taken in a continuous period, which an employer cannot refuse. Requests for discontinuous periods of leave (where you take leave in blocks separated by periods of work) will be considered on a case-by-case basis by the line manager taking into consideration the business needs of the Faculty or Service.

In summary SPL can:

* start on any day of the week
* only be taken in complete weeks (so if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday)
* be taken as continuous or discontinuous leave
* be taken using three separate notices to book leave, giving at least 8 weeks’ notice
* be taken by the father/partner, while the mother/adopter is still on maternity/adoption leave if the mother has submitted a notification to curtail her maternity/adoption leave
* be taken at the same time by both parents.

**How do I apply for SPL?**

There are 3 different forms required to apply for SPL:

* [Maternity / Adoption Leave Curtailment Notice](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20-%20Revocation%20of%20MaternityAdoption%20Leave%20Curtailment%20Notice.docx) (if you are the mother / primary adopter)
* A [Notification of Entitlement and Intention form](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Notification%20of%20Entitlement%20Form.docx)
* A [Shared Parental Leave Booking Notification form](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Booking%20Form.docx)

You must comply with the required statutory notification timeframes. A mother or adopter will be able to end their maternity or adoption leave before the end of their 52 week entitlement by submitting a [Maternity / Adoption Leave Curtailment Notice](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20-%20Revocation%20of%20MaternityAdoption%20Leave%20Curtailment%20Notice.docx) giving their employer 8 weeks’ notice of their planned return to work and then going back to work.

You must provide written notice of entitlement and of your intention to take SPL at least eight weeks’ before the start of the first period of SPL to be taken by completing the [Notification of Entitlement and Intention form](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Notification%20of%20Entitlement%20Form.docx). This form includes a declaration signed by you that:

* you share main responsibility for the child;
* you satisfy, or will satisfy, the eligibility requirements to take shared parental leave and pay;
* the information you give in the notice of entitlement and intention is accurate; and
* you will immediately inform the organisation if you cease to care for the child.

You will also need to get your partner to provide certain information on this form and sign the declaration.

The [Shared Parental Leave Booking Notification form](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Booking%20Form.docx) sets out the start and end dates of each period of shared parental leave you are requesting and must be submitted each time a period of SPL is booked, **at least 8 weeks before** the start of each period of SPL. Each parent can submit this booking form a maximum of 3 times. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, when the employee intends to return to work between periods of leave. If you have requested discontinuous leave, your line manager will meet with you to discuss the request.

**Can I change my mind?**

Once you have submitted a [Shared Parental Leave Booking Notification form](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Booking%20Form.docx), you can vary or cancel your shared parental leave dates by providing the University with at least eight weeks' written notice and completing a [Variation to Shared Parental Leave Booking form](https://intranetsp.bournemouth.ac.uk/formsrep/Variation%20to%20SPL%20Booking%20-%20final.docx).

If a mother or adopter has given notice to curtail their maternity or adoption leave they may revoke (withdraw) the notice only if they have not returned to work, the curtailment date has not passed, and one of the following circumstances apply:

* Where it is discovered in the 8 weeks following the notice that neither the mother/adopter nor their partner has any entitlement to SPL or ShPP.
* In the event of the death of the partner.
* (for mothers only) If the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the six weeks following the birth.

To revoke you must complete the [Revocation of Maternity/Adoption Leave Curtailment Notice](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20-%20Revocation%20of%20MaternityAdoption%20Leave%20Curtailment%20Notice.docx).

If a mother or adopter revokes their notice in the first two circumstances, there is no further opportunity to opt into shared parental leave at a later date for the same child.

A mother who revokes her maternity leave curtailment notice within 6 weeks of the birth in the last of the above circumstances will be able to opt into shared parental leave at a later date with the same partner - either by returning to work and then giving notice of entitlement to shared parental leave to her employer; or by giving another notice to curtail her maternity leave.

If you decide to revoke your notice to end your maternity or adoption leave, you will remain on maternity or adoption leave. Your entitlement to maternity or adoption leave is restored to a total of 52 weeks, even if your partner has taken shared parental leave prior to you revoking your leave curtailment notice.

**When will you respond to my request?**

Once your line manager receives the [Shared Parental Leave Booking Notification form](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Booking%20Form.docx), it will be dealt with as soon as possible, but a response will be provided by the line manager no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the staff member and to BU against the impact to the business. The line manager can:

* Consent to the pattern of leave requested;
* Propose an alternative pattern of leave; or
* Refuse the pattern of leave requested

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 SPL.

Staff will be informed in writing of the decision by the line manager as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

**Will my employer check my eligibility declaration?**

BU may, within 14 days of the [‘Notification of Entitlement’ form](http://intranetsp.bournemouth.ac.uk/formsrep/Notification%20of%20Entitlement%20-%20final.docx) being received request further evidence of eligibility. This may include:

* the name and business address of the partner’s employer (or in the case that the employee’s partner is no longer employed or is self employed their contact details must be given instead). The University may contact the partner’s workplace to request details of the notice confirmation that they have received.
* in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
* in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were was notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the University’s request.

It is the employee’s responsibility to check that they are eligible for SPL and ShPP and we will normally grant leave and pay based on the information and declarations provided by the employee. If it is subsequently discovered that ShPP was incorrectly paid, we will correct our records and may recover wrongly paid ShPP as an overpayment of wages, as applies to all statutory payments.

The HMRC advises that if a fraudulent claim is made or has reason to suspect that a fraudulent claim has been provided, a decision may be taken by them to investigate further. It may be necessary that the matter is also be dealt with under the University’s [Disciplinary Procedure](http://intranetsp.bournemouth.ac.uk/policy/disciplinary-procedure.doc) as such matters could constitute gross misconduct.

**Is SPL paid?**

Yes. Statutory Shared Parental Pay (ShPP) is available to eligible employees for up to 37 weeks while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. ShPP is £140.98 a week or 90% of your average weekly earnings, whichever is lower. ShPP increases on an annual basis on 5 April.

**Will BU pay enhanced Shared Parental Pay?**

BU pays Statutory ShPP.

**What happens to my contractual maternity / adoption pay if I go on shared parental leave?**

Once you commence a period of shared parental leave, your contractual maternity pay will cease and you will be paid at the statutory shared parental pay rate.

**Am I eligible for Statutory Shared Parental Pay (ShPP)?**

The criteria for eligibility for Statutory Shared Parental Pay (ShPP) are the same as those for statutory maternity/adoption pay. To be eligible for ShPP the mother/adopter must have been eligible for statutory maternity/adoption pay or maternity allowance.

In addition the father/partner must meet the ‘employment and earnings test’ requiring them in the 66 weeks leading up to the child’s expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks.

[**If I take shared parental leave with my partner, who is responsible for paying my partner?**](http://www.ucl.ac.uk/hr/docs/shpl_faqs.php)

If you take shared parental leave with your partner, it is the employer of your partner who is responsible for paying your partner. You do not have a right to transfer entitlement of any enhanced maternity or adoption pay to your partner.

**My partner also works for the University; can we both take shared parental leave?**

Yes, if you and your partner both meet the eligibility requirements for shared parental leave you may both share the leave available and the payments.

**Can I take shared parental leave at the same time as my partner?**

Yes. Shared parental leave is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life. It means you can take it in turns to have periods of leave and pay to care for your child, and/or take leave and pay at the same time as each other.

**Can my partner take SPL while I’m still on maternity/adoption leave?**

Yes, if you have indicated to us the date on which you will be curtailing your maternity leave, and all the relevant eligibility criteria and notice requirements are satisfied, your partner can begin a period of shared parental leave while you are still on maternity leave.

**Can I take shared parental leave if I’m having a child through adoption or surrogacy?**

Yes, shared parental leave is available to a couple adopting a child. If the couple meet the eligibility requirements, the main adopter, i.e. the person who will be able to take adoption leave, can curtail his or her adoption leave and share the untaken leave with his or her partner as shared parental leave

If you are having a child through a surrogate mother and you have a parental order in relation to a child, or are applying for one, you or your partner can be eligible for adoption leave and pay and the other be eligible for paternity leave and pay. You and your partner must elect which of you will take adoption leave. If you take adoption leave in these circumstances you can curtail your adoption leave and take shared parental leave with your partner, provided you both meet the relevant eligibility requirements.

**Can I still take paternity leave?**

Yes, you will still be able to take one or two weeks' ordinary paternity leave within the first 56 days following the child's birth. However, an employee cannot take ordinary paternity leave if he or she has already taken a period of SPL in relation to the same child. Therefore, you can choose to take both ordinary paternity leave and SPL, but the period of ordinary paternity leave must come first.

**Do I accrue annual leave while I am on SPL?**

Your [annual leave](http://intranetsp.bournemouth.ac.uk/policy/annual-leave-policy-and-entitlements.doc) entitlement will continue to accrue at your contractual rate during SPL. This is inclusive of UK recognised public/bank holidays as well as any planned University closure days at the discretion of the Vice-Chancellor, pro rata for part-time staff.

You are encouraged to use any annual leave accrued immediately prior to and/or immediately following SPL and you should be aware that once you return to work the normal rules for carrying annual leave forward will apply.

**Am I still eligible for a pay award or promotion if I am on SPL?**

During SPL employees will continue to be eligible for general pay awards and consideration for pay progression/salary increments and promotion (if applicable) providing they meet the scheme’s criteria.

**What happens to my child-care vouchers while I’m on SPL?**

If you have been receiving childcare vouchers through salary sacrifice before your shared parental leave began you are entitled to continue to receive childcare vouchers throughout your shared parental leave.

**What happens to my pension contributions while I am on SPL?**

***Members of the teachers’ pension scheme (TPS)***

Members of TPS will automatically pay pension contributions during paid periods of SPL. The contribution rate that both BU and the member pay will be based upon notional pay (what you would normally receive if not on SPL), but the rate is applied to the actual ShPP received during this period.

TPS members are not able to continue to pay pension contributions during any period of unpaid SPL. However, upon return to work from SPL it is possible for members to elect to purchase Additional Pension up to a maximum of £5000 per annum. Members can do this at different times and buy the additional pension in multiples of £250. Members can choose to make a one off payment, or can have monthly deductions taken from their salary. Staff wishing to add to their pension in this way should request to do so in the relevant section of the [[Notification of Entitlement form.](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Notification%20of%20Entitlement%20Form.docx)](http://intranetsp.bournemouth.ac.uk/formsrep/Notification%20of%20Entitlement%20-%20final.docx) They will then receive Teachers Pensions Leaflet “Additional Pension” which contains the election form ADD PEN. The completed form ADD PEN should be returned to Human Resources for forwarding to Teachers’ Pensions.

***Members of the local government pension scheme (LGPS)***

Members of the LGPS will automatically pay pension contributions during the paid periods of SPL period. The contributions that BU pays will be based on the employee’s *normal* monthly salary; however the contributions that the employee pays will be based on the ShPP received during this period.

LGPS members may elect to continue to pay contributions during an unpaid period of SPL. If they decide to pay, the contributions due will be based on the ShPP received immediately before the period of unpaid leave commenced. Members will only be required to pay the *employee* contribution. The university will pay the *employer* contribution. Staff wishing to maintain their pension contributions in this way should elect to do so in the relevant section on the [[[Notification of Entitlement form.](http://intranetsp.bournemouth.ac.uk/formsrep/Notification%20of%20Entitlement%20-%20final.docx)](https://intranetsp.bournemouth.ac.uk/formsrep/SPL%20Notification%20of%20Entitlement%20Form.docx).](http://intranetsp.bournemouth.ac.uk/formsrep/Notification%20of%20Entitlement%20-%20final.docx)

If members elect to maintain their LGPS pension contributions during a period of unpaid SPL, they may do so either:-

(i) by paying a lump sum on their return to work; or

(ii) by authorising monthly deductions from their salary over an agreed period of time on their return to work.

For more information see the SPL FAQ’s.

**What are Shared Parental Leave In Touch days?**

An employee can agree to work for BU (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days.

An employee who takes a SPLIT day will receive a normal days pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively ‘topped up’ so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

SPLIT days are optional and should be agreed with your line manager in advance.

SPLIT days are in addition to the 10 Keeping In Touch (KIT) days which will continue to be available to an employee whilst on maternity/adoption leave.

**What are my options at the end of my SPL?**

We would love to see you return to work at the end of your SPL. You have the right to return to the same job on the same terms and conditions as when you left, unless this is not reasonably practicable, however you may decide that you need to make some changes to better support your new family life.

Full consideration will be given to requests from employees who wish to change their working pattern upon return from maternity leave. You should submit a flexible working application as far in advance of the return date as reasonably practicable. Flexible working in the context of the “right to request” applies to a permanent change to an employee’s contract of employment and does not cover occasional or temporary changes. For further details please refer to the University’s [Right to Request Flexible Working scheme](http://intranetsp.bournemouth.ac.uk/policy/flexible-working.docx).

You may consider a career break or academic study leave, providing you meet certain criteria. For more information, please refer to the [Career Break Scheme](http://intranetsp.bournemouth.ac.uk/policy/career-break-scheme.doc) and [Academic Study Leave scheme](http://intranetsp.bournemouth.ac.uk/policy/academic-study-leave-policy.doc).

**Is my job protected while I’m on SPL?**

You have the right to return to the same job after taking a period of shared parental leave if the period of leave (when added to any period of statutory maternity, paternity or adoption leave taken by you in relation to the same child) is 26 weeks or less.

The job must be the same in terms of the nature of the work, the capacity in which you were employed, the place of work and on terms and conditions no less favourable.

If you have taken more than 26 weeks (when added to any period of statutory maternity, paternity or adoption leave taken by you in relation to the same child) you have the right to return to the same job unless it is not reasonably practical to do so.

**What if I resign whilst on SPL?**

If you decide not to return to work after taking SPL, then you should notify your Line Manager and Human Resources, in writing, giving your contractual period of notice and stating the date of your resignation.

**What other family friendly policies are available to me after SPL?**

Flexible Working / Change of Hours

You have no statutory or contractual right to return from SPL on different hours or terms and conditions. However, the University will consider favourably any [flexible working request](http://intranetsp.bournemouth.ac.uk/policy/flexible-working.docx) to reduce or alter working hours. While service delivery needs must be a priority, and it is not possible to guarantee that any such request will be authorised, the University will make every effort to reach an agreement on mutually convenient working hours.

Flexible working in the context of the “right to request” applies to a permanent change to an employee’s contract of employment and does not cover occasional or temporary changes.

If you would like this option to be considered, you should speak to your line manager as soon as possible. The procedure for requesting flexible working can be found [here](http://intranetsp.bournemouth.ac.uk/policy/flexible-working.docx).

Parental Leave

Unpaid parental leave for a period of up to 18 weeks is available to employees with 12 months continuous service with the University. Parental leave can be taken immediately after SPL. A request should be made to an employer giving 21 days’ notice of the start date of the parental leave.

For more information, please refer to the [Parental Leave](https://intranetsp.bournemouth.ac.uk/policy/Parental%20Leave%20policy.doc) information on the staff intranet.

Career Break Scheme

A career break is an unpaid, formal arrangement to release an employee from employment for an agreed period of time, with an undertaking to re-employ them at the end of that time.

A career break will not be less than 3 calendar months, or longer than 2 years. Employees must have at least one year’s service at the start of the career break, and complete an [Application Form for Unpaid Career Break](http://intranetsp.bournemouth.ac.uk/formsrep/Application%20Form%20for%20Unpaid%20Career%20Break.docx). This form must be completed at least three months prior to the commencement of the proposed career break.

For more information, please refer to the [Career Break Scheme](http://intranetsp.bournemouth.ac.uk/policy/career-break-scheme.doc).

Study Leave Scheme (Academic staff)

Paid Academic Study Leave may be granted to academic staff for up to three months normally for the purpose of progressing and enhancing their research, education, or professional practice which benefits the individual, the Faculty and the University as a whole in terms of its academic footprint.

To be eligible, academic staff will have needed to complete at least two years’ service with Bournemouth University. Whilst normally three months will be granted, a maximum application of the equivalent of nine months may be allowed in exceptional circumstances.

Further details and information on how to apply are available [here](http://intranetsp.bournemouth.ac.uk/policy/academic-study-leave-policy.doc).