### **Shared Parental Leave**

This policy is effective from 1 December 2015. This policy replaces all other of Shared Parental Leave policies, whether written or not.

**1. Purpose**

Edinburgh Napier University aims to sets out the statutory rights and responsibilities

of staff members who wish to take statutory Shared Parental Leave (SPL) and

Statutory Shared Parental Pay (ShPP). Shared Parental Leave enables eligible

parents to choose how to share the care of their child during the first year of birth or

adoption. Its purpose is to give parents more flexibility in considering how to best

care for and bond with their child. All eligible staff members have a statutory right to

take Shared Parental Leave. There may also be an entitlement to Shared Parental

Pay.

**2. Application of Policy**

This Policy applies to staff members of Edinburgh Napier University, collectively referred to in this Policy as ‘staff members’.

**3. Variations to this Policy**

Edinburgh Napier University reserves the right to terminate, replace, or vary this policy from time to time.

**4. Rights and Responsibilities**

Edinburgh Napier University will:

* Recognise that, from time to time, staff members may have questions or concerns relating to their shared parental rights. It is our policy to encourage open discussion with staff members to ensure that questions and problems can be resolved as quickly as possible. Staff members should clarify the relevant procedures with their line manager and/or Human Resources to ensure that they are followed.

All staff members must:

* Ensure that the appropriate notification procedures (including providing the required documented evidence) are adhered to when requesting Shared Parental Leave. They should also ensure that communication also takes place with their partner’s employer to ensure that the appropriate entitlements are provided to both parents.

.

**5. Eligibility for Shared Parental Leave**

SPL can only be used by two people:

* The mother/adopter **and**
* One of the following:
	+ the father of the child (in the case of birth) or
	+ the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of

the birth/placement for adoption.

Additionally a staff member seeking to take SPL must satisfy each of the following

criteria:

* the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave. If not entitled to statutory maternity/adoption leave, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance, and must have ended or given notice to reduce any maternity/adoption entitlements;
* the staff member must still be working for the University in the week before the start of each period of SPL;
* the staff member must pass the ‘continuity test’ requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child’s expected due date/at the end of the week in which the adopter is notified as having been matched with a child for an adoption (‘the matching date’);
* the staff member’s 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 to have worked (in an employed or self-employed capacity) for at least 26 of those weeks and earned an average of at least £30 a week in any 13 of those weeks;
* the staff member must correctly notify the University of their entitlement and provide evidence as required.

**6. Shared Parental Leave Entitlement**

Eligible staff members may be entitled to share up to 50 weeks SPL during the

child’s first year in the family. 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 curtail their maternity/adoption leave earlier than

the full period of entitlement, then they and/or their partner may opt-in to the SPL

system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by

returning to work before the full entitlement of 52 weeks has been taken, or they may

give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to

Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity

Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they

do this, their partner may be entitled to up to 50 weeks of SPL.

SPL can commence as follows:

* The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
* The adopter can take SPL after taking at least two weeks of adoption leave
* The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter’s partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the staff member's chosen start date specified in

their leave booking notice, or in any subsequent variation notice (see Section 11:

Booking Shared Parental Leave and Section 13: Variations to arranged Shared

Parental Leave below).

If the staff member is eligible to receive it, Shared Parental Pay (ShPP) may be paid

for some, or all, of the SPL period (see Section 14 Shared Parental Pay).

SPL must end no later than one year after the birth/placement of the child. Any SPL

not taken by the first birthday or first anniversary of placement for adoption is lost.

**7. Notifying the University of an entitlement to Shared Parental Leave**

A staff member entitled and intending to take SPL must give their line manager

notification of their entitlement and intention to take SPL, at least eight weeks before

the date they intend their SPL to start.

Part of the eligibility criteria requires the staff member to provide the University with

correct notification. Notification must be in writing and requires each of the following:

* the name of the staff member;
* the name of the other parent;
* the start and end dates of any maternity/adoption leave or pay, or maternity allowance taken in respect of the child;
* the total amount of SPL available, which is 52 weeks minus the number of weeks’ maternity/adoption leave, SMP, SAP or MA period taken or to be taken;
* the date on which the child is expected to be born or the actual date of birth if the baby has been born, or in the case of an adopted child, the date on which the staff member was notified of having been matched with the child and the date of placement for adoption;
* the amount of SPL the staff member and their partner each intend to take
* a non-binding indication of when the staff member expects to take the leave, including suggested start and end dates for each period of leave.

The staff member must provide the University with a signed declaration stating:

* that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
* that the information they have given is accurate;
* if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
* that should they cease to be eligible they will immediately inform the University.

The staff member must provide the University with a signed declaration from their

partner confirming:

* their name, address and national insurance number (or a declaration that they do not have a national insurance number);
* that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
* that they satisfy the ‘employment and earnings test’ and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the staff member;
* that they consent to the amount of SPL that the staff member intends to take;
* that they consent to the University processing the information contained in the declaration form; and
* in the case where the partner is the mother/adopter, that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

**8. Requesting further evidence of eligibility**

The University may, within 14 days of the SPL entitlement notification being given,

request:

* the name and business address of the partner’s employer (where the staff member’s partner is no longer employed or is self-employed their contact details must be given instead)
* 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

**9. Fraudulent claims**

The University can, where there is a suspicion that fraudulent information may have

been provided or where the University has been informed by the HMRC that a

fraudulent claim was made, investigate the matter further in accordance with the

usual University investigation and disciplinary procedures, and also without acting in

a discriminatory manner in relation to any of the protected characteristics defined in

the Equality Act 2010.

**10. Discussions regarding Shared Parental Leave**

A staff member considering taking SPL is encouraged to speak to their line manager

to arrange an informal discussion as early as possible regarding their potential

entitlement, to talk about their plans and to enable the University to support the

individual.

The line manager may upon receiving a notification of entitlement to take SPL seek

to arrange an informal discussion with the staff member to talk about their intentions

and how they currently expect to use their SPL entitlement.

Upon receiving a leave booking notice, the line managerwill usually arrange a

meeting to discuss it. Where a notice is for a single period of continuous leave, or

where a request for discontinuous leave can without further discussion be approved,

a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in

advance. If the initial date is problematic then another date will be arranged if

possible. If an alternative date cannot be arranged then the meeting may be held

over the telephone.

At the meeting the staff member may, if they wish, be accompanied by a workplace

colleague or a trade union representative. HR are available to provide advice if

required.

The purpose of the meeting is to discuss in detail the leave proposed and what will

happen while the staff member is away from work. Where it is a request for

discontinuous leave the discussion may also focus on how the leave proposal could

be agreed, whether a modified arrangement would be agreeable to the staff member

and the University, and what the outcome may be if no agreement is reached.

**11. Booking Shared Parental Leave**

In addition to notifying the employer of entitlement to SPL/ShPP, a staff member

must also give notice to take the leave. In many cases, notice to take leave will be

given at the same time as the notice of entitlement to SPL.

The staff member has the right to submit three notifications specifying leave periods

they are intending to take. The notices can either give the date they want to take

leave or, if the child has yet to be born, the number of days after the birth that they

want leave to start and end. Each notification may contain either (a) a single period

of weeks of leave; or (b) two or more weeks of discontinuous leave, where the staff

member intends to return to work between periods of leave. Leave must be taken in

blocks of at least one week.

SPL can only be taken in complete weeks but may begin on any day of the week.

For example if a week of SPL began on a Tuesday it would finish on a Monday.

Where a staff member returns to work between periods of SPL, the next period

of SPL can start on any day of the week.

The staff member must book SPL by giving the correct notification at least eight

weeks before the date on which they wish to start the leave and (if applicable)

receive ShPP.

Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row). A staff member has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks’ notice. A staff member may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the staff member returns to work (for example, an arrangement where an staff member will take six weeks of SPL and work every other week for a period of three months).Where there is concern over accommodating the notification, the line manager may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the staff member and the University (see Section 10 Discussions regarding Shared Parental Leave above).

The University will consider a discontinuous leave notification but has the right to

refuse it. If the leave pattern is refused, the staff member can either withdraw it

within 15 days of giving it, or can take the leave in a single continuous block. The

staff member may withdraw a notice requesting discontinuous patterns of leave

within 15 days of giving it unless these periods have been agreed with the employer.

**12. Responding to a Shared Parental Leave notification**

Once the line manager receives the leave booking notice, it will be dealt with as soon

as possible, but a response will be provided 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 the University against any adverse

impact to the business.

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

staff member to be granted a similar pattern of SPL.

The staff member will be informed in writing of the decision as soon as is reasonably

practicable, but no later than the 14th day after the leave notification was made. The

request may be granted in full or in part: for example, the University may propose a

modified version of the request.

If a discontinuous leave pattern is refused then the staff member may withdraw the

request without detriment on or before the 15th day after the notification was given;

or may take the total number of weeks in the notice in a single continuous block. If

the staff member chooses to take the leave in a single continuous block, the staff

member has until the 19th day from the date the original notification was given to

choose when they want the leave period to begin. The leave cannot start sooner

than eight weeks from the date the original notification was submitted. If the staff

member does not choose a start date then the leave will begin on the first leave date

requested in the original notification.

**13. Variations to arranged Shared Parental Leave**

The staff member is permitted to vary or cancel an agreed and booked period of

SPL, provided that they advise the University in writing at least eight weeks before

the date of any variation. Any new start date cannot be sooner than eight weeks from

the date of the variation request before the dates set out in the original notification.

Any variation or cancellation notification made by the staff member, including notice

to return to work early, will usually count as a new notification reducing the staff

member’s right to book/vary leave by one. However, a change as a result of a child

being born earlier or later than the expected week of birth or being placed earlier or

later than the expected placement date, or as a result of the University requesting

it be changed, and the staff member being agreeable to the change, will not count as

further notification. Any variation will be confirmed in writing by the University.

**14. Shared Parental Pay (ShPP)**

Eligible staff members may be entitled to take up to 37 weeks ShPP 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 may be payable during some or all of SPL, depending on the length and timing

of the leave.

In addition to meeting the eligibility requirements for SPL, a staff member seeking

to claim ShPP must further satisfy each of the following criteria:

* 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 staff member must intend to care for the child during the week in which ShPP is payable;
* the staff member must 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 are not less than the lower earnings limit in force for national insurance contributions;
* the staff member must remain in continuous employment until the first week of ShPP has begun;
* the staff member must give proper notification in accordance with the rules set out below.

Where a staff member is entitled to receive ShPP they must, at least eight weeks

before receiving any ShPP, give their line manager written notice advising of their

entitlement to ShPP. To avoid duplication, if possible, this should be included as part

of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any

notice that advises of an entitlement for ShPP must include:

* the start and end dates of any maternity/adoption pay or maternity allowance;
* the total amount of ShPP available, which is 39 weeks minus the number of weeks of the SMP/SAP or MA period taken or to be taken, the amount of ShPP the staff member and their partner each intend to claim, and a non-binding indication of when the staff member expects to claim ShPP, including suggested start and end dates for each period of leave;
* a signed declaration from the staff member confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the University should they cease to be eligible.

It must be accompanied by a signed declaration from the staff member’s partner

confirming:

* their agreement to the staff member claiming ShPP and for the University to process any ShPP payments to the staff member;
* in the case where the partner is the mother/ adopter that they have reduced their maternity/adoption pay or maternity allowance;
* in the case where the partner is the mother/ adopter that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid in line with the pay provisions set out in the University’s

Shared Parental policy as outlined below.

Depending on their length of service, the staff member will be entitled to either

University Shared Parental Pay or Statutory Shared Parental Pay during Shared

Parental leave.

University Shared Parental Pay

If the staff member has at least one year’s continuous service by the 15th week before the baby is due or by the matching date in the case of an adoption, they may be entitled to receive University shared parental pay depending on the timing of their leave. This will be:-

* Up to 11 weeks’ leave at full pay (if taken within 13 weeks of the commencement of maternity/adoption leave period), less appropriate statutory deductions
* Up to a further 26 weeks’ paid leave at the statutory flat rate, or 90% of average weekly earnings whichever is the lesser. The flat rate is subject to review every April.
* Any further period of leave, up to a maximum period of a further 13 weeks will be unpaid.

Payment of University shared parental pay is conditional upon the staff member returning to work for a minimum period of three months.

Any pay awards which take effect during the period of shared parental leave will be applied as normal.

Statutory Shared Parental Pay

If the staff member has less than one year, but more than 26 weeks’ continuous service by the 15th week before their baby is due or by the matching date in the case of an adoption, they will be entitled to receive statutory shared parental pay, providing that:

* their average weekly earnings are not less than the lower earnings limit for national insurance contributions for the 8 weeks prior to the qualifying week.

This will be:

* Up to 37 weeks paid week at the statutory flat rate, or 90% of their average weekly earnings (whichever is the lesser). The flat rate is subject to review every April.
* Any further period of leave, up to a maximum period of a further 13 weeks will be unpaid.

**15. Terms and conditions during Shared Parental Leave**

During the period of SPL, the staff member's contract of employment continues in

force and they are entitled to receive all their contractual benefits, except for salary.

In particular, contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the staff

member is receiving ShPP but not during any period of unpaid SPL. Staff member

contributions will be based on actual pay, while the University’s contributions will be

based on the salary that the staff member would have received had they not been

taking SPL. Information concerning shared parental leave and pension scheme

contributions is detailed in [on](https://staffworkplace.napier.ac.uk/Services/hr/tradeunionconsultationmeetings/Shared%20Documents/Policies%20Currently%20in%20Consultation/Maternty%20policy%20updated%20April%202015%20track%20changes.docx#Appendix_B) the relevant pension website. For academic staff this is

[Scottish Teachers Pension Scheme](http://2015.sppa.gov.uk/scheme/teachers) (<http://2015.sppa.gov.uk/scheme/teachers>) and

for Professional Services staff this is [Lothian Pension Fund](http://www.lpf.org.uk/lpf1/info/3/current_members)

(<http://www.lpf.org.uk/lpf1/info/3/current_members>)

**16. Annual Leave**

SPL is granted in addition to a staff member's normal annual holiday entitlement.

Staff members are reminded that holiday should wherever possible be taken in the

year that it is earned. Where an SPL period overlaps two leave years the staff

member should consider how their annual leave entitlement can be used to ensure

that it is not untaken at the end of the staff member’s holiday year.

**17. Contact during Shared Parental Leave**

Before a staff member's SPL begins, the University will discuss the arrangements

for them to keep in touch during their leave. The University reserves the right in any

event to maintain reasonable contact with the staff member from time to time during

their SPL. This may be to discuss the staff member's plans to return to work, to

ensure that the individual is aware of any possible promotion opportunities, to

discuss any special arrangements to be made or training to be given to ease their

return to work or simply to update them on developments at work during their

absence.

**18. Shared Parental Leave in Touch days**

A staff member can agree to work for the University (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. Any work carried out on a

day or part of a day shall constitute a day's work for these purposes.

The University has no right to require the staff member to carry out any work,

and is under no obligation to offer the staff member any work, during the staff

member’s SPL. Any work undertaken is a matter for agreement between the

University and the staff member. A staff member taking a SPLIT day will

receive full pay for any day worked. If a SPLIT day occurs during a week when

the staff member 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.

A staff member, with the agreement of the University, may use SPLIT days to

work part of a week during SPL. The staff member may use SPLIT days to

effect a gradual return to work towards the end of a long period of SPL or to

trial a possible flexible working pattern.

**19. Returning to work after Shared Parental Leave**

The staff member will have been formally advised in writing by the University of the

end date of any period of SPL. The staff member is expected to return on the next

working day after this date, unless they notify the University otherwise. If they are

unable to attend work due to sickness or injury, the University's normal

arrangements for sickness absence will apply. In any other case, late return without

prior authorisation will be treated as unauthorised absence.

If the staff member 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

staff member’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.

On returning to work after SPL, the staff member is entitled to return to the same job

if the staff member’s aggregate total statutory maternity/paternity/adoption leave and

SPL amounts to 26 weeks or less. The same job is the one they occupied

immediately before commencing maternity/paternity/adoption leave and the most

recent period of SPL, on the same terms and conditions of employment as if they

had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in

aggregate, the staff member 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.

If the staff member also takes a period of unpaid parental leave of 4 weeks or less

this will have no effect on the staff member’s right to return and the staff member will

still be entitled to return to the same job as they occupied before taking the last

period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do

not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the staff member will be 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 suitable and appropriate and on terms and conditions no less favourable.

Failure to return to work by the end of shared parental leave will be treated as an

unauthorised absence unless the staff member is sick and produces a current

medical certificate before the end of the shared parental leave period

If the staff member decides during shared parental leave that they do not wish to return

to work, they should give written notice of resignation to the university as soon as

possible and in accordance with the terms of their contract of employment. They will

be required to pay back any University Maternity Pay over and above the Statutory

Shared Parental Pay provisions which they may have received during their Shared

Parental Leave period.

**20. Early Birth and Special Circumstances and further information**

In certain situations a staff member’s rights and requirements regarding SPL and

ShPP may change.

Early birth

If the child is born before their expected due date and the staff member had booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks’ notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the staff member’s three notifications. Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave. If the child is born more than eight weeks before their expected due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks’ notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

Partner no longer caring for the child

If the circumstances of an staff member who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer. If the staff member has any SPL arranged within eight weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their staff member in work, for example if cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled. If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

There may be other circumstances that the University will abide by any statutory

obligations and an staff member should refer to the documents listed below and/or

clarify any issues or queries with HR.

**21. Other relevant policies**

* [Adoption Policy](http://staff.napier.ac.uk/services/hr/Documents/Policies/Adoption%20Policy.docx)
* [Flexible Working Policy](http://staff.napier.ac.uk/services/hr/Documents/Policies/Flexible%20Working%20Policy%20August%202015.doc)
* [Maternity Policy](http://staff.napier.ac.uk/services/hr/Documents/Policies/Maternity%20policy.docx)
* [Paternity Policy](http://staff.napier.ac.uk/services/hr/Documents/Policies/Paternity%20Policy.docx)
* [Unpaid Parental Leave Policy](http://staff.napier.ac.uk/services/hr/Documents/Policies/Unpaid%20Parental%20Leave.docx)

**22. Forms**

* [Checklist for arranging Shared Parental Leave](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/Checklist%20for%20arranging%20Shared%20Parental%20Leave.docx)
* [Letter to discuss Shared Parental Leave booking](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/Letter%20to%20discuss%20Shared%20Parental%20Leave%20booking.doc)
* [Shared Parental Leave forms for adoption](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/Shared-parental-leave-form-for-adoption.doc)
* [Shared Parental Leave forms for maternity](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/Shared-parental-leave-forms-for-maternity.doc)
* [Shared Parental Leave forms for parental order parents](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/Shared-parental-leave-forms-for-parental-order-parents.doc)
* [Shared Parental Leave notice form](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/Shared-parental-leave-notice-form.doc)
* [Shared Parental Leave process summary - ACAS](http://staff.napier.ac.uk/services/hr/Documents/Policies/Shared-Parental-Leave-process-summary.pdf)

**23.** **Breach of this Policy**

All staff members are required to comply with this policy at all times. If a staff member breaches this policy they may be subjected to disciplinary action. Disciplinary action may involve:

* staff member support,
* training intervention,
* a formal warning,
* suspension, and/or
* termination of employment.

Please refer to the Disciplinary Policy for further information.

**Questions**

If any staff member is unsure about any matter covered by this policy, they should seek the assistance of their HR Client Partner/Adviser for clarification.

**Applicable legislation**

* Employment Rights Act 1996
* Employment Relations Act 1999
* Employment Act 2002
* Work and Families Act 2006
* Shared Parental Leave Regulations 2014

**Definitions**

|  |  |
| --- | --- |
| Expected Week of Childbirth (EWC) | The week, beginning on a Sunday in which the baby is expected to be born. |
| Mother  | The woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).  |
| Partner  | The child’s biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child (but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew)  |
| SPL | Shared Parental Leave |
| ShPP | Statutory Shared Paternity Pay  |
| Continuous leave  | A period of leave that is taken in one block e.g. four weeks’ leave.  |
| Discontinuous Leave | A period of leave that is arranged around weeks where the staff member will return to work e.g. an arrangement where a staff member will work every other week for a period of three months. |
| SPLIT day | Shared Parental Leave in Touch Day. |
| Qualifying Week | The fifteenth week before the EWC or the week in which the adopter is notified as having been matched with a child for adoption.  |

## **Policy version and revision information**

|  |
| --- |
| Document Control Information |
| Title | Shared Parental Leave  |
| Version | V1.0 |
| Author | Human Resources and Development |
| Date First Approved |  May 2015 |
| Last Review Date  | December 2015  |
| Review Frequency | Two years |
| Scope | All University staff members |

## **Change Record**

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Author | Version | Change reference |
| Dec 2015 | LA | 1.0 | Original policy revised and put into the new policy format, Statutory Pay Revised and Occupational Pay Section Updated.  |

**Appendix 1 – Shared Parental Leave Flowchart**





