Shared Parental Leave Policy (SPL) – Key Facts for Fathers/Partners

A. SPL and maternity/adoption leave and pay
There is no change to the existing arrangements for maternity or adoption leave and pay. The only difference is that the mother/lead adopter can choose to give up some of their leave and pay so that they and/or you, their partner can take it as SPL. Note: they don’t have to - it’s entirely their decision.

Your partner must take at least 2 weeks’ maternity/adoption leave and pay immediately following your child’s birth/placement; so they can share up to 50 weeks’ leave and up to 37 weeks’ statutory pay with you. The actual amount of leave/pay available will depend on the actual number of weeks’ maternity/adoption leave and pay your partner takes.

Your partner opts-in to the SPL regime by either a) returning to work or b) giving notice to curtail their maternity/adoption leave/pay at a future date. They can return to work and decide to opt-in to SPL at a later date – provided you both meet certain conditions and give the required amount of notice. Your partner doesn’t have to take any SPL, they can pass all of their untaken maternity/adoption leave to you to take as SPL.

B. SPL and paternity leave and pay
There is no change to ordinary statutory paternity leave and pay. You can still take 2 weeks’ leave within 56 days (8 weeks) of your child’s birth/placement. If you’re thinking about taking SPL, you should consider taking paternity leave/pay before your first period of SPL as once this starts, you cannot then take paternity leave/pay.

C. Leave entitlement and qualifying conditions
Your ability to take SPL depends entirely on your partner. They need to curtail their maternity/adoption leave and/or statutory pay/allowance and agree to share the outstanding leave/pay with you. They must have been employed/self-employed for at least 26 of the 66 weeks before your child is due and must have earned at least £30 a week on average in 13 of these 26 weeks. If your partner does not opt-in to SPL and meet these employment and earnings conditions, you will not be able to take SPL.

D. Statutory shared parental pay (ShPP)
To qualify for statutory SPL, you need to have 26 weeks’ service at the ‘qualifying week’ and have earned £113 per week on average in the eight weeks prior to this ‘qualifying week’. Your partner has to be entitled to statutory maternity pay (SMP)/ statutory adoption pay (SAP) or maternity allowance; they need to curtail their maternity/adoption leave and pay/allowance and be willing to share any of their outstanding SMP/SAP with you. They don’t have to – it’s entirely their decision.

Statutory ShPP is paid at the lower of the flat rate of £140.98\(^1\) a week or 90% of your average weekly earnings.

\(^1\) April 2017-April 2018

Effective 2 April 2017
E. University enhanced shared parental pay (UEShPP)
You are entitled to up to 22 weeks’ UEShPP; you can opt for: 14 weeks’ full pay; 6 weeks’ full pay followed by 16 weeks’ half pay. Please see note below if your partner is also employed by the University.

If you’re eligible, you can opt to receive statutory ShPP only and claim your enhanced pay as a lump sum once you’ve had your final period of SPL and you’ve been back at work for three months.

As UEShPP mirrors the University’s enhanced maternity/adoption pay provisions, it must be taken in the same weeks as any statutory ShPP is due. It must also be taken within 24 weeks of your child’s birth/placement. This reflects the latest point at which a University mother/lead adopter could be in receipt of enhanced maternity/adoption pay (having started their maternity/adoption leave in the week of childbirth/placement and opted to take 8 weeks’ full pay followed by 16 weeks’ half pay).

Note: If your partner is employed by the University, you will only be entitled to enhanced pay if: they have not exhausted their entitlement during their maternity/adoption leave when they curtail their leave and they choose to transfer some or all of their untaken enhanced maternity/adoption pay to you to be taken as UEShPP. Should they do so, you will receive any remaining weeks at your own rate of pay. You must take this in the same weeks as any statutory ShPP and within 24 weeks’ of your child’s birth/placement.

F. Notification requirements
Each step in the process requires you to give at least eight weeks’ written notice.

When applying for SPL you must give a non-binding indication of when and how you propose to take your leave; you and your partner must self-declare your entitlement to leave and pay. Although legally entitled to request documentary evidence, the University will normally take such declarations on trust.

G. Booking time off
You must take SPL in whole-week blocks. You have the right to make three separate requests for leave. Each request can be for continuous or discontinuous leave. If you request a single block of continuous leave, this will be granted automatically. A request for discontinuous leave (e.g. 4 weeks’ SPL, followed by 8 weeks at work, followed by 4 weeks’ SPL) will need to be agreed with your line manager and may be refused.

H. Rights during SPL
You are entitled to 20 shared parental leave in touch (SPLIT) days; these are similar in purpose, and in addition, to the 10 keeping in touch (KIT) days your partner will be entitled to during their maternity/adoption leave.

All terms and conditions of employment, excluding pay remain in force during SPL.

Note: the above is a very simplified summary of very complicated statutory provisions; therefore please refer to the full Shared Parental Leave Policy and seek early advice and support from your College/Support Group Team.