Shared Parental Leave Policy

1. Policy Statement

The University is committed to supporting employees who are prospective and new parents and to providing them with more choice and flexibility regarding the care of their child during the first year of its birth or adoption.

This Policy allows employees to access shared parental leave without the requirement to satisfy the continuity of service test set by the UK Government for access to the statutory scheme. In addition, it provides enhanced shared parental pay which mirrors the pay available to staff on maternity/adoption leave.

The University is committed to helping employees understand the complexities of shared parental leave and pay and to supporting them through the required notification processes.

2. Scope

This policy applies to all employees who take shared parental leave on or after 1 January 2016 in order to care for a child during the first year of its birth or adoption. It also applies to employees who are the intended parents in a surrogacy arrangement.

3. Purpose

The purpose of this policy is to explain:

– the rights of employees to shared parental leave and pay;
– the steps employees must take to apply for shared parental leave and book time off.

This policy assumes that the majority of University employees interested in taking SPL will also qualify for the statutory scheme; it therefore mirrors the notification timescales and procedures set out in the statutory scheme.

Employees who do not meet the service requirement for access to the statutory scheme must make early contact with their College/Support Group HR team, who will help ensure they complete their statutory leave and pay declarations appropriately.
4. **Employee’s Responsibilities, including Early Notification Requirements**

In order to access the benefits outlined in this policy, employees must meet the formal notification requirements set out in Section 9 below. In addition, they are encouraged to inform their managers\(^1\) of their interest in taking shared parental leave at an early stage and so enable arrangements to be considered and put in place to cover their absence from work.

Employees should also contact their College/Support Group HR team as early as possible to discuss the steps which need to be followed and how this policy interacts with the statutory scheme and other University family related policies.

5. **Terminology**

In this policy:

- **SPL** means shared parental leave
- **ShPP** means statutory shared parental pay
- **UEShPP** means University of Edinburgh enhanced shared parental pay
- **UEMP** means University of Edinburgh enhanced maternity pay
- **UEAP** means University of Edinburgh enhanced adoption pay

**Parent** is a person who is either the:

- **mother/lead adopter**: this is the person who is eligible for maternity leave or is eligible for and has elected to take adoption leave (either to care for an adopted child or baby placed with them through surrogacy parental order); or

- **partner**: this is the person with whom the mother/lead adopter decides to share parental leave and pay. They will have joint responsibility for the care of the child and can be the child’s biological father, the mother/adopter’s spouse, civil partner or a person who lives with the mother and child in an enduring family relationship (including same-sex relationships). They cannot, for example, be the child’s grandparent or another relative.

If more than one person could be considered a partner it will be up to the mother/adopter to decide with whom to share their parental leave.

The important dates mentioned:

**Expected week of childbirth (EWC)** is the week, beginning on a Sunday, in which a baby is expected to be born.

\(^1\) For the purposes of this policy, the term ‘manager’ will be defined so as to include the nominated or line manager or another designated person of suitable seniority or responsibility within the relevant work unit or group.
Qualifying week is the 15th week before the EWC.

Matching week is the week in which notification of matching was given by an approved UK adoption agency, or in the case of adoption from overseas, the week in which notification of approval to adopt was received from the relevant UK authority.

6. Eligibility

6.1 Shared Parental Leave (SPL)

All University employees, irrespective of their length of service or hours worked, have the right to take SPL provided:

- they share with a partner, the main responsibility for the care of their child at the time of its birth/placement;
- the child’s mother/lead adopter has curtailed (i.e. shortened) their maternity/adoption leave and pay and opted-in to the SPL scheme;
- they are employed by the University at the start of each period of SPL;
- they comply with the University’s notification procedures and timescales; and
- their partner (who may or may not take SPL) meets the statutory ‘employment and earnings’ test, i.e. has:
  i. worked for 26 weeks in the 66 weeks leading up to the due date of birth/placement and,
  ii. earned at least £30 per week in any of these 66 weeks.

If an employee’s partner – who is not employed by the University - wishes to take statutory SPL, they will have to satisfy the ‘employment and earnings’ test, detailed above.

6.2 University of Edinburgh Enhanced Shared Parental Pay (UEShPP)

Employees are eligible for UEShPP provided they:

- are employees of the University during the qualifying/matching week; and
- return to work for a minimum period of three months after the end of their final period of SPL.

Employees will also be entitled to UEShPP if they would have met the above conditions but were prevented from so doing by reason of redundancy taking effect at a time when they would have been eligible for SPL, or where redundancy prevents them from returning to work for the full three month period.

The return to work period begins from the point the employee physically returns to the workplace and starts work after their final period of SPL. Periods of paid or unpaid absence prior to a return to work,
immediately following SPL or in the initial return to work period e.g. annual leave or sickness absence, do not count towards the three month period.

6.3 Statutory Shared Parental Pay (ShPP)

To qualify for statutory ShPP, employees must:

- be entitled to, and be on statutory SPL; i.e. they must have 26 weeks’ continuous service at the qualifying/matching week and

- have earned above the Lower Earnings Limit for National Insurance Contributions in the 8 weeks prior to the qualifying week.

University employees with less than 26 weeks’ continuous service

Employees with less than 26 weeks’ continuous service at the qualifying/matching week are not entitled to statutory SPL and so will not qualify for statutory ShPP and must make contact with their College/Support Group HR before completing and submitting any of the notification forms referred to in Section 9 below. This will ensure statutory ShPP is appropriately paid and recovered by the University from the Government.

7. Shared Parental Leave (SPL) Entitlement

SPL enables a mother/lead adopter to curtail their 52 weeks’ maternity/adoptive leave entitlement and opt-in to the SPL scheme and to choose to share the remaining leave with their partner before the first anniversary of their child’s (or children’s) birth/placement. Any SPL not taken by this date will be lost.

In line with employment legislation, mothers must take 2 weeks of maternity leave immediately following the birth of their child. Adopters must take the first 2 weeks of adoption leave (or they will be deemed to have taken that leave for the purpose of calculating SPL entitlement).

The remaining weeks of unused maternity/adoptive leave can be used as SPL.

Mothers/lead adopters and their partners can take leave at different times, or at the same time.

SPL may begin on any day of the week but must be taken in blocks of one week and be booked off at least 8 weeks in advance.

Employees have the right to submit up to three notifications (referred to as ‘Booking Notices’) specifying the periods of SPL they wish to take.

Each notification (i.e. Booking Notice) may contain a request for either:

a) a single, unbroken period of leave, e.g. a 3 month period of leave - referred to as 'continuous leave'; or

b) two or more periods of leave, interspersed with periods of work, e.g. one 4 week period of SPL, followed by 4 weeks at work, followed by 4 weeks of SPL - referred to as 'discontinuous leave'.
Requests for continuous leave will be granted, provided the required notice is provided; requests for discontinuous leave need to be considered and authorised by the employee’s line manager and can be refused.

Partners should consider taking their statutory 2 weeks’ paternity leave and pay before taking SPL as paternity leave/pay is lost once SPL starts.

**Multiple births/placements**

In common with maternity/adoption leave, employees are entitled to one period of leave per pregnancy or adoption; the birth of twins or the adoption of more than one child at the same time does not increase an employee’s SPL or ShPP entitlement.

8. **Shared Parental Pay Entitlement**

8.1 **Statutory shared parental pay (ShPP)**

A total of 39 weeks' statutory maternity/adoption pay or maternity/adoption allowance is available to the mother/lead adopter. As there is a compulsory maternity/adoption leave period of two weeks, this means that a mother/lead adopter who ends their maternity/adoption leave at the earliest opportunity could share up to 37 weeks’ statutory shared parental pay, if eligible, with their partner. The number of actual weeks available will depend on the amount by which the mother/lead adopter reduces their maternity/adoption pay/allowance period.

ShPP is paid at the weekly flat rate set by the Government or 90% of the employee’s average weekly earnings, whichever is the lower.

8.2 **University of Edinburgh Enhanced Shared Parental Pay (UEShPP)**

Employees are entitled to up to 22 weeks’* UESHPP and have a choice of options as outlined below:

<table>
<thead>
<tr>
<th>Option</th>
<th>Pay</th>
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<tbody>
<tr>
<td>1.</td>
<td>up to 14 weeks’* full pay (inclusive of statutory ShPP, if eligible)</td>
</tr>
<tr>
<td>2.</td>
<td>up to 6 weeks’* full pay (inclusive of statutory ShPP, if eligible), followed by up to 16 weeks’ half pay plus statutory ShPP, if eligible (capped at normal full pay)</td>
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<tr>
<td>3.</td>
<td>up to 37 weeks’* statutory ShPP, if eligible, with the right to UESHPP as in Option 1 above if the employee decides to return to work following their final period of SPL. This option is usually chosen by employees who are either undecided about returning to work or who are unable to meet the criteria to return to work for at least three months following the period of SPL.</td>
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UEShPP must be taken within 24 weeks of the child’s birth/placement. Shared Parental
Leave can also be taken unpaid.

*As a mother/lead adopter must take a minimum of 2 weeks’ leave immediately following birth/placement, a minimum of 2 weeks’ maternity/adooption pay will already have been paid to the mother/lead adopter.

**8.2.1 For mothers/lead adopters employed by the University**, the number of weeks’ UEShPP available will depend on the number of weeks of University of Edinburgh maternity/adooption pay (UEMP/UEAP) they have actually taken while on maternity/adooption leave.

If UEMP/UEAP has been taken in full, there will be no UEShPP to take during SPL.

If there are weeks of UEMP/UEAP remaining, the employee will be required to take these within 24 weeks of their child’s birth/placement and in the same weeks as they elect to take any remaining statutory ShPP.

If the employee elected to receive statutory maternity/adooption pay only during their maternity/adooption leave, this option will carry forward to SPL.

If they subsequently return to work for a period of three months following their final period of SPL, they will then qualify for up to 16 weeks’ UEShPP, which will be paid as a lump sum (less any statutory pay received). The actual number of weeks payable will depend on, and be restricted to the number of weeks of maternity/adooption and SPL already taken within 24 weeks of their child’s birth/placement.

If the employee does not return to work having taken only statutory pay, they will not owe the University any money and therefore no recovery of payment will be required.

**8.2.2. For fathers/partners employed by the University**

UEShPP must be taken within 24 weeks’ of their child’s birth/placement and in the same weeks as any statutory ShPP to which they may be entitled.

Employees should consider taking their 2 weeks' statutory paternity leave and pay before taking SPL as paternity leave/pay is lost once SPL starts.

If an employee selects Option 1 or 2 and subsequently does not return to work for a minimum of three months following their final period of SPL, the University will reclaim those payments made to the employee which are over and above their statutory entitlement.

If an employee is undecided about returning to work after SPL, they may - if they are eligible - opt to receive statutory ShPP only (Option 3).

If they subsequently return to work for a period of three months following their final period of SPL, they will then qualify for up to 14 weeks’ full pay UEShPP, which will be paid as a lump sum (less any statutory pay received). The actual number of weeks payable will depend on, and be restricted to the number of weeks of SPL already taken within 24 weeks of their child’s birth/placement.
If the employee does not return to work having taken only statutory pay, they will not owe the University any money and therefore no recovery of payment will be required.

8.2.3 If both parents are employed by the University, the total amount of enhanced family leave pay available on the birth/adoption of their child is 17 weeks’ full pay, comprising:

i. 2 weeks’ full pay which is exclusively available to the mother/adopter as maternity/adoption pay immediately after birth/placement;

ii. 14 weeks’ full pay (taken as full pay or a combination of full and half pay) during maternity/adoption/shared parental leave; and

iii. 1 week’s paternity leave, exclusively available to the father/partner.

Note: fathers/partners can also take a second week of paternity leave, payable at the statutory rate set by the UK Government.

The pay option selected by the mother/lead adopter will carry forward from maternity/adoption leave to SPL and will be paid in line with the salary of the parent taking the leave.

For example: if the mother/lead adopter opted for 8 weeks’ full pay/16 weeks’ half-pay and curtails their leave/pay to opt-in to SPL e.g. after 12 weeks, 12 weeks of their 16 weeks’ half pay entitlement will remain and can be taken:

- entirely by them during SPL, or

- shared with their partner (with each week of leave paid at their own rate of pay), or

- in full by their partner (paid at their rate of pay).

If there are weeks of UEShPP remaining, employees will be required to take these within 24 weeks of their child’s birth/placement and in the same weeks as they elect to take any statutory ShPP entitlement.

If the mother/lead adopter was undecided about returning to work and opted for statutory maternity/adoption pay only:

- this option will carry forward to SPL and each parent, if eligible, will have to decide how to share any remaining weeks as statutory ShPP;

- the mother/lead adopter will be able to claim up to 16 weeks’ full pay (less any statutory payments) on return to work for three months following their final period of SPL. The actual number of weeks payable will depend on, and be restricted to the number of weeks of maternity/adoption and SPL already taken, by either parent, within 24 weeks of their child’s birth/placement.
8.2.4. Calculation of UEShPP

No combination of payments (UEShPP and statutory ShPP) is permitted to exceed normal full pay, where normal full pay is classed as the salary payment employees usually receive for their contractual working hours.

Where an employee is entitled to statutory ShPP, they must take this in the same weeks as receiving UEShPP. UEShPP will only be paid in weeks in which the employee is not also claiming statutory ShPP if the employee is not entitled to statutory ShPP.

8.2.5 Pay for employees on guaranteed hours (GH) contracts

Calculation of UEShPP for employees on GH contracts will be based on whichever is more beneficial to the employee of either the statutory calculation or the University agreed calculation.

The statutory calculation is based on the employee’s average weekly earnings over the 8 week period prior to the ‘qualifying/matching week’. Where the baby was born prior to the ‘qualifying week’, the relevant period will be the 8 week period up to the date of birth.

The University agreed calculation is based on the average weekly hours worked by the employee over the 52 weeks prior to the ‘qualifying/matching week’, paid at the appropriate weekly rate. If the employee has less than 52 weeks’ service, the averaging will be from the employee’s start date.

9. Process for Applying for Shared Parental Leave

Before beginning the formal process of applying for SPL, it is recommended that employees should contact their College/Support Group HR team who will talk them through the policy and notification steps, consisting of:

Step 1: the mother/adopter curtailing (i.e. shortening) their maternity/adoption leave

Step 2: both parents declaring their intention and entitlement to take SPL

Step 3: the parent(s) taking the leave booking their time-off.

While employees should submit all SPL related documentation to their College/Support Group HR Team, it is recommended that they make their line manager aware of their intentions as early as possible.

9.1 Step 1 – Curtailment of Maternity/Adoption Leave and Pay (Form 1)

Before either parent can take SPL, the mother/lead adopter must shorten their existing leave/pay entitlements. This is referred to as curtailment. The balance of up to 50 weeks’ maternity/adoption leave and the balance of up to 37 weeks’ maternity/adoption pay can then be shared between the two parents.
If the mother/lead adopter is a University employee, curtailment will also bring to an end their entitlement to enhanced occupational maternity/adoption pay.

To curtail their maternity/adoption leave/pay, and opt-in to SPL, the mother/lead adopter must either:

a) **Return to work; or**

b) **Curtail their maternity/adoption leave/pay at a specified date in the future** by completing Form 1: Maternity/Adoption Leave Curtailment Notice

This form should be sent to the employee’s College/Support Group HR Team who will acknowledge receipt and notify the appropriate line manager.

In both circumstances, the mother/lead adopter must give at least 8 weeks’ written notice of the date on which they intend to bring their maternity/adoption leave and pay to an end.

### 9.1.1 Cancelling a Curtailment Notice (Form 1A)

Should the mother/lead adopter change their mind, they may only cancel the Curtailment Notice if:

- it was given prior to the birth/placement, and is cancelled within 6 weeks of the birth/placement (in which case the mother/adopter may serve a second Notice at a later date), or

- it is discovered that either parent is not entitled to SPL, for example, because they no longer have responsibility for the care of the child (in which case the mother/adopter has no right to serve a second Notice)

- their partner dies.

To cancel the Curtailment Notice, a separate form – Form 1A: Maternity/Adoption Leave Curtailment Cancellation Notice – should be completed and sent to the College/Support Group HR Team who will acknowledge receipt and notify the appropriate line manager.

### 9.2 Step 2 – Application Form: giving non-binding notice of intention and entitlement to take SPL (Form 2A for mothers/lead adopters; Form 2B for fathers/partners)

In order to apply for SPL, the employee must complete the Application Form and send it to their College/Support Group HR Team who will acknowledge receipt and notify the appropriate line manager.

**Form 2A: Application for Shared Parental Leave – by Mother/Lead Adopter**

**Form 2B: Application for Shared Parental Leave – by Father/Partner**

(Note: employees who do not have the requisite (26 weeks’) service for statutory SPL, must speak to their College/Support Group HR Team before completing Form 2A/B.)

This form asks the applicant to provide certain information, including:
- details about their partner (e.g. employment details) and child (e.g. due date/date of birth/placement date);

- how much maternity/adoption leave and pay/allowance has or will be taken by the mother/lead adopter. This enables the University to understand how much SPL and statutory ShPP will remain to be shared;

- a declaration by both parents that they meet the eligibility criteria;

- an initial, non-binding indication of how much SPL/statutory ShPP each parent proposes to take and when.

The Application Form must be provided at least 8 weeks before the first period of requested SPL is due to start. If it is not possible to give 8 weeks’ notice, for example because the child is born early, applicants should seek advice from their College/Support Group HR Team.

A mother/lead adopter should ideally submit Forms 1 and 2A – i.e. curtail their maternity/adoption leave/pay and apply for SPL – at the same time.

9.2.1 Evidence of entitlement

While the University is entitled to request evidence of eligibility for SPL (see Appendix A), it will take the declarations made by employees under this policy on trust.

Should evidence be required, employees must provide this within 14 days of the University’s request.

Employees must let the University know if their entitlements change at any point. Failure to do so may be treated as a disciplinary matter under the University’s Disciplinary Policy.

9.3 Step 3 – Booking SPL (Forms 3A/B or 4A/B)

Employees can book their leave at the same time as submitting Forms 1 and 2 (i.e. curtailing maternity/adoption leave/pay and applying for SPL). Alternatively, Booking Notices can be submitted at a later date, provided they are received by the employee’s College/Support Group HR Team at least 8 weeks in advance of the first period of SPL.

Employees have the right to submit up to three Booking Notices.

a) Form 3 should be used to request one single, continuous block of leave, i.e. a single period of SPL which is unbroken, e.g. a 3-month period. A request for continuous leave will be granted, provided it:

- does not exceed the total number of weeks of SPL available and

- is given at least 8 weeks in advance of the start of the SPL.

**Form 3A: Booking Notice for a Single Continuous Period of Shared Parental Leave – Requested by Mother/Lead Adopter**
Form 3B: Booking Notice for a Single Continuous Period of Shared Parental Leave – Requested by Father/Partner

b) Form 4 should be used to request multiple, **discontinuous** blocks of leave, e.g. one 4-week period of SPL followed by 4 weeks at work, followed by 4 weeks of SPL. A request for discontinuous leave must be considered and authorised by the employee’s line manager and can be refused.

All requests for discontinuous leave will be carefully considered on a case-by-case basis. This will include weighing up the potential benefits to both the employee and the University against any adverse impact on the requirements of the business.

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

**Form 4A: Booking Notice for Discontinuous Periods of Shared Parental Leave – Requested by Mother/Lead Adopter**

**Form 4B: Booking Notice for Discontinuous Periods of Shared Parental Leave – Requested by Father/Partner**

9.4 Confirmation of SPL

9.4.1 Continuous period of SPL

Upon receipt of the leave Booking Notice, College/Support Group HR will notify the employee's line manager. If the notice is for a single period of continuous leave, the employee will receive written confirmation of the leave start and end dates within 2 weeks of the booking notice having been received.

9.4.2 Discontinuous periods of SPL

If the notice contains multiple, discontinuous periods of leave, College/Support Group HR will notify and discuss the leave request with the employee's line manager. If the pattern of leave can be accommodated by the University, the employee will receive written confirmation of the leave start and end dates within 2 weeks of the booking notice having been received.

If the University cannot accommodate the requested pattern of discontinuous leave, College/Support Group HR will arrange for the employee and their line manager to meet to discuss the leave request and explore whether an alternative arrangement can be agreed that would meet the needs of both the employee and the University.

This meeting will take place within 2 weeks of the booking notice having been received and will be attended by a member of College/Support Group HR, who will confirm the outcome of the meeting to the employee in writing.

If the original discontinuous leave request cannot be accommodated, the employee can opt to:
a) withdraw the request at any time within the 2 week discussion period - in which case the booking notice will be discounted (i.e. will not count as one of the three permitted Booking Notices); or

b) take the total number of weeks’ leave requested as one continuous block of leave. The leave will automatically start on the same date as the first period of leave originally requested - unless the employee specifically requests a new, later start date and does so within 5 days of the end of the 2 week discussion period.

The new start date must provide the University with at least 8 weeks’ notice of the leave.

The continuous period of leave will replace the discontinuous booking notice and so count as one of the three permitted Booking Notices.

9.5 Optional Step – Varying or cancelling booked SPL

An employee may vary or cancel a booked period of SPL, provided they:

- have sufficient Booking Notices remaining and

- give at least 8 weeks’ written notice of any new period of leave.

Variation or cancellation will normally count as a Booking Notice (so using up one of the three notices permitted) except where:

- the baby is born early;

- the University requests a change, to which the employee agrees;

- an employee withdraws a request for a discontinuous period of leave within 2 weeks of making the request, as explained in 9.4 above.

It is recommended that, whenever an employee is considering a change to their booked leave, they should contact their College/Support Group HR Team who will confirm the options open to the employee and the applicable timescales and effect on the Booking Notices.

In order to vary the start date and/or duration of a booked period of SPL, or cancel it entirely, the employee must complete the Varying/Cancelling Booked Shared Parental Leave Form and send it to their College/Support Group HR Team who will acknowledge receipt and notify the appropriate line manager.

10. Employment during SPL

10.1 Continuity of employment

Continuity of employment is maintained during SPL, which means there is no break in service during the employee’s absence from work.

10.2 Terms and Conditions of Employment
All terms and conditions of employment remain in force during an employee’s period of SPL except for those terms relating to pay.

Employees will receive all pay awards and increments that apply during their SPL. Those employees on ShPP or unpaid leave when such awards are due will have their salary adjusted when they return to work.

10.3 Annual Leave and Public Holidays

An employee accrues contractual annual leave throughout paid and unpaid SPL. An employee, with their line manager’s agreement, can add annual leave entitlement to the beginning or end of the SPL.

Arrangements for carrying over any annual leave from one year to another must be discussed and agreed with the employee’s line manager.

Where an employee’s SPL period covers the public holidays which are recognised by the University (i.e. closure days), the employee will be entitled to take the appropriate amount of time off in lieu for these days following their return to work.

The time off granted should be in line with the number of days/part-days they would have been granted had they been at work (e.g. if the employee worked part-time hours at the commencement of the SPL, the calculation should reflect that).

10.4 Sickness during Shared Parental Leave

Should an employee become unwell, to the extent that they are unable to care for their child (and have had to arrange alternative childcare), they should contact their College/Support Group HR Team as soon as possible as this could affect their entitlements during shared parental leave.

10.5 Pension

During the paid period of SPL, a member of either the USS or SBS scheme is fully covered for pension benefits, based on the pensionable salary that would have been paid had the employee not been on SPL, provided that they continue to make contributions based on the ShPP that is being received.

During unpaid SPL, neither the employee nor the University makes pension contributions. The employee’s membership of the pension scheme is suspended and the period of unpaid SPL does not count as pensionable service. Upon returning to work, the employee will have the opportunity to pay additional contributions to make up the difference so that the period of suspended membership can then count as pensionable service.

Further details about all pension schemes and their rules can be obtained from the University’s Pensions Office, Charles Stewart House, 9-16 Chambers Street, Edinburgh, or by email to Pensions@ed.ac.uk.

10.6 SPL Keeping in Touch Days
The University is entitled to make ‘reasonable contact’ with an employee whilst they are on SPL, to keep them up to date with developments at work.

Additionally, an employee can agree, with their line manager, up to 20 contact days, known as ‘shared parental leave in touch’ (SPLIT) days, during their SPL without bringing their SPL/ShPP to an end. There is no obligation on the employee to do this, and as such making use of SPLIT days should be seen as entirely voluntary.

SPLIT days – which are in addition to the 10 ‘Keeping in Touch’ (KIT) days available to employees during their maternity/adoption leave – should be agreed with managers in advance. The manager and employee should agree the date and hours to be worked on each SPLIT day, as well as the specific purpose and work to be carried out.

The purpose for the SPLIT day must be one, or a combination of, the following:

- job related training or development activities
- update meetings with their line manager
- carrying out work as agreed by the employee’s line manager

Informal visits to the workplace should not be treated as SPLIT days.

Any day or part of a day worked during shared parental leave will count as a whole SPLIT day. Paid time off in lieu (TOIL) will be granted for the actual hours the employee has attended work for the purposes outlined above. Agreement should be reached between the employee and line manager about how the TOIL is subsequently taken, e.g. it could be added on to the end of the SPL period, or taken after the employee has physically returned to work.

11. Returning to work after SPL

An employee’s rights on returning to work from SPL depend on the total period of maternity, paternity, adoption and SPL that they have taken.

The employee is entitled to return to work, normally to the same job, after SPL. However, in exceptional cases where it may not be feasible to return to the original role for reasons other than redundancy, the employee will be offered a suitable alternative role.

If the employee wants to change hours or other working arrangements on return from SPL, a request should be made under the University’s Flexible Working Policy.

Employees will be advised in writing of the end day of any period of SPL and will be expected to return to work on the next working day after this date, unless they notify the University otherwise. If an employee is unable to attend work due to sickness or injury, the University’s normal arrangements for sickness absence will apply.
12. SPL and University of Edinburgh Maternity Pay (UEMP) or Adoption Pay (UEAP)

An employee entitled to UEMP or UEAP must return to work for a minimum of three months following the end of their final period of SPL (unless they are prevented from doing so by reason of redundancy).

Should an employee curtail their maternity/adoption leave in order to take SPL, they will be required to return to work for a minimum of three months following their final period of SPL.

If the employee curtails their maternity/adoption leave in anticipation of taking SPL at a future date and does not actually take any SPL, the three month return period will start from the point they resume work after maternity/adoption leave.

13. Resignation whilst on SPL

If an employee does not intend to return to work following SPL they should discuss the matter with their line manager as early as possible. If the employee decides not to return, they should give notice of resignation in accordance with the terms of their employment contract.

The amount of SPL left to run when the employee gives notice must be at least equal to their contractual notice period, otherwise the University may require the employee to return to work for the remainder of their notice period.

If the employee changes their mind after submitting their resignation, they have no right to return to work without the University’s agreement.

The employee’s decision to resign does not affect the right to receive ShPP.

14. Redundancy whilst on Shared Parental Leave

There may be exceptional occasions where an employee is made redundant during Shared Parental Leave. Should this occur, payment of any outstanding ShPP will be made by lump sum at the end of employment.

15. Policy History and Review

This policy was originally approved by the HR Policy Development Group on 30 September 2015.

It was reviewed following agreement by the Policy and Resources Committee on 16 November 2015 to enhance the statutory provisions; revisions were agreed by the HR Policy Development Group on 25 November 2015 and approved by CJCNC on 30 November 2015. It was reviewed in February 2016 to clarify the policy requirement for leave with enhanced pay to be taken within 24 weeks of an employee’s child having been born/placed for adoption. In August 2017 ‘same-sex relationships’ was added to the definition of partner.

This policy will cease to apply in the event of any significant change to the legal position on shared parental leave, relevant statutory requirements or any other related matter. In the absence of such a change, the policy will be reviewed by December 2018 and may be reviewed prior to this date.
15.1 Change Control Record

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<th>Approval date:</th>
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<th>Approved by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>February 2016</td>
<td>Section 8 amended to clarify the requirement for leave with enhanced pay to be taken within 24 weeks of an employee’s child having been born/placed for adoption.</td>
<td>HRPDG</td>
</tr>
<tr>
<td>2.</td>
<td>August 2017</td>
<td>Section 5 amended to add ‘same-sex relationships’ to definition of partner.</td>
<td>HRPDG</td>
</tr>
</tbody>
</table>

16. Alternative Formats

If you require this document in an alternative format please contact UHRS@ed.ac.uk telephone 0131 650 8127.
Appendix A

The University will normally take the declarations made by employees under this policy on trust. Should evidence be required, employees must provide this within 14 days of the University’s request.

Additional information that may be requested by the University is as follows:

- in the case of birth, a copy of the child’s birth certificate (or, if yet to be issued, a signed declaration of the child’s date and place of birth);
- in the case of adoption, one or more documents from the adoption agency showing the agency’s name and address, the date matching was notified and the expected placement date;
- in the case of a baby adopted via a surrogacy arrangement, a copy of the surrogacy parental order.