

3.2 Eligibility criteria for shared parental leave (SPL)

SPL can only be used by the child's parents (the two people who will share the main responsibility for the care of the child at the time of the birth/placement for adoption) namely:

the mother/adopter of the child and
one of the following:

- the father of the child or
- the spouse, civil partner or partner of the child's mother/adopter (if the child's father does not share the main responsibility for the care of the child with the mother).

3.3 Additionally the following criteria must also be met:

The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave (or 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 curtail any maternity/adoption entitlements.

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The employee must have at least 26 weeks' continuous employment at the end of the fifteenth week before the week in which the child is due or matched;
The employee must give proper notification in accordance with the rules set out below.

5 SHARED PARENTAL LEAVE ENTITLEMENT

5.1 Eligible employees may be entitled to take up to 50 weeks SPL during the first year after birth or adoption.

5.2 Subject to the mother/adopter curtailing their maternity/adoption leave entitlement, SPL can commence as follows:

The mother can take SPL at any time after she has taken the legally required two weeks of compulsory maternity leave immediately following the birth of the child.

The adopter can take SPL at any time after taking at least two weeks of adoption leave.

The father/partner/spouse can take SPL at any time, including immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements.

5.3 The amount of SPL available is 52 weeks less the weeks spent by the mother/adopter on maternity/adoption leave (or the weeks in which the mother/adopter has been in receipt of statutory maternity/adoption pay /maternity allowance (SMP/SAP/MA) if they are not entitled to maternity leave, for example because they are no longer employed). Any remaining entitlement is converted into SPL and can be shared between the two eligible parents. The partner of the mother or adopter can take SPL whilst the mother/adopter is still on maternity/adoption leave if they wish, providing the mother/adopter has given proper notice to end their entitlement to maternity/adoption leave (or SMP/SAP/MA if they are not entitled to maternity leave). It is for the parents to decide (and notify the College) of how SPL will be shared. The College must be notified of any change to the way parents wish to share the SPL between each other.

5.4 Unlike maternity/adoption leave, eligible staff can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit up to three notices booking periods of leave.

5.5 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.

5.6 A mother/adopter may reduce their entitlement to maternity/adoption leave by giving notice to curtail their leave at a specified future date.

6 SHARED PARENTAL PAY (SHPP)

6.1 The amount of ShPP available is 39 weeks less any weeks of

7 APPLYING FOR SHARED PARENTAL LEAVE

- 7.1** Staff must inform the College of their intention to take SPL at least 8 weeks before the date it is intended for SPL (and ShPP where applicable) to start, by completing Part 1 '[Notice of Entitlement and Intention to take Shared Parental Leave Form](#)'
- 7.2** Step one: Ending Maternity/Adoption leave and opting into Shared Parental Leave
In order to be able to opt into SPL the mother/adopter must first have ended or given at least eight

- 7.11** Employees have the right to submit up to three requests, specifying leave periods they wish to take. Each request may be for:
- A single continuous period of unbroken leave; or
 - Discontinuous leave, which is multiple periods of leave over a period of time where the employee intends to return to work between each period of leave.
- 7.12** 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.
- 7.13** The request can either give the dates on which the employee wishes to take leave, or it can state the number of days after birth/placement that an employee wishes the leave to start and end. This may be helpful in cases where an employee intends to take paternity leave starting on the date of birth/placement and wishes to take SPL immediately afterwards.

8 RESPONDING TO A FORMAL REQUEST FOR SHARED PARENTAL LEAVE

- 8.1** Requests for SPL must be dealt with as soon as possible by line managers and a response must be provided in writing no later than fourteen calendar days after the 'Notice to Take or Vary a period of Shared Parental Leave Form' is submitted. Upon receiving a 'Notice to Take or Vary a period of Shared Parental Leave Form' the line manager should contact HR for advice and guidance.
- 8.2** An employee has an automatic right to take a continuous block of leave requested in a single notification providing that it does not exceed the total number of SPL weeks available to them and that they have given at least eight weeks' notice.
- 8.3** The College will consider all requests for discontinuous leave but has the right to refuse them. Each request for discontinuous leave will be considered on a case by case basis. Where a member of staff has requested a period of discontinuous leave there will be a two week discussion period during which they may be invited by their line manager to an informal meeting before a decision is made so that the practicalities surrounding their request such as what will happen while the employee is away from work, whether a modified arrangement would be agreeable to both parties, what options are open to the employee and what the outcome may be if no agreement is reached. At the end of the discussion period, the College will confirm any agreed arrangement in writing.
- 8.4** Where a request for discontinuous leave is refused, the employee is entitled to take the leave in a single continuous block (starting on the date of the first period of SPL requested).

Alternatively the employee can either:

- choose a new start date (which must be at least eight weeks after the date the original notice was submitted) provided the College is notified of the new start date within five calendar days of the end of the two week discussion period; or
- withdraw their request within two calendar days of the end of the two week discussion period (this will not count as having used one of their three notices to book leave).

9 VARIATIONS TO ARRANGED SPL/ShPP

- 9.1** Staff may vary or cancel an arranged period of SPL/ShPP provided that they advise their line manager in writing at least eight weeks before the original leave date or the new leave date, whichever is sooner. A request to vary pre-agreed leave should be made using the 'Notice to Take or Vary Shared Parental Leave Form'.
- 9.2** Variations may include a change to the start or end date for a period of SPL/ShPP or requests to combine or split periods of SPL/ShPP.

- 9.3** Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early or late, or as a result of the College requesting it to be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the College.

10 PREMATURE BIRTH

- 10.1** Where the child is born early (before the week (beginning on a Sunday) in which the child is due), the employee may be able to start SPL in the eight weeks following birth even though it will not be possible to give eight weeks' notice. The following rules apply:

If an employee has given a period of leave notice to start SPL on a set date in the eight weeks following the week in which the child is due, but their child is born early, they can move the SPL start date forward by the same number of days, provided they notify the College in writing of the change as soon as they can. (If the period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)

If the child is born more than eight weeks early and the employee wants to take SPL in the eight weeks following birth, they should submit their '[Notice of Entitlement and Intention form](#)' and '[Notice to Take or Vary a Period of Shared Parental Leave](#)' form as soon as they can.

11 TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

- 11.1** During any period of SPL the contract of employment remains in force (unless the contract was due to expire during the period of SPL) and employees are entitled to receive all normal contractual benefits except for salary. In line with the contract of employment, staff are precluded from undertaking paid work outside the College except under conditions approved by the Head of Department.
- 11.2** Employees will continue to be eligible to be considered for opportunities such as promotion that occur during SPL and staff may wish to ask a colleague to keep them in touch with events in their absence.
- 11.3** Employees will continue to accrue contractual annual leave during SPL and should, where possible, take all leave entitlement prior to going on SPL. Employees may lose any leave not taken before the end of the leave year.
- 11.4** If an employee is a member of one of the College's Pension Schemes, contributions will be deducted in accordance with pension scheme rules. These rules vary depending on which scheme the employee is a member of and further information should be obtained either from the website of the relevant scheme, or by contacting a member of the HR Team.
- 11.5** During any period of unpaid leave, the employees' pension will be suspended. On their return to work they may elect, with the College's agreement, to pay additional contributions to make up their pensionable service. For further information please contact [Payroll](#).

12 SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS

- 12.1** An employee can agree to work for the College (or attend training) for up to 20 days over the

