

| <b>Shared Parental Leave Procedure</b>                                     |  |
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| <b>Enabling Policy Statement;<br/>Executive Owner;<br/>Approval Route:</b> | Our Colleagues - Chief People Officer - Operations Committee |
| <b>Is the Procedure for<br/>internal use only (Non-<br/>disclosable) ?</b> | Disclosable  |
| <b>Associated Policy<br/>Statements:</b>                                   | N/A  |
| <b>Authorised Owner:</b>   | Human Resources Director                                     |
| <b>Authorised Co-ordinator:</b>  | Associate Director (People Services)                         |
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| <b>Due date for full review:</b>   | 04 July 2027   |
| <b>Sub documentation:</b>  | N/A  |

#### **Approval History**

| <b>Version</b> | <b>Reason for review</b>        | <b>Approval Route</b> | <b>Date</b>  |
|----------------|---------------------------------|-----------------------|--------------|
| 1.0            | Migration to the POPP structure | Operations Committee  | 04 July 2024 |

## 1. Purpose

- 1.1. Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year after 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 employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This procedure sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) (statutory and University Pay).
- 1.2. Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. There is a separate procedure on ordinary parental leave.
- 1.3. This procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.

## 2. Scope and Exceptions to the Procedure

- 2.1. This procedure applies to all employees at the University of Surrey and its subsidiaries.
- 2.2. 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.
- 2.3. Additionally, an employee 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 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 (as set out in the Maternity/Adoption Procedure to reduce any maternity/adoption entitlements);
  - the employee must still be working for the organisation at the start of each period of SPL;
  - the employee 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/matching date;
  - the employee'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 for at least 26 weeks and earned above the Maternity Allowance threshold;
  - the employee must correctly notify the organisation of their entitlement and provide evidence as required.

## 3. Definitions and Terminology

- 3.1. **Shared Parental Leave (SPL)** Leave that enables eligible parents to split entitlement to leave to care for their child in the first year after their birth.
- 3.2. **Statutory Maternity Pay (SMP)** Subject to average weekly earnings of not less than the lower

National Insurance earnings limit, employees with at least 26 weeks' service at the Qualifying Week are entitled to receive 39 weeks SMP. The University pays SMP through the payroll and it is subject to tax and National Insurance deductions. The SMP rate is available here or can be discussed with the HR Operations team.

**3.3. Statutory Adoption Pay (SAP)** Statutory Adoption Pay is payable for up to 39 weeks. Statutory Adoption Pay is payable at 90% of the adopter's normal earnings for the first six weeks (calculated on the basis of the adopter's normal weekly earnings in the 8 week period leading up to the date the adopter is notified of a match with the child), following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate). Statutory Adoption Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

**3.4. Maternity Allowance (MA)** If an employee is not eligible for SMP and has paid at least 26 weeks' National Insurance contributions over the preceding 66 weeks (ending with the week before the EWC) then they may be entitled to SMA or some other payment. This can be claimed from the Jobcentre Plus/Social Security Office.

## 4. Procedural Principles

### 4.1. Entitlement

- 4.1.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their 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 reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 4.1.2 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. The Maternity and Adoption Leave Procedures detail notice periods for returning to work during maternity/adoption leave.
- 4.1.3 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. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 4.1.4 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).
- 4.1.5 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 and partners' leave entitlements (as the father/partner cannot take paternity and partners' leave or pay once they have taken any SPL or ShPP).

- 4.1.6 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.
- 4.1.7 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
- 4.1.8 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.

## 4.2 Procedure

- 4.2.1 An eligible employee must give their line manager at least eight weeks' notice of intention to take shared parental leave.
- 4.2.2 Part of the eligibility criteria requires the employee to provide the organisation with correct notification (see appendix 3 for pro forma). Notification must be in writing and requires each of the following:
  - the name of the employee;
  - 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 and the total amount of SPL available;
  - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
  - the amount of SPL the employee and their partner each intend to take;
  - a non-binding indication of when the employee expects to take the leave.
- 4.2.3 The employee must provide the organisation 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 organisation.
- 4.2.4 The employee must provide the organisation 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 employee;
  - that they consent to the amount of SPL that the employee intends to take;
  - that they consent to the organisation processing the information contained in the declaration form; and
  - (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

### **4.3 Requesting Further Evidence of Eligibility**

- 4.3.1 The organisation may, within 14 calendar days (this deadline can be extended by mutual agreement) of the SPL entitlement notification being given, request:
- the name and business address of the partner's employer (where the employee'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 signed 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 notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
- 4.3.2 In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

### **4.4 Fraudulent Claims**

- 4.4.1 Declarations will be verified. The University can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual 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.

### **4.5 Discussions Regarding Shared Parental Leave**

- 4.5.1 An employee considering/taking SPL is encouraged to contact 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.
- 4.5.2 The line manager may, upon receiving a notification of entitlement to take SPL, seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.
- 4.5.3 Upon receiving a leave booking notice the line manager will 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 in the terms stated in the employee's notice booking leave, a meeting may not be necessary.
- 4.5.4 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 employee may, if they wish, be accompanied by a workplace colleague or trade union representative. A Human Resources representative may also be present.
- 4.5.5 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee 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 employee and the organisation, and

what the outcome may be if no agreement is reached. In deciding on requests for discontinuous leave, the University will consider all variables, including potential disruption to the business and/or students.

#### 4.6 Booking Shared Parental Leave

- 4.6.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee 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.
- 4.6.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 4.6.3 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 an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.
- 4.6.4 The employee 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*

- 4.6.5 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).
- 4.6.6 An employee 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.
- 4.6.7 An employee may submit up to three separate notifications for continuous periods of leave. After the third notification any leave remaining will be lost.

##### *Discontinuous leave notifications*

- 4.6.8 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 employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- 4.6.9 Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see Section 4.5 "Discussions regarding Shared Parental Leave" above).
- 4.6.10 The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block. There is no right of appeal against a discontinuous leave notification which has been refused.

#### **4.7 Responding to a Shared Parental Leave Notification**

- 4.7.1 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 calendar day after the leave request was made.
- 4.7.2 All notices for continuous leave will be confirmed in writing by Human Resources.
- 4.7.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation 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 employee to be granted a similar pattern of SPL.
- 4.7.4 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th calendar day after the leave notification was made. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.
- 4.7.5 If a discontinuous leave pattern is refused, then the employee 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 employee chooses to take the leave in a single continuous block, the employee 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 employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

#### **4.8 Variations to Arranged Shared Parental Leave**

- 4.8.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their line manager 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.
- 4.8.2 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 as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by HR.

#### **4.9 Shared Parental Pay (ShPP)**

- 4.9.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 4.9.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 4.9.3 In addition to meeting the eligibility requirements for SPL, an employee 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 employee must intend to care for the child during the week in which ShPP is payable;
- the employee 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 employee must remain in continuous employment until the first week of ShPP has begun (if the employee leaves the organisation during ShPP only the Statutory entitlement will be paid);
- the employee must give proper notification in accordance with the rules set out below.

4.9.4 Where an employee 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.

4.9.5 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, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee 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 organisation should they cease to be eligible. It must be accompanied by a signed declaration from the employee's partner confirming:
- their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

4.9.6 Any ShPP due will be paid at the associated rate within the University maternity pay offering (full pay for first 8 weeks, half pay plus SMP for subsequent 16 weeks, SMP only for the remaining 15 weeks) and will be inclusive of the statutory rate set by the Government for the relevant tax year.

As an example, if 4 weeks of SPL is being taken, and this reflects week 4 – 8 of the maternity period, this would be paid at full pay (inclusive of any statutory payment) as this is the rate of pay for week 4 – 8 within the University Maternity Pay offering.

#### **4.10 Time off for Antenatal Care**

4.10.1 Fathers and partners and intended parents in a surrogacy situation have the right to take time off work (unpaid) to accompany a pregnant woman at an antenatal appointment on two occasions.



- 4.10.2 Employees are entitled to be absent for the appointment time, up to a maximum of 6.5 hours on each such occasion and the appointment must be on the advice of a registered medical practitioner, midwife or nurse.
- 4.10.3 The University may require the employee to provide a signed declaration confirming various matters, including: the employee's qualifying relationship with the pregnant woman or her expected child; that the purpose of the time off is to accompany the woman at her antenatal appointment; and the date and time of the appointment. If an employee fails to comply with a request to provide a written declaration, he or she is not entitled to take time off under the provision.

#### **4.11 Annual Leave**

- 4.11.1 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees 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 employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.
- 4.11.2 An employee should take advice from their HR Representative about their annual leave entitlement as the terms on which it is taken will differ in each circumstance.
- 4.11.3 Annual leave should normally be taken prior to an employee going on shared parental leave as only up to 5 days (pro-rata for part-time staff) can be exceptionally carried forward from one leave year to another. Unused annual leave may be lost.
- 4.11.4 Annual leave will continue to accrue for as long as the employee is on shared parental leave. There is a legal entitlement to paid annual leave during this leave, which the employee may use directly prior or after the Shared Parental Leave, or to receive payment for the leave, in lieu of that portion of Shared Parental Leave.
- 4.11.5 Annual leave will be the employee's contractual leave entitlement. Bank holidays and University closure days will be accrued during the shared parental leave period (pro rata for part time employees).

#### **4.12 Keeping in Touch**

- 4.12.1 Employees can take up to 20 Shared Parental Leave In-Touch (SPLIT) days during shared parental leave without bringing the leave to an end. These can be used either to undertake work or, for instance, to attend meetings, team events or training. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 4.12.2 Both parents have up to 20 SPLIT days each, which can be taken as single days or in blocks of days. This is in addition to the 10 keeping-in-touch days available to the mother or primary adopter during maternity leave or adoption leave. The employee will be paid their contractual rate of pay for the hours actually worked during the KIT Day, not for a full day's work (i.e. if an employee attends a two hour meeting on one day this will count as one SPLIT day, but they will only be paid for 2 hours work). Any ShPP for the week in which the work is done will be counted towards the contractual pay. The University will pay the shortfall between the ShPP pay and the employee's contractual rate of pay for each agreed SPLIT Day.

#### 4.13 Returning to Work

- 4.13.1 The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 4.13.2 If the employee 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 organisation at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave, then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 4.13.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity and partners'/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity and partners'/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 4.13.4 If their maternity/paternity and partners'/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee 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.
- 4.13.5 If the employee also takes a period of unpaid ordinary parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee 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 and partners'/adoption and SPL do not exceed 26 weeks.
- 4.13.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity and partners'/adoption and SPL do not exceed 26 weeks, the employee 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.
- 4.13.7 Where a member of academic staff has been on shared parental leave from the university their teaching load may be varied to enable a phased return to normal work levels. Each potential case will be judged on its own merits, although there is an expectation that teaching and/or administration loads will be reduced for a semester to facilitate staff reaching their research targets. The details of this sabbatical leave from teaching and/or administration will be discussed with their Head of Department (or equivalent) or Dean of Faculty as appropriate and must be considered in the light of their teaching and administrative commitments prior to them starting their period of maternity leave. Reductions should be discussed with Human Resources before any final revision is confirmed to the individual concerned.

- 4.13.8 If you are employed on a fixed-term contract or an open ended fixed funded contract and this contract expires or the funding ceases during your shared parental leave period, your contract of employment will be terminated as normal and you will receive a lump sum payment, within your final payslip, for any outstanding ShPP or Statutory Shared Parental Leave Pay. Please note, you will not be required to repay any University or ShPP received in your shared parental leave period prior to, or at the point of, your contract ceasing. Please see the Fixed Term Contract procedure for further information on how end of contracts are managed, available on the HR Procedures page on [SurreyNet](#).

#### **4.14 Pension Arrangements**

##### *Contributors to University of Surrey Pension Plan (UPP)*

- 4.14.1 Employees contributing to the University of Surrey Pension Plan (UPP) are required to pay pension contributions whilst in receipt of any shared parental pay. The employee's contributions will be calculated on the basis of the actual pay received.
- 4.14.2 SPLIT days during the Shared Parental Leave period will be paid at the employee's standard rate. Pension contributions will be deducted automatically, based on the level of pay received for a worked shared parental leave in touch day.
- 4.14.3 If an employee is not entitled to receive any payment during their shared parental leave period and is not eligible for Statutory shared parental pay, no contributions are due. An employee may elect to increase their contributions for the unpaid Shared Parental Leave period to make up for any loss of payments while they were not contributing. Where this election is made the employer will also pay their standard contributions for the same period.

##### *Contributors to Surrey County Council (SCC) Superannuation Scheme*

- 4.14.4 Employees contributing to the Surrey County Council (SCC) Superannuation Scheme are required to pay superannuation contributions whilst in receipt of any shared parental pay. The employee's contributions will be calculated on the basis of the actual pay received. 16.2.2
- 4.14.5 SPLIT days during the Shared Parental Leave period will be paid at the employee's standard rate. Pension contributions will be deducted automatically, based on the level of pay received for a worked shared parental leave in touch day.
- 4.14.6 If an employee is not entitled to receive any payment during their shared parental leave period and is not eligible for Statutory shared parental pay, no contributions are due. An employee may elect to pay the contributions for the unpaid Shared Parental Leave period to buy the lost pension. Where this election is made within 30 days of their return to work from Shared Parental Leave, the cost to purchase the amount of lost pension is shared between the member and the employer. If no election to buy the lost pension is made this period will not count for pension purposes.

##### *Contributors to the Universities Superannuation Scheme (USS)*

- 4.14.7 It should be noted that pension contributions do NOT have to be paid by the employee during their Shared Parental Leave period, and the employee can elect to stop such contributions. Where the employee elects to do this, the employer contribution will not be paid and the membership will be suspended for the period. Any election not to maintain pension scheme contributions should be made in writing to the University

Pensions Department prior to the commencement of Shared Parental Leave.

4.14.8 Unless an election is made prior to the commencement of Shared Parental Leave not to maintain contributions, employees contributing to the Universities Superannuation Scheme (USS) are required to pay superannuation contributions whilst in receipt of Shared Parental Pay. The employee's contributions will be calculated on the basis of the actual pay received. The University pays the shortfall of the employees' contributions and continues to maintain the full employer's contributions.

4.14.9 If an employee is not entitled to receive any payment during their Shared Parental Leave period and is not eligible for Statutory shared parental pay, the University must pay the full employee and employer contributions to the Scheme for the statutory period. These contributions will be based on the salary the member would have received if she was not absent due to maternity leave.

*PensionPlus Salary Exchange Scheme*

4.14.10 To protect employees, anyone only receiving statutory maternity pay, statutory adoption pay or long-term statutory sick pay will be temporarily suspended out of the PensionPlus Salary Exchange Scheme. The employee will automatically re-join if their earnings meet/exceed these amounts.

4.14.11 Questions should be directed to the University's Pension department by email at [pensions@surrey.ac.uk](mailto:pensions@surrey.ac.uk)

#### **4.15 Further Information**

4.15.1 The University of Surrey recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with their local HR representative to ensure that they are followed correctly.

### **5. Governance Requirements**

#### **5.1. Implementation: Communication Plan**

The procedure was embedded when first published and is available on SurreyNet (HR Policies Page) for all staff to access.

#### **5.2. Implementation: Training Plan**

The procedure was embedded when first published. Further support will be provided to colleagues implementing the procedure when required.

#### **5.3. Review**

This procedure will be reviewed every 3 years or sooner if required by a change in legislation or practice.

#### **5.4. Legislative Context and Higher Education Sector Guidance or Requirements**

##### **Applicable Legislation**

This procedure complies with the following legislation.

- Equality Act 2010
- Employment Rights Act 1996

- Employment Relations Act 1999
- Employment Act 2002
- Work and Families Act 2006
- Children and Families Act 2014
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023

### 5.5. Sustainability

This procedure supports the United Nations Sustainable Development Goals (UN SDG's) in the following ways:

- SDG 3 Good Health and Well-Being – enabling a significant work/life balance for staff.
- SDG 5 Gender Equality – enabling staff to parent, whilst maintaining their work roles where required or desired
- SDG 8 Decent Work and Economic Growth – supporting parents to take parental leave in various forms and to remain economically active.
- SDG 10 Reduced Inequalities – offering opportunities for staff who may find it difficult to work and provide childcare.

## 6. Stakeholder Engagement and Equality Impact Assessment

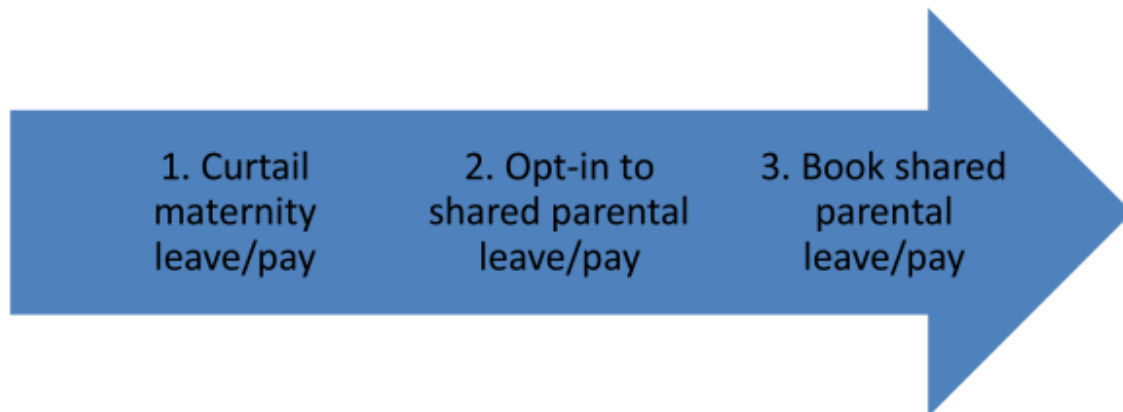
6.1. An Equality Impact Assessment was completed on 01 May 2024 and is held by the Authorised Co-ordinator.

6.2. Stakeholder Consultation was completed, as follows:

| Stakeholder    | Nature of Engagement  | Request EB Approval (Y/N) | Date       | Name of Contact |
|----------------|-----------------------|---------------------------|------------|-----------------|
| Governance     | Review of Version 1.0 | N                         | 19/02/2024 | Kelley Padley   |
| H&S            | Review of Version 1.0 | N                         | 06/02/2024 | Matt Purcell    |
| Sustainability | Review of Version 1.0 | N                         | 05/04/2024 | Martin Wiles    |

7. Appendices

Appendix 1a: The 3 Key Stages of Shared Parental Leave



Appendix 1b: Shared Parental Leave Process Overview<sup>4</sup>

|   | Employee  | University  |
|---|---|---|
| <b>STEP 1</b><br>Becoming aware of a pregnancy or match       | <ul style="list-style-type: none"> <li>• Is SPL suitable?</li> <li>• Considering what leave arrangements work best</li> </ul> | (if aware) <ul style="list-style-type: none"> <li>• Discussing intentions and other leave options</li> </ul>                        |
| <b>STEP 2</b><br>Choosing SPL and notification of entitlement | <ul style="list-style-type: none"> <li>• Notifying the University of eligibility</li> </ul>                                   | <ul style="list-style-type: none"> <li>• Discussing early intentions</li> <li>• Making early preparations and plans</li> </ul>      |
| <b>STEP 3</b><br>Notification of a leave booking              | <ul style="list-style-type: none"> <li>• Notifying the University of a leave booking</li> </ul>                               | <ul style="list-style-type: none"> <li>• Considering the impact of a leave booking</li> <li>• Discussing a leave booking</li> </ul> |
| <b>STEP 4</b><br>Outcome                                      | <ul style="list-style-type: none"> <li>• Leave begins or the request is withdrawn</li> </ul>                                  | <ul style="list-style-type: none"> <li>• Confirm and communicate outcome</li> </ul>   |

**Appendix 2: Checklist for arranging Shared Parental Leave**

Employee Name: Line

Manager Name:

| <b>Action</b>   | <b>Completed</b><br>(insert dates and notes) |
|---|--|
| Does the employee know what the University policy is on SPL?                          |  |
| Has maternity/adoption leave/pay ended or has a date been confirmed when it will end? |  |
| Has the employee correctly completed a notice of entitlement to take SPL?             |  |
| How much SPL does the employee have available for them to take?                       |  |
| Has a meeting been arranged to discuss possible leave?                                |  |
| Has a notice to book leave been made?   |  |
| Has a meeting to discuss the notice to book SPL been arranged?                        |  |
| Has contact during SPL been discussed?  |  |
| Has a response to the notice to book SPL been given within 14 calendar days?          |  |
| What leave period has been arranged?  |  |
| How many notices to book leave are remaining?   |  |
| How much SPL does the employee still have available for them to take?                 |  |

### Appendix 3: Template Notification Form

An eligible employee must give at least eight weeks' written notice of intention to take shared parental leave. This can be done using the form below, and returned to HR.

|   |  |
|---|--|
| Employee's name   |  |
| Employee number   |  |
| Name of the other parent/partner  |  |
| The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available   | Start and dates of leave: Start<br>and end dates of pay:<br><br>Total amount of SPL available: |
| The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption | Expected:<br><br>Actual:   |
| The amount of SPL the employee and their partner each intend to take  | Employee:<br><br>Partner:  |
| Indication of when the employee expects to take the leave (this is non-binding)   |  |
| Where an employee is entitled to receive ShPP, confirmation of their entitlement to ShPP ( <i>to be given at least eight weeks before receiving any ShPP</i> )  | Employee signature indicates confirmation:   |

#### Employee's declarations:

|   | Employee signature and date |
|---|-----------------------------|
| <ul style="list-style-type: none"> <li>I confirm that I meet, or will meet, the eligibility conditions and are entitled to take SPL.</li> </ul>   |                             |
| <ul style="list-style-type: none"> <li>I confirm that the information I have given is accurate.</li> </ul>  |                             |
| <p><i>For employees who are not the mother/adopter</i></p> <ul style="list-style-type: none"> <li>I confirm that if I am either the father of the child or the spouse, civil partner or partner of the mother/adopter.</li> </ul> |                             |
| <ul style="list-style-type: none"> <li>I confirm that should I cease to be eligible I will immediately inform the University.</li> </ul>  |                             |



**Appendix 4: Template Form to Vary a Period of Leave to Take Shared Parental Leave**

| <b>Shared parental leave: variation of period of leave notice</b>  |  |
|--|--|
| <b>Name of employee:</b>   |  |
| <b>Job title:</b>  |  |
| <p>I previously provided the organisation with notice of my proposed shared parental leave in a period of leave notice dated [ ]. I now wish to amend my shared parental leave request.</p>  |  |
| <b>I had already notified the organisation in my period of leave notice or a variation of period of leave notice (if applicable) that I would be taking the following periods of shared parental leave:</b>  |  |
| <b>I now intend to take shared parental leave on the following dates instead (please include the start and end dates for each period of leave that you now intend to take):</b>  |  |
| <b>I have already notified the organisation of the following periods of statutory shared parental pay (if applicable):</b>   |  |
| <b>Signed:</b>   |  |
| <b>Dated:</b>  |  |
| <p><b>Notes:</b> This notice is to amend a period of shared parental leave that you intend to take and that you provided in a period of leave notice. You must have already submitted a period of leave notice before using this form.</p> <p>The organisation recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend your requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.</p> <p>You and your partner must take any shared parental leave within 52 weeks of the birth of your child.</p> |  |