

Shared Parental Leave Guidance

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Shared Parental Leave Guidance

Summary

What is this Guidance about?

This document sets out the procedure employees and their managers are required to follow in order for staff to take shared parental leave and pay. It sets out eligibility criteria and the process that individuals and their managers should follow.

Who is this Guidance for?

This Guidance is for all staff and managers.

How does the University check this Guidance is followed?

Human Resources maintain an overview of the family friendly policies and procedures and reports are presented to the Governors' Human Resources Committee.

Who can you contact if you have any queries about this Guidance?

All enquiries should be directed to the appropriate HR Adviser, details are available via the HR webpages at www.port.ac.uk/departments/services/humanresources/contactus/hrbusinesspartnerhradvisers/.

1. Summary introduction

Families who are eligible may choose to share statutory leave and pay on the birth or adoption of a child. The mother or the primary adopter can choose to bring their maternity/adoption leave to an end at any point after the initial two weeks compulsory maternity/adoption leave period following the birth of the child/the placing of the child. The parents can then choose how to use the remaining 50 weeks of leave between them. Shared parental leave can be taken by each parent separately or at the same time.

2. What is Shared Parental Leave?

- 2.1 Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.
- 2.2 The amount of leave available is calculated using the mother's/primary adopter's entitlement to maternity/adoption leave, which allows them to take up to 50 weeks' leave (i.e., a total of 52 weeks less the two week compulsory period). 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. This means their partner could begin to take SPL while the mother is still on maternity/adoption leave.
- 2.3 SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible partner able to submit up to three notices to book periods of leave.

3. What happens to maternity/adoption/paternity leave?

Parents will remain entitled to take maternity, paternity and adoption leave. However, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt in to SPL. As birth mother, you must take at least two weeks' maternity leave following the birth of a child but can otherwise choose to end your maternity leave at any stage. An adopter can end their adoption leave once they have taken it for two weeks.

4. Who is eligible?

4.1 To qualify for SPL you must:

- a) have a partner;
- b) be a primary or secondary carer for the child;
- c) you must have at least 26 weeks' continuous employment with the University of Portsmouth by the end of the Qualifying Week (see Appendix 4 Definitions of key terms and abbreviations) or on the date of the adoption placement, and still be employed by the University of Portsmouth in the week before the leave is to be taken (known as the Continuity of Employment test);
- d) the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Expected Week of Confinement (EWC) or the date of the adoption and had average weekly earnings of at least £30 during 13 of those weeks (known as the Employment and Earnings test); and
- e) you and the other parent must give the necessary statutory notices and declarations, including notice to end any maternity or adoption leave, statutory maternity pay (SMP) or statutory adoption pay (SAP) or maternity allowance (MA) periods (see Section 9, Stage 1: Opting in to Shared Parental Leave).

4.2 It is your responsibility to check that you are eligible for Shared Parental Leave (SPL) and/or Shared Parental Pay (ShPP) and you must provide the University with a written declaration confirming that you are eligible and that your partner meets the 'Employment and Earnings' test and consents to your taking SPL and/or ShPP (see Appendix 2).

5. Can I share my SPL with more than one person?

No, you can only share with one other person.

6. What am I entitled to?

(See Appendix 3, Flowchart: Assessing eligibility for Shared Parental Leave)

- 6.1 Eligible employees may be entitled to take up to 50 weeks' SPL during the child's first year in your family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows you to take up to 52 weeks' leave. If you reduce your maternity/adoption leave entitlement, then you and/or your partner may opt in to the SPL system and take any remaining weeks as SPL.
- 6.2 As the mother/adopter, you may reduce your entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or you may give notice to curtail your leave at a specified future date.

7. What SPL am I entitled to if I am not entitled to maternity/adoption leave?

(See Appendix 3, Flowchart: Assessing eligibility for Shared Parental Leave)

If you are not entitled to maternity/adoption leave but are entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), you must reduce your entitlement to less than the 39 weeks. If you do this, your 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.

8. When does SPL commence?

8.1 SPL can commence as follows:

- a) as the mother, you can take SPL after you have taken the legally required two weeks of maternity leave immediately following the birth of the child;
- b) as the adopter, you can take SPL after taking at least two weeks of adoption of leave;
- c) if you are the father/partner/spouse, you can take SPL immediately following the birth/placement of the child, but you may first choose to exhaust any paternity leave entitlements, as the father/partner cannot take paternity leave or pay once they have taken any SPL or Shared Parental Pay (ShPP).

8.2 If you give notice to curtail your maternity/adoption leave entitlement, then your partner can take leave while you are still using your maternity/adoption entitlements (provided that your partner is not self-employed) (see Appendix 1, Template: Maternity/adoption leave/pay curtailment notice).

- 8.3 SPL will generally commence on your chosen start date specified in your leave booking notice, or in any subsequent variation notice (see Stage 2: Booking leave and Appendix 3: Flowchart for booking Shared Parental Leave).
- 8.4 If you are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see Section 10, Will I be paid whilst I am on Shared Parental Leave?).
- 8.5 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or the first anniversary of placement for adoption is lost.

9. What is the procedure for taking SPL?

If you are eligible for, and wish to take, SPL and ShPP, or if you wish to enable your eligible partner to take SPL/ShPP from their employer, you must follow a two-stage process as set out below.

Stage 1: Opting in to SPL

Ending or reducing ('curtailing') maternity/adoption leave and pay

- 9.1 As the mother or primary adopter you may end your maternity/adoption leave by returning to work before the end of the maternity/adoption leave period. You will need to provide your employer with at least eight weeks' written notice of your return to work. You will need to give at least eight weeks' written notice to end your maternity/adoption pay. You will not, except in very limited circumstances, be able to re-start your maternity/adoption leave/pay once it has ended.
- 9.2 Alternatively, as the mother or primary adopter, you may reduce your entitlement to maternity/adoption benefits by giving at least eight weeks' written notice to your employer to curtail your benefits at a specified future date. The notice must state the date the maternity/adoption benefits will end (see Appendix 1, Template: Maternity/adoption leave/pay curtailment notice). You can provide the written notice before or after the child is born or before or after adoption leave starts, but maternity/adoption benefits cannot be ended until after the compulsory two-week period.
- 9.3 If you are a mother who is claiming Maternity Allowance rather than maternity pay, you will need to send a curtailment notice to the Department of Work and Pensions rather than to the University.

Revoking a curtailment notice

- 9.4 The curtailment notice is normally binding on you if it is accompanied by a Notice of entitlement and intention to take Shared Parental Leave (Appendix 2). You can only revoke (withdraw) a curtailment notice and opt back in to maternity/adoption leave if maternity /adoption leave has not yet ended and one of the following applies:
 - a) if, during the eight weeks before SPL/ShPP is to start, you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
 - b) *for mothers only*, if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - c) if the other parent has died.
- 9.5 Once you have revoked a curtailment notice, you will not be able to opt back in to SPL/ShPP in respect of the same child or partner, unless the revocation was given in the circumstances given at 9.4 b).
- 9.6 If you revoke a curtailment notice, you will remain on maternity/adoption leave irrespective of any SPL your partner may already have taken.
- 9.7 If as mother, you revoke a curtailment notice in the circumstances described as above at 9.4 b) your partner's entitlement to SPL and ShPP stops with immediate effect. Both parents must inform their respective employers of the change in circumstances if they already have notified entitlement to SPL. If you are the mother's/primary adopter's partner and you have already started taking SPL or agreed a period of SPL that is due to start within eight weeks following the revocation, you may be required to remain absent from work on unpaid SPL for some or all of this period; normally this will be where the University has put in place cover arrangements for the planned period of SPL and will need a minimum period of notice in order to bring those cover arrangements to an end.
- 9.8 If you wish to revoke a curtailment notice, you need to confirm this in writing to the University.

Notice of entitlement and intention to take Shared Parental Leave (see Appendix 2)

- 9.9 You must also give a Notice of entitlement and intention to take SPL, or declaration that your partner has given their employer notice of their entitlement to SPL and you consent to the leave your partner intends to take.
- 9.10 Within this notice, you should give an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but you give as much information as you can about your future intentions.

Providing evidence of entitlement

- 9.11 After receiving your notice of entitlement, the University may, within 14 days, ask for the following which you then have 14 days to provide:
- a) a copy of the birth certificate or, if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth or, in cases of adoption, one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
 - b) the name and address of the other parent's employer or a declaration that they have no employer;
 - c) if you are the mother's/primary adopter's partner, a written declaration from the mother's/primary adopter's employer if they have one, that the mother/primary adopter has curtailed their maternity/adoption leave.

Stage 2: Booking leave

Discussing intentions early

- 9.12 Having an early and informal discussion can provide an opportunity for both you and your manager to talk about respective preferences about when SPL is taken. Managers can use this discussion as an opportunity to point out the different options such as maternity, paternity or adopt leave, how you intend to take your annual leave entitlement, and to ensure you are aware of any other relevant schemes the University has in place. It can also be an opportunity to discuss when any discontinuous leave can be best accommodated, particularly if the requested pattern is dependent on both parents' respective employers agreeing to the proposed pattern of leave. (See also Procedure for requesting discontinuous periods of SPL.)

Issuing a period of leave notice (see Appendix 3, Flowchart: Process for booking Shared Parental Leave)

- 9.13 Having opted into the SPL system, you will need to give a Notice of entitlement and intention to take shared parental leave form (see Appendix 2) telling the University the start and end dates of your leave. This must be given at least eight weeks before the start of your leave. You must also state in your notice the dates on which you intend to claim ShPP, if applicable.
- 9.14 If your child is born eight or more weeks before the EWC, you are able to book a period of leave to start within eight weeks of the actual birth if you give the notice as soon as reasonably practicable after the child's actual birth. Where you have not already given a Notice of entitlement and intention to take Share Parental Leave in these circumstances, then the requirement for eight weeks' notice before the start date of a period of leave will be treated as satisfied if the notice is given as soon as reasonably practical after the actual date of birth. (This also applies where a child is placed with you for adoption eight or more weeks before the expected placement date.)
- 9.15 You may take your leave all in one go or in separate blocks, although each period of leave must last no less than a week. See also Procedure for requesting discontinuous periods of SPL.
- 9.16 You can give up to three periods of leave notices. This may enable you to take up to three separate blocks of SPL. Note that you may request more than one period of SPL in one notice.
- 9.17 If your period of leave notice gives dates for a single continuous block of SPL, e.g. six weeks in a row, you will be entitled to take the leave set out in the notice as of right unless you agree to change your period of leave at the University's request.
An employee is under no obligation to modify a continuous leave notice and should never be put under any pressure to do so.
- 9.18 If, on the other hand, your notice requests more than one period of SPL, you will not be able to take your proposed pattern of leave as of right. Instead, the procedure for requesting discontinuous periods of SPL will apply.

Procedure for requesting discontinuous period of SPL (see Appendix 3, Flowchart: Process for booking SPL)

- 9.19 The University may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods of at least a week with periods of work in between, e.g. an arrangement where an employee might take six weeks of SPL and work every other week for a period of three months. It is best to discuss this with your manager and HR in good time before formally submitting your period of leave notice (see Discussing intentions early). This will give your manager more time to consider the request and increases the likelihood of your preferred pattern of leave being agreed.
- 9.20 Although you are advised to discuss your intentions at an early stage, you must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date (Appendix 2). If your manager is unable to agree to your request straight away, there will be a two week discussion period. This provides your manager more time to consider your request, for example, what cover might be needed in your absence and whether any modification to the requested period of discontinuous leave is necessary. Your manager should discuss this with you and may seek your views on how you think the requested pattern of discontinuous leave can be accommodated.

- 9.21 At the end of the two-week discussion period, any agreed arrangements will be confirmed to you in writing in accordance with Confirmation of leave requests below. If it has not been possible to reach agreement, you will be entitled to take the full amount of requested SPL as one block, which will automatically start on the start date given in your notice. For example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave. Alternatively, you may:
- choose a new start date which must be at least eight weeks after your original period of leave notice was given, and inform the University of this new start date within five days of the end of the two-week discussion period; or
 - withdraw your period of leave notice within two days of the end of the two-week discussion period and you may submit a new one if you choose. If you do this, the notice will not count towards the cap of three notices referred to in 9.16.

Changing the dates or cancelling your SPL

- 9.22 You can cancel or change the start date or the end date of the period of leave, by providing at least eight weeks' written notice before the original start date or end date and the new start date or end date.
- 9.23 You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time but not more than eight weeks after birth. In such cases please notify the University in writing of the change as soon as you can.
- 9.24 You can change discontinuous periods of leave into a single continuous period of leave by providing at least eight weeks' written notice before the start date of the period of leave.
- 9.25 You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. Any such request will be considered as set out in the Procedure for requesting discontinuous periods of SPL.
- 9.26 A notice to change or cancel a period of leave will count as one of your three periods of leave notices unless:
- the variation is a result of your child being born in the circumstances described in 9.23 above; or
 - the variation is a result of the child being placed with you earlier or later than the expected adoption placement date;
 - the variation is at the University's request (see 9.17 above); or
 - it has not been possible to agree your requested pattern of leave and you have withdrawn the notice under 9.21b) above; or
 - the University agrees otherwise.

Confirmation of leave dates

- 9.27 All notice for continuous leave or any variation will be confirmed to you in writing by HR.
- 9.28 Any agreed requests for periods of discontinuous leave will be confirmed to you in writing by HR. The request may be granted in full or in part: for example, the University may propose a modified version of the request (see Procedure for requesting discontinuous periods of SPL).

10. Will I be paid whilst I am on SPL?

- 10.1 Not all employees who are eligible for SPL will also qualify for Shared Parental Pay (ShPP), statutory or enhanced. You will qualify for Enhanced ShPP if:
- You are eligible for SPL, and
 - You are claiming Statutory ShPP from the University.
- 10.2 Enhanced ShPP is paid on the same basis as for a woman on maternity leave who is entitled to Occupational Maternity Pay (OMP), i.e.:
- Two weeks at full pay (full pay is based on either your basic pay as at date of leaving on maternity leave or on average weekly earnings attracting National Insurance contributions in the eight weeks prior to the 15th week before the child is born).
 - Two weeks at 90% of pay (Full pay is based on either your basic pay as at date of leaving on maternity leave or on average weekly earnings attracting National Insurance contributions in the eight weeks prior to the 15th week before the child is born).
 - 12 weeks at half pay, plus current rate of Statutory Maternity Pay (SMP).
 - 21 weeks Statutory Maternity Pay (SMP). SMP is a State benefit, the conditions for which and the amount of which are determined by the Government. Details of the current SMP rate can be found at the <https://www.gov.uk/browse/childcare-parenting/pregnancy-birth> webpages.
- 10.3 Please refer to Appendix 2 for information that will be required to claim Enhanced and Statutory Shared Parental Pay.
- 10.4 Any statutory ShPP due will be paid at a rate set by the Government for the relevant tax year.

11. What happens if the University suspects a fraudulent claim?

The University can, where there is a suspicion that fraudulent information may have been provided or where the University has been informed by HMRC that a fraudulent claim was made, investigate the matter further in accordance with the University's Investigation Guidelines and Disciplinary Procedure, and also without acting in a discriminatory manner in respect of any protected characteristics as defined in the Equality Act 2010. Employees may also be liable to pay back any amounts of ShPP they have received and may face a significant financial penalty from HMRC.

12. What happens to my contract and terms and conditions during SPL?

During the period of SPL, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. You will continue to accrue contractual annual leave. Pension contributions will continue to be made during any period when you receive ShPP but not during any period of unpaid SPL. Your pension contributions will be based on the salary that you would have received had you not been taking SPL.

13. How is annual leave affected by SPL?

SPL is granted in addition to your normal annual leave entitlement. Where an SPL period overlaps two leave years, you should consider how your annual leave entitlement can be used to ensure that no leave remains at the end of your annual leave year.

14. How should my manager stay in contact with me during SPL?

Before your SPL begins, your line manager will discuss the arrangements with you about keeping in touch during your leave. The University reserves the right in any event to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans to return to work, to ensure that you are made aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

15. What are Shared Parental Leave In Touch Days?

- 15.1 You can agree to work for the University (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as 'Shared Parental Leave in Touch' or 'SPLIT' days. Any work carried out on a day or part of a day will constitute a day's work for these purposes.
- 15.2 The University has no right to require you to carry out any work, and is under no obligation to offer you any work, during your SPL. Any work undertaken is a matter for agreement between your line manager and you. If you take a SPLIT day, you will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively 'topped up' so that you receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- 15.3 You may, with the agreement of the University, use SPLIT days to work part of a week during SPL. You and the University may use SPLIT days to effect your gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

16. What happens when I return to work after SPL?

- 16.1 You will have been formally advised in writing by the University of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify your line manager otherwise. If you are unable to attend work due to sickness or injury, the University's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 16.2 If you wish to return to work earlier than the expected return date, you may provide a written notice to vary the leave and must give the University at least eight weeks' notice of your date of early return. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave, then the University does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 16.3 On returning to work after SPL, you are entitled to return to the same job if your aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one that you occupied immediately before commencing maternity/ paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if you had not been absent.

- 16.4 If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you 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.
- 16.5 If you also take a period of unpaid parental leave of four weeks or less, this will have no effect on your right to return. You will still be entitled to return to the same job that you occupied before taking the last period of leave, if the aggregate weeks of maternity/ paternity/adoption leave and SPL do not exceed 26 weeks.
- 16.6 If as a parent, you take a period of five weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/ adoption leave and SPL do not exceed 26 weeks, you are entitled to return to the same job you 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.

Appendix 1

Template: Maternity/adoption leave/pay curtailment notice

[Date]

To whom it may concern:

NOTICE TO CURTAIL MATERNITY/ADOPTION LEAVE/PAY

I am writing to give you formal notice that I will be ending my [maternity/adoption] leave early on [date*].

My [maternity/adoption] pay will cease to be paid on [date*].

I enclose with this notice a Notice of Entitlement and Intention to take Shared Parental Leave.

Yours faithfully

[Name]
[Address]

Enc. Notice of Entitlement and Intention to take Shared Parental Leave

*This date must be:

- At least one day after the end of the compulsory maternity/adoption leave period;
- At least eight weeks after the date on which you gave the leave curtailment notice to the University; and
- Where you are curtailing your leave period, at least one week before the last day of your full 52 week maternity/adoption leave period; or
- Where you are curtailing your pay period, at least one week before the last day of your full 39 week maternity/adoption pay period.

Appendix 2

Notice of entitlement and intention to take Shared Parental Leave

Use this form (available at [www.port.ac.uk/intranet/humanresources/conditionsofemployment/familyfriendlyentitlements/Shared Parental Leave Request form](http://www.port.ac.uk/intranet/humanresources/conditionsofemployment/familyfriendlyentitlements/SharedParentalLeaveRequestform)) to opt in to the Shared Parental Leave Scheme (see Stage 1: Opting in to Shared Parental Leave in the Shared Parental Leave Guidance).

If you are the child's mother/primary adopter you must also submit a signed curtailment notice to bring your maternity/adoption leave entitlement to an end. (See Template: Maternity/Adoption Leave/Pay Curtailment Notice in Appendix 2 of the Shared Parental Leave Guidance.).

You are advised to discuss this form, in particular the dates in Sections B and C with your manager, and/or HR before completing it. (See Discussing Intentions Early in the Shared Parental Leave Guidance.)

APPENDIX 2

NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE

Use this form to opt-in to the Shared Parental Leave Scheme (see Stage 1: Opting in to Shared Parental Leave in the Shared Parental Leave Guidance).

If you are the child's mother/primary adopter you must also submit a signed curtailment notice to bring your maternity/adoption leave entitlement to an end. (See Template: Maternity/Adoption Leave/Pay Curtailment Notice in Appendix 2 of the Shared Parental Leave Guidance).

You are advised to discuss this form, in particular the dates in Sections B and C with your manager, and/or HR before completing it. (See Discussing Intentions Early in the Shared Parental Leave Guidance).

Section A: Basic Information

A1	Employee's name	
A2	I am the: (See Shared Parental Leave Guidance for relevant definitions)	<input type="checkbox"/> Child's mother <input type="checkbox"/> Child's father <input type="checkbox"/> Mother's partner <input type="checkbox"/> Primary adopter <input type="checkbox"/> Adopter's partner
A3	Expected week of childbirth: (the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born) <i>(not relevant where child is placed for adoption)</i>	
A4	Birth: child's actual date of birth (if known) <i>(not relevant where child is placed for adoption)</i> Adoption: the date when it is expected that the child will be placed with you for adoption (or when the placement actually took place)	
A5	Child's place of birth (if known)	United Kingdom
A6	Child's name (if known)	

By maternity/adoption pay or maternity allowance

Please give your maternity/adoption leave dates below. If you are not entitled to statutory maternity/adoption pay (SMP/SAP) or maternity allowance (MA), you must also submit a 'curtailment notice' to bring your leave to an end. (See Template: Maternity/adoption leave/pay curtailment notice in Appendix 2 of the Shared Parental Leave Guidance.)

If you are the primary adopter's partner, please give the dates of your maternity/adoption leave below. If they are not entitled to statutory maternity/adoption pay (SMP/SAP) or maternity allowance (MA), you must also submit a 'curtailment notice' to bring your leave to an end. (See Template: Maternity/adoption leave/pay curtailment notice in Appendix 2 of the Shared Parental Leave Guidance.)

When does SPL commence?'

to to (continuous)
to to (discontinuous)

When does SPL commence?'

to to (continuous)

to to (discontinuous)

to to (continuous)

to to (discontinuous)

to to (continuous)

to to (discontinuous)

to to (continuous)

Refer to the Shared Parental Leave Guidance: see Notice of entitlement and intention to take Shared Parental

	Leave and section entitled: 'Issuing a period of leave notice'	
Section D: Shared Parental Pay (ShPP)		
The total Statutory Shared Parental Pay available is 39 weeks minus the mother's SMP/SAP or MA Period (see B4).		
You are only entitled to Enhanced ShPP if you are claiming Statutory ShPP from the University. See Shared Parental Leave Guidance: paragraph 11.1		
D1	Total Statutory Shared Parental Pay available (whole weeks)	
D2	Number of whole weeks' Statutory ShPP int mother, (You can provide you do I allocati	
D3	Number ShPP int father/r partner. (You can provide you do I allocati	
D4	Indicati take Sh These d binding given. Howeve notice t check th Refer to Guidanc and inte Leave a period c	

Section E: Employee

See 'Definitions' in the below.

I am the child's **mother/primary adopter** and I am entitled to statutory maternity/adoption leave. I have submitted a curtailment of maternity/adoption leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).

or

I am the child's **father** or the child's mother's/primary adopter's **partner**.

I have/will have at least 26 weeks' continuous employment with the University of Portsmouth by the end of the **Qualifying Week**, and will still be employed by the University of Portsmouth in the week before SPL is to be taken.

The other **parent**

weeks before the **EWC** (does not need to be

I expect to share the

completed Section F

I intend to care for

shared parental pay

I will immediately

of the child, or to ot

The information I ha

Signed

Date:

Section F: Declaration of employee

See 'Definitions' in the below.

If the employee is the mother's/primary ad

If the employee is not an adopter.

Name

Address

National Insurance Number	
Your employer's name and address (if employed) or your business address if self-employed	
<input type="checkbox"/> I am the mother/primary adopter of the child and I am (or was) entitled to maternity/adoption leave, SMP/SAP or MA. I have curtailed my maternity/adoption leave, SMP/SAP or MA or will have done so by the time your employee starts Shared Parental Leave.	
or	
<input type="checkbox"/> I am the child's father or the mother's/primary adopter's partner .	
<input type="checkbox"/> I expect to share the main responsibility for the care of the child with your employee.	
<input type="checkbox"/> I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC .	
<input type="checkbox"/> My average weekly earnings are at least £30 (as of 2015), taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.	
<input type="checkbox"/> I consent to your employee taking Shared Parental Leave and claiming Shared Parental Pay as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.	
<input type="checkbox"/> I consent to the information in this declaration being used for the purposes of administering Shared Parental Leave and Shared Parental Pay.	
Signed	
Date:	

Section G: Evidence of entitlement

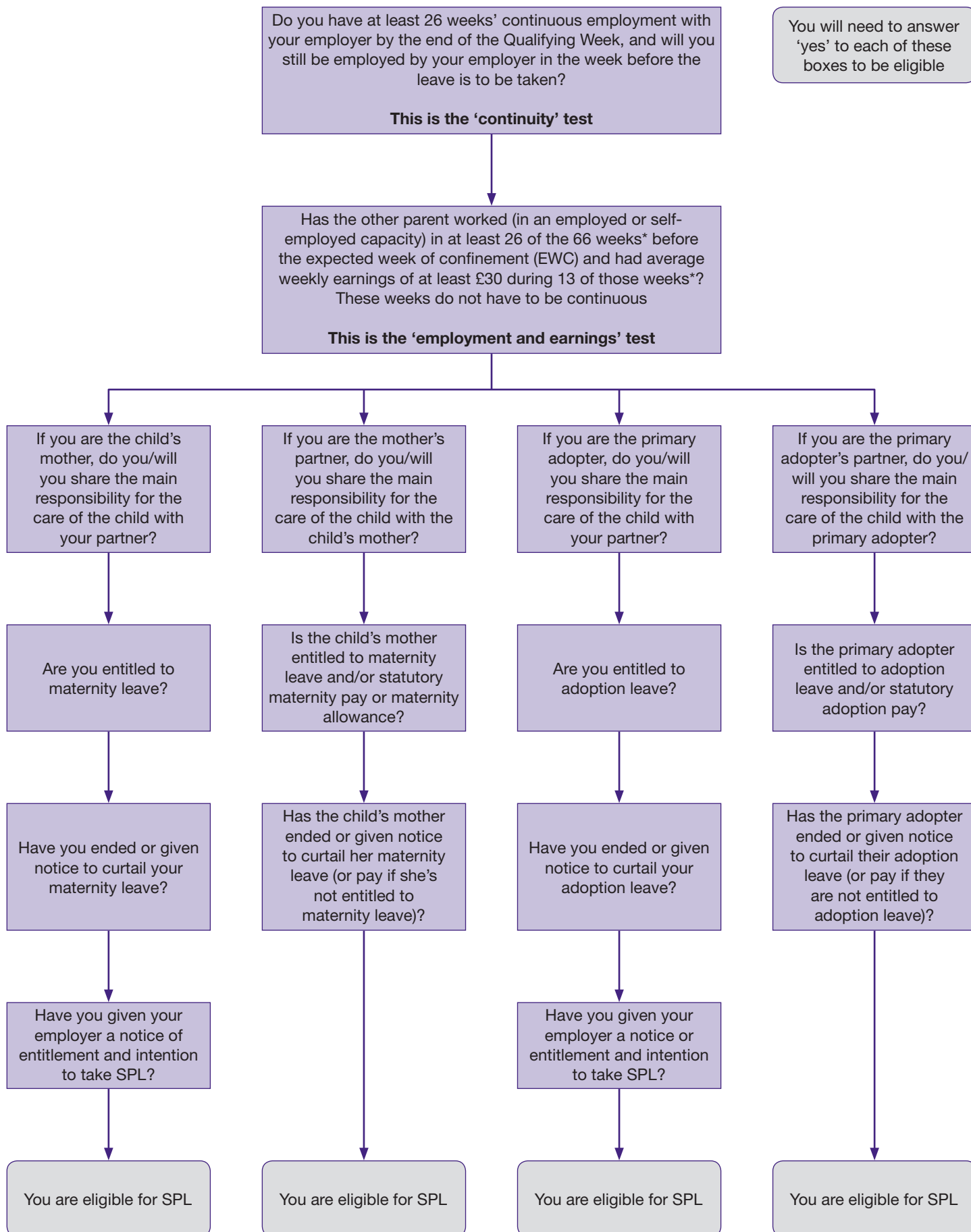
See 'Providing evidence of entitlement' in the Shared Parental Leave Guidance

I enclose with this notice the following evidence:

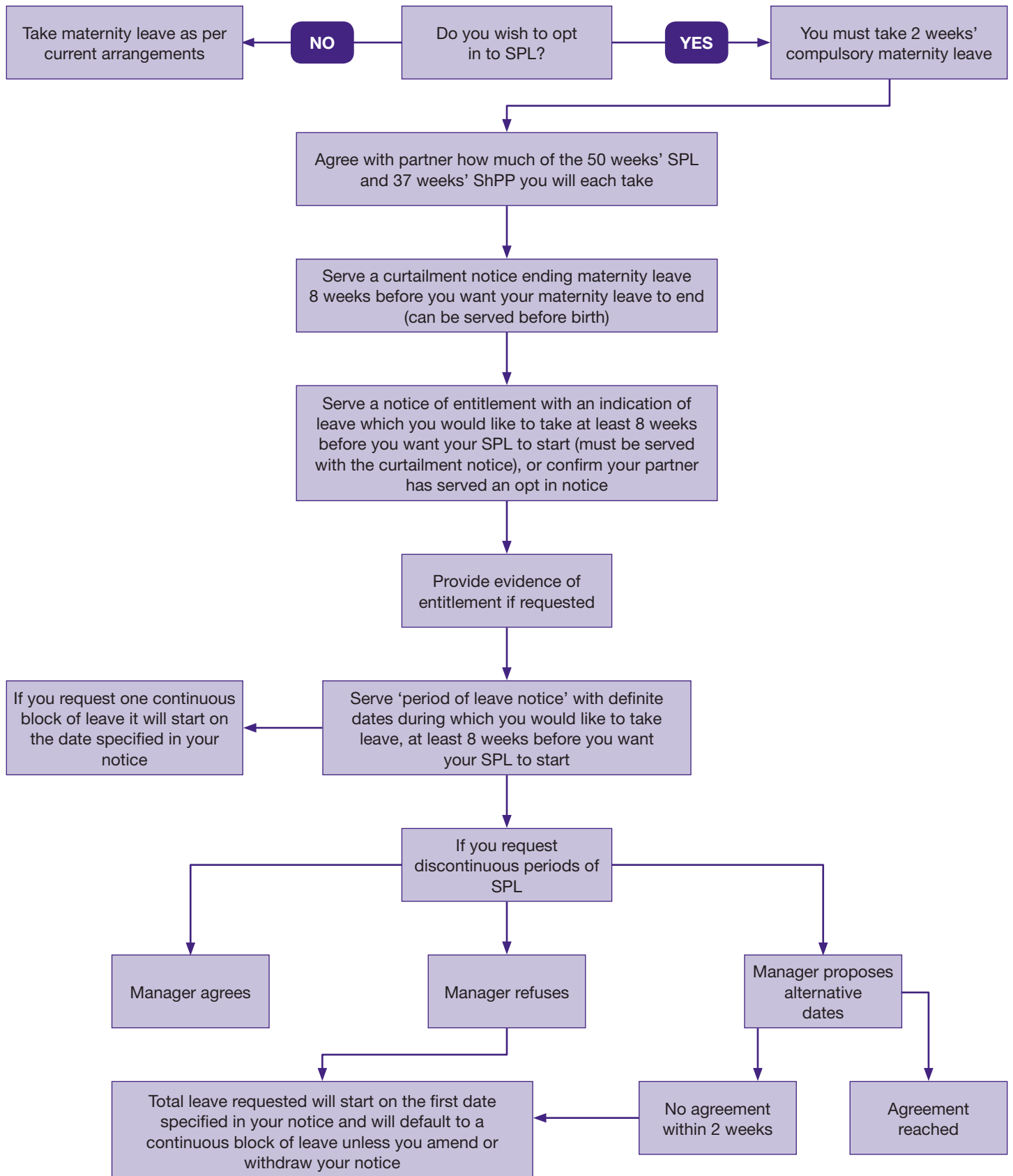
A copy of the birth certificate (if this has been obtained) or, in cases of adoption, one or more documents from the adoption agency showing the agency's name and address and the expected placement date.

Appendix 3

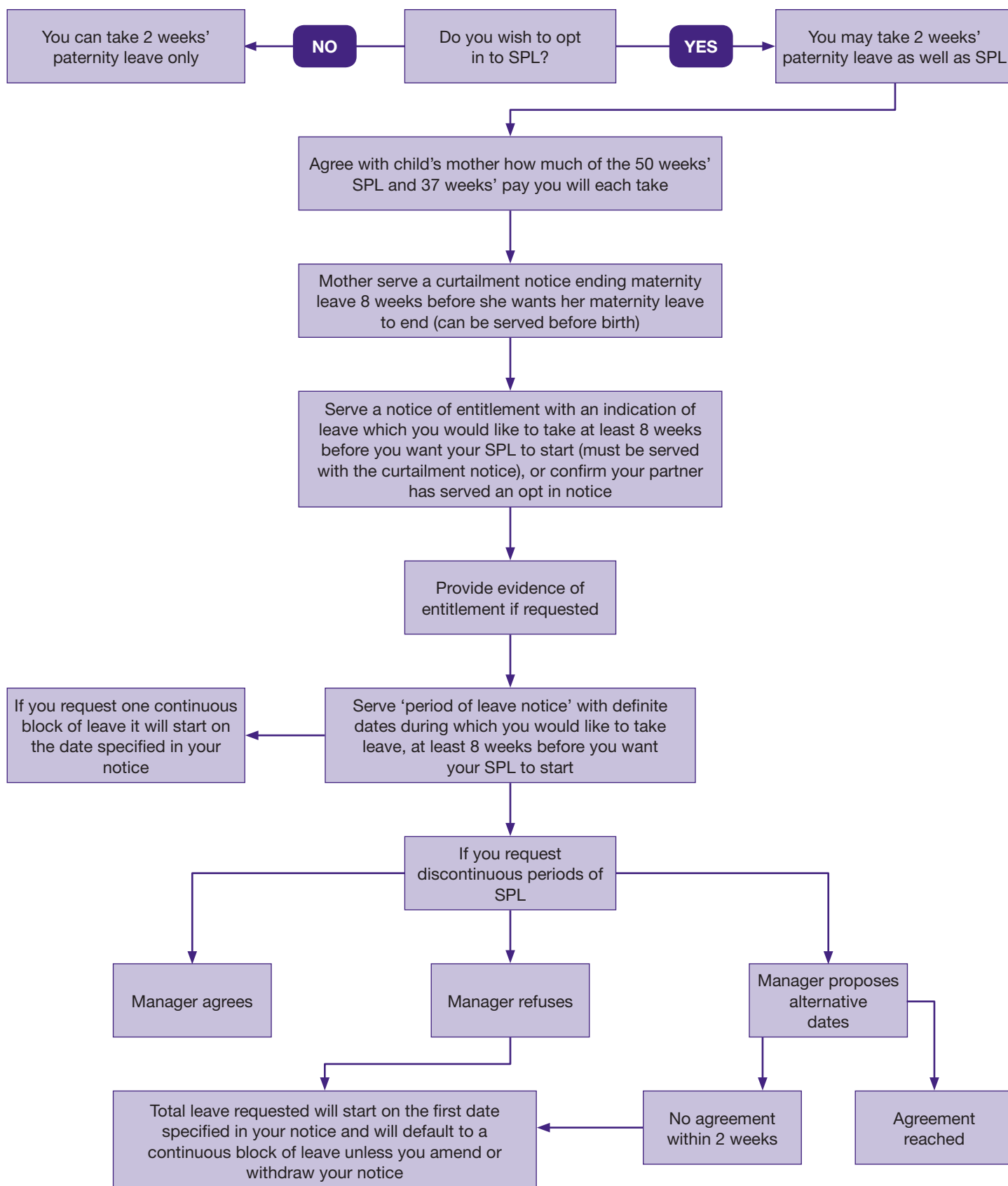
Flowchart: Assessing eligibility for Shared Parental Leave



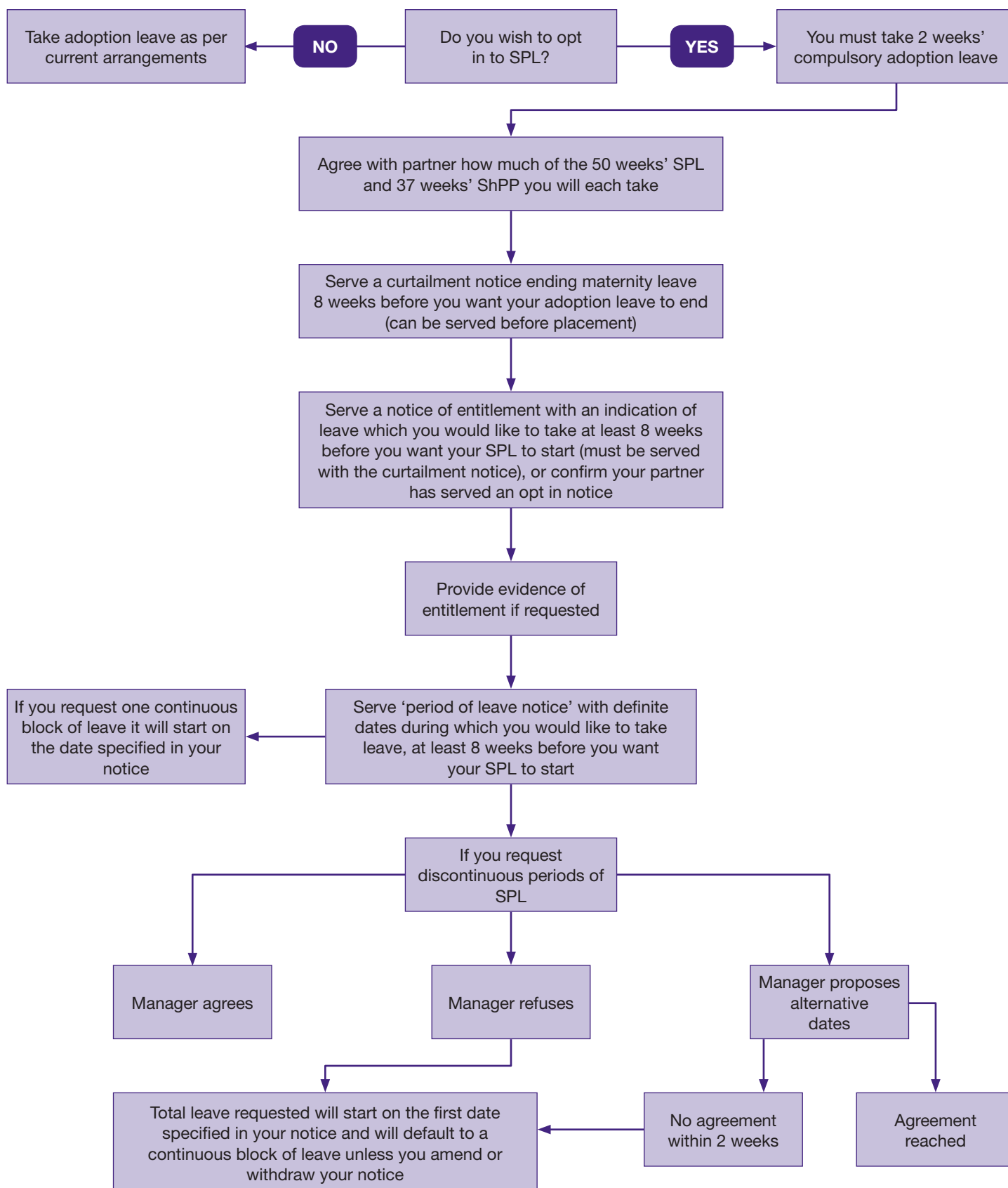
Flowchart: Process for taking Shared Parental Leave – birth mother



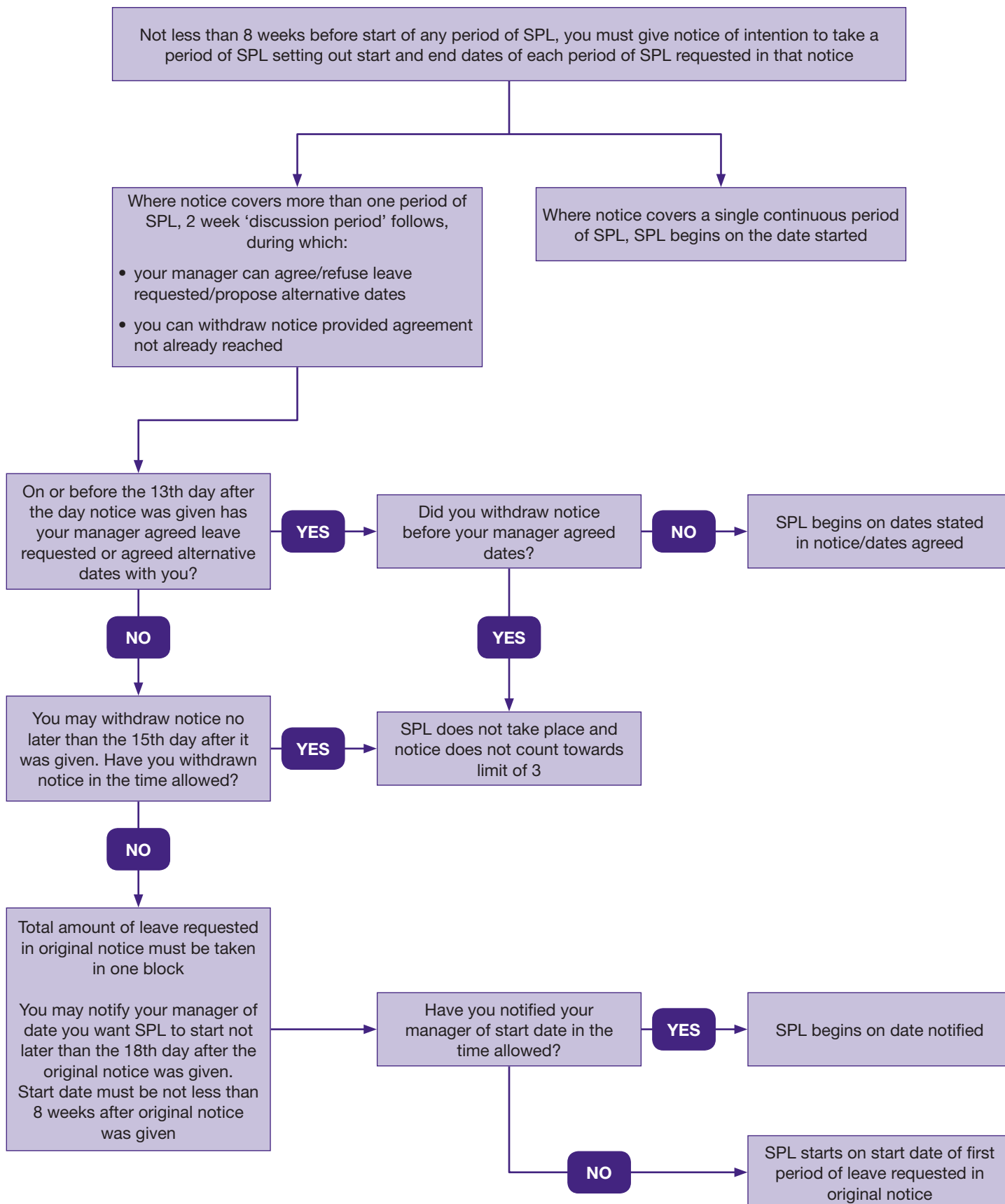
Flowchart: Process for taking Shared Parental Leave – birth partner



Flowchart: Process for taking Shared Parental Leave – primary adopter



Flowchart: Process for booking Shared Parental Leave



Appendix 4

Definitions of key terms and abbreviations

Average Weekly Earnings (AWE)

For the purposes of this Guidance, pay is averaged out over a period of at least eight weeks ending with the employee's last normal payday falling on or before the end of the 'relevant week'. The precise period over which the earnings are averaged out depends on when the employee's normal payday falls. The 'relevant week' is the Qualifying Week (see below).

Continuous leave

A period of leave that is taken in one block, e.g. four weeks' leave. 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 shared parental leave available to the employee and the University has been given at least eight weeks' notice. The employee may submit up to three separate notifications of continuous periods of leave.

The Continuity of Employment Test

The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.

Curtail

Where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period.

Discontinuous leave

A single notification may 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 the employee will take six weeks of SPL and work every other week for a period of three months).

The University will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, an employee can either withdraw it within 14 days of giving it, or can take the leave in a single continuous block.

The Employment and Earnings Test

In the 66 weeks leading up to the child's expected due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.

Enhanced Shared Parental Pay (Enhanced ShPP)

Enhanced Shared Parental Pay. The University provides enhanced pay for eligible University of Portsmouth employees, equivalent to the pay available to eligible employees on maternity or adoption leave. Enhanced ShPP is inclusive of any statutory maternity, adoption or shared parental pay the employee is entitled to.

Expected week of childbirth (EWC)

The week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.

Father

The biological father of a child or father by adoption of a child via an adoption agency.

Lower Earnings Limit

This is the amount of gross weekly earnings that allows an employee to qualify for certain state benefits. This limit changes each April. For the current rate, go to www.acas.org.uk/spl.

Match

Matching is when an adopter is approved to adopt a named child or children.

Maternity Allowance (MA)

This is paid at a rate set by the government each year.

Mother

The woman who gives birth to a child or the primary adopter (see primary adopter below).

Parent

One of two people who will share the main responsibility for the child's care at the time of the birth/adoption and who may be either the mother, the father, or a person who has been matched with a child for adoption.

A parent may also be someone who is eligible for a parental order in a surrogacy arrangement.

Partner

The partner is the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner or someone living in an enduring family relationship, but not a sibling, child, parent, grandparent, aunt, uncle, niece or nephew.

Paternity leave

Up to two weeks' leave that can be taken by the spouse, partner or civil partner of a child's mother or primary adopter following the birth or adoption of a child.

Primary adopter

An individual who has had a child placed with them for adoption in respect of which they intend to take adoption leave and/or Statutory Adoption Pay.

Qualifying Week

The qualifying week is the 15th week before the expected week of the child's birth or the date of the adoption placement.

SPL

Shared Parental Leave.

SPLIT day

Shared Parental Leave in Touch Day. An employee can agree to work for the University or attend training for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week.

Statutory Adoption Pay (SAP)

This benefit mirrors Statutory Maternity Pay (see below).

Statutory Maternity Pay (SMP)

A statutory benefit payable to a woman who takes maternity leave or stops working due to childbirth, provided she earns at least the Lower Earnings Limit in the relevant period (usually the eight weeks leading to the Qualifying Week) and has at least 26 weeks' continuous service at the end of the qualifying week. SMP is payable at two rates: the 'earnings-related rate' (90% of her average earnings) for the first six weeks, followed by the 'prescribed rate' set by the government for the relevant tax year or the earnings-related rate if lower. Total SMP entitlement lasts 39 weeks.

Statutory Paternity Pay (SPP)

A statutory benefit payable to employees on statutory paternity leave, provided they earn at least the lower earnings limit. SPP is payable for up to two weeks at the 'prescribed rate' or 'earnings-related rate' if lower of Statutory Maternity Pay.

Statutory Shared Parental Pay (Statutory ShPP)

In order to qualify for Statutory ShPP, an employee must be eligible for SPL and meet the same earnings test that applies for SMP.

Statutory ShPP is payable at the prescribed rate or the earnings-related rate, if lower, of Statutory Maternity Pay. Unlike, SMP, there is no provision for six weeks at a higher rate.

Unpaid Parental leave

This is separate to SPL and entitles employees to take up to 18 weeks off work to look after a child's welfare and is normally unpaid.

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