

# **Policy on Shared Parental Leave**

## **1. Introduction**

The School has a clear commitment to the promotion of equality of opportunity for all employees. It works towards positively supporting employees who are working parents and has attained a reputation as a top employer for working families. This policy demonstrates a commitment on the part of the School to enable employees to manage work and family.

The policy uses the following key terms:

- mother: the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).
- partner: the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

## **2. Policy aims**

The School seeks to sustain a strong track record as a diverse, fair and flexible employer that attracts and retains high calibre talent, and supports the career progression of men and women during their employment by the School.

## **3. Policy principles**

### Legislation on Shared Parental Leave

1. The Parental Leave Regulations 2014 result in a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. Shared Parental Leave (SPL), which replaces Additional Paternity Leave, allows eligible parents additional flexibility in the way they choose to care for a child's first year of life.
2. The mother will continue to be entitled to ordinary and additional maternity / adoption leave but will also be entitled to end their leave and any associated statutory maternity maternity/adoption pay.
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 parent able to submit three notices to book periods of leave. Shared Parental Leave SPL can be used alongside, or instead of, Maternity or Adoption Leave.
4. The amount of SPL available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. A birth mother must take at least two weeks' maternity leave following the birth of a child but can otherwise choose to end her maternity leave at any stage. An adopter can end

their adoption leave once they have taken it for two weeks. The mother and father (or same sex partner) will then be able to share the remaining 50 weeks between them by taking the leave in turns, in different blocks, or at the same time.

5. Parents will remain entitled to take maternity, paternity and adoption leave. However, an eligible mother may now choose to reduce their maternity/adoption leave early and opt in to SPL.
6. If an employee returns to work immediately after a period of SPL which, together with any period of maternity/adoption leave, was 26 weeks or less they will be entitled to return to work in the same job. If an employee returns to work from a period of SPL which, together with any period of maternity/adoption leave, was more than 26 weeks they have the right to return to the same job or another suitable job if that is not reasonably practicable.

#### Eligibility for Shared Parental Leave

7. A parent seeking to take Shared Parental Leave (SPL) must have worked for the same employer for a continuous period of at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and be still employed in the first week that SPL is to be taken.
8. The other parent must have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in 13 of the 66 weeks.
9. The criteria for the employment and earnings test means that the partner could be self-employed or no longer employed provided that the earnings threshold is met and/or continuous service of 26 weeks was met before the end of employment. As a non-employee, such a partner would not be able to take the SPL themselves but the eligible partner would be able to take the leave for example, a mother may prefer to opt for SPL rather than maternity leave because of being able to take the leave in a more flexible way i.e. in more than one block.
10. There is no increase in SPL entitlement in the case of multiple births / matching.

#### Continuous and Discontinuous Leave

11. SPL may be taken at any time within the period which begins on the date of birth or placement of the child and ends 52 weeks after that date.
12. An employee who is eligible for SPL can give their manager notice of a period of leave in either a single block or discontinuous periods of leave which must be taken before either the child's birthday, or before the first anniversary of the adoption placement. Discontinuous leave is a period of SPL of at least a block of one week, followed by a return to work, and followed by another period of SPL of at least a block of one week.

13. All notices for a continuous period of leave, from eligible employees, will be accepted. All requests for discontinuous leave will be considered. A manager can refuse the request for discontinuous leave and require the employee to withdraw the request or take the leave in a continuous block. Alternatively, the manager can propose alternative dates. The employee can take three separate blocks of leave provided that eight weeks' notice is given before each period.

#### Notification Requirements

14. Both parents need to notify their respective employers on how they intend to divide the period of SPL. The written notice of intention, which must be submitted at least eight weeks before the leave is due to start must contain the following information:

- their partner's name
- maternity leave start and end dates
- the total amount of SPL and Statutory Shared Parental Pay (ShPP) available and how much they and their partner intend to take
- confirmation that they are sharing childcare responsibility with their partner

and include a signed declaration from the partner stating:

- their name, address and National Insurance number
- that they satisfy the qualifying requirements for their partner to take SPL and receive ShPP
- that they agree to their partner taking SPL and receiving ShPP.

15. After receiving the above information, the manager can ask for the name and address of their partner's employer, and a copy of the child's birth certificate or in the case of adoption, documentary evidence of the name and address of the adoption agency, the date of notification of the dates of matching with the child and placing of the child for adoption.
16. Requests to vary a period of SPL (either the start or end date) can be submitted as long as the request is requested at least 8 weeks before the original start or end date.
17. The notice given to end the maternity / adoption leave is usually binding unless it becomes apparent that neither parent is entitled to SPL or, the notice was given before the birth / placement and is revoked within 6 weeks of the birth / placement.
18. After receiving notification of the intention to take SPL, the manager may, within 14 days, request a copy of the child's birth certificate or in the case of adoption, evidence confirming the name and address of the adoption agency and the dates of matching and placing the child. The employee has a further 14 days to provide the information.

### Eligibility for Statutory Shared Parental Pay

19. To qualify for Statutory Shared Parental Pay (ShPP) the employee, as well as having the appropriate continuity of service (employment by the employer for at least 26 weeks at the 15<sup>th</sup> week before the child's due/matching date and still an employee in the first week of SPL) must also have earned an average salary of the lower earnings limit or more for the 8 weeks prior to the 15<sup>th</sup> week before the child's due date or placement.
20. A maximum of 39 weeks' ShPP is payable, reduced by the number of the weeks of the statutory maternity / adoption pay already received by the mother.
21. ShPP is a standard weekly rate or 90% of the employee's weekly earnings, whichever is the lower. The rates are reviewed every April. Information on the current rates is available on: [www.gov.uk/maternity-paternity-calculator](http://www.gov.uk/maternity-paternity-calculator).
22. If the employee's employment comes to an end during the period of entitlement of ShPP then any remaining weeks will usually be payable unless they start working for someone else.

### Eligibility for Contractual Shared Parental Pay

23. As part of the School's positive support of employees who are working parents, Contractual Shared Parental Pay is available for eligible employees. Subject to qualifying for SPL and ShPP, an employee is eligible for up to a maximum of 16 weeks on full pay, this is not in addition to payment of ShPP or Contractual Maternity Pay,
24. A maximum of 16 weeks' contractual ShPP is only payable during the 37 weeks in which statutory shared parental leave pay is available.
25. Two employees who are the mother and partner respectively of the same child will be eligible, subject to qualifying for SPL and ShPP, to a maximum of 32 weeks on full pay between them, this is not in addition to payment of ShPP or Contractual Maternity Pay.

### Shared Parental Leave in Touch (SPLiT) Days

26. Each parent entitled to SPL or ShPP will have an individual entitlement to Shared Parental Leave in Touch (SPLiT) days for the purpose of attending training or working up to 20 days, either continuously or on odd days, without bringing to an end their SPL or ShPP. The SPLiT days are in addition to the 10 'keeping in touch' days available during maternity / adoption leave

### Pension

27. SPL does not break continuity of employment for pension purposes. If return to work takes place after a period of unpaid SPL, then, in line with pension scheme rules

employees have the option of making pension contributions to cover the period of unpaid leave.

#### Contingency fund for SPL replacement

28. In 1996/97 a contingency fund was set up to help departments that cannot easily meet the full cost of maternity/paternity leave replacement. Applications for funding to assist with any additional costs required to enable a department to recruit replacement staff to cover SPL should be made by managers to the APRC through the Planning Officer. The Academic Planning and Resources Committee (APRC) will assess each application for assistance from the fund on its merits.

#### Research Leave, New Academic Career Structure

29. Employees who are employed under the terms and conditions of the New Academic Career are entitled to a period of research leave (i.e. 4 months) following SPL for a period of 18 weeks or more in total in order to re-establish their research trajectory. Absences of less than 18 weeks will not normally attract research leave. More information can be found on:  
[www.lse.ac.uk/intranet/staff/humanResources/reviewingAndRewarding/leave/academicStaffLeave/Research-Leave-2014.docx](http://www.lse.ac.uk/intranet/staff/humanResources/reviewingAndRewarding/leave/academicStaffLeave/Research-Leave-2014.docx)

#### **4. Further information and advice**

30. The Procedure on Shared Parental Leave provides information on the steps that employees need to take to put the policy into operation.
31. Advice on eligibility for SPL can be sought from the HR Departmental Advisory Team and HR Partners. Advice on eligibility and the amount payable for ShPP and Contractual Shared Parental Pay can be sought from the Pay Team, Finance Division. Information on the impact of SPL on pensions can be sought from the Pensions Team.

## **Procedure on Shared Parental Leave**

### **Introduction**

1. The procedure provides information on the steps necessary to apply the Policy on Shared Parental Leave to the School's eligible employees. The policy provides information on eligibility for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) respectively.
2. The procedure uses the following key terms:
  - mother: is the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).
  - partner: is the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

### **Entitlement to SPL and ShPP**

3. If a mother takes 51 weeks or more of the 52 weeks of maternity or adoption leave available, then no shared parental leave can be created. It is only the untaken balance of the maternity/adoption leave that can be taken as shared parental leave.
4. Where an eligible mother curtails her maternity leave before the end of the 52 weeks to which she is entitled, the balance of untaken maternity leave may be taken by her, eligible partner or both as shared parental leave. The same arrangement applies to an eligible adopter who curtails his or her adoption leave before the 52 weeks' entitlement. Maternity leave cannot be brought to an end until after the two week compulsory maternity leave period and a minimum of 8 weeks' notice has to be given to bring maternity leave to an end. All SPL must be taken before the child's first birthday or the first anniversary of the date of placement in adoption cases.
5. A maximum amount of 37 weeks of ShPP can be created. The available ShPP is calculated by deducting the number of weeks' maternity pay the mother has received on her return to work from the maximum of 39 weeks' ShPP payable. Where a mother takes the full 39 weeks of statutory maternity or adoption pay or maternity allowance, then there is no untaken pay or allowance and no statutory shared parental pay can be created.

### **Notice requirements for SPL**

6. The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:
  - i. a maternity leave curtailment notice from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave)

- ii. a notice of entitlement and intention from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting and
- iii. a period of leave notice from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

#### Mother's Curtailment Notice

7. Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a binding maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:
  - i. after the compulsory maternity leave period, which is the two weeks [or four weeks for factory workers] after birth
  - ii. at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer
  - iii. at least one week before what would be the end of the additional maternity leave period.
8. The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention to take SPL.
9. The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:
  - it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given or,
  - the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth or
  - the partner has died.

#### Notice of Entitlement and intention to take SPL

10. The employee, whether the mother or the partner, must provide the employer with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least 8 weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

11. If the employee is the mother, the notice of entitlement and intention must set out:

- the mother's name
  - the partner's name
  - the start and end dates of any statutory maternity leave taken or to be taken by the mother
  - the total amount of shared parental leave available
  - the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother)
  - how much shared parental leave the mother and partner each intend to take
- and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

12. The mother's notice of entitlement and intention must include a declaration signed by her that:

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave
  - the information she gives in the notice of entitlement and intention is accurate
- and
- she will immediately inform the organisation if she ceases to care for the child.

In addition, the mother's notice of entitlement and intention must include a declaration signed by her partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number)
- declaring that the partner satisfies, or will satisfy, the conditions for eligibility to parental leave
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother
- declaring that the partner consents to the amount of leave that the mother intends to take

and



- declaring that the partner consents to the mother's employer processing the information in the partner's declaration.
13. If the employee is the partner, the partner's notice of entitlement and intention must set out:
- the partner's name
  - the mother's name
  - the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother
  - the total amount of shared parental leave available
  - the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner)
  - how much shared parental leave the partner and mother each intend to take and
  - a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).
14. The partner's notice of entitlement and intention must include a declaration signed by the partner that:
- he/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave
  - the information given by the partner in the notice of entitlement and intention is accurate
- and
- he/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity leave or pay period.
15. In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:
- specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number)
  - declaring that the mother satisfies, or will satisfy, the conditions for eligibility to share parental leave and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance
  - declaring that the mother consents to the amount of leave that the partner intends to take

- declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity leave or pay period

and

- declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

16. Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the School can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice) and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send the organisation the required information.

17. The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides the School with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.
- Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave.

#### Period of Leave Notice

18. To take a period of shared parental leave, the employee must provide the School with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

19. A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice

may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

20. The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides his/her School with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:
  - vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
  - request that a continuous period of leave become discontinuous periods of leave; or
  - request that discontinuous periods of leave become a continuous period of leave.
21. The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy/child.
22. If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave. The employee may submit a period of leave notice requesting discontinuous periods of leave. If the employee submits a period of leave notice requesting discontinuous periods of leave, the organisation, in the two weeks beginning with the date the period of leave notice was given, can:
  - consent to the pattern of leave requested or
  - propose an alternative pattern of leave or
  - refuse the pattern of leave requested.
23. Each request for discontinuous leave will be considered on a case-by-case basis. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the School against any adverse impact to the School; the manager may arrange a meeting to discuss the practicality of the request. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
24. 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.
25. If agreement to discontinuous leave is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

26. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

### Shared Parental Leave in Touch (SPLIT) days

27. An employee can agree to work for the School or, for example 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. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
28. The School has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the School and the employee.
29. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
30. An employee, with the agreement of the School, may use SPLIT days to work part of a week during SPL. The School and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

### Contract of Employment

31. During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, contractual annual leave entitlement will continue to accrue.
32. Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the School's contributions will be based on the salary that the employee would have received had they not been taking SPL. Should the employee wish, they can make additional contributions for their period of unpaid leave upon returning and if they decide to do this, the School will contribute Employer contributions for this period.

### Contact during Shared Parental Leave

33. Before an employee's SPL begins, the line manager and the employee should discuss the arrangements for keeping in touch during the leave and how the employee's holiday accrual, whilst on SPL, could be taken. The School reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### Returning to work after Shared Parental Leave

34. The employee will have been formally advised in writing by the School 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 School otherwise. If they are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
35. 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 School 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 3 notifications to book and/or vary leave then the manager does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

### Research Leave, New Academic Career Structure

36. Employees who are employed under the terms and conditions of the New Academic Career are entitled to a period of research leave (i.e. 4 months) following SPL for a period of 18 weeks or more in total in order to re-establish their research trajectory. Absences of less than 18 weeks will not normally attract research leave. More information can be found on <http://www.lse.ac.uk/intranet/staff/humanResources/reviewingAndRewarding/leave/academicStaffLeave/Research-Leave-2014.docx>

### Advice

37. An employee considering/taking SPL is encouraged to contact their HR Advisor or HR Partner to arrange an informal discussion as early as possible regarding their potential entitlement to SPL, to talk about their plans and to enable the manager to support them. In terms of ShPP, the employee is advised to contact the Head of Payroll or Payroll Manager.
38. The HR Partner 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. Also, it may be useful to discuss requests for annual leave accrued during paid service and/or flexible working.