



Procedures

Applying for Shared Parental Leave
Part of Supporting Family Life Overarching Policy
(UK Campuses only)

October 2015

HERIOT-WATT UNIVERSITY

SHARED PARENTAL LEAVE PROCEDURES TO SUPPORT SUPPORTING FAMILY LIFE OVERARCHING POLICY

CONTENT

Section		Page
1	Introduction	x
2	Procedures for Shared Parental Leave	x
6	Procedures version and history	x
Appendix1	Shared Parental Leave (SPL) Opt-In Form	X
Appendix2	Partner Declaration Form in regard to Shared Parental Leave (SPL) Opt-In Form	X
Appendix 3	Partner Declaration Form in regard to Shared Parental Leave (SPL) Opt-In Form	
Appendix 4	Shared Parental Leave Flow Chart	

1.	INTRODUCTION
	<p>This Procedure, which is part of the proposed Supporting Family Life suite of procedures, sets out guidance on how to request and notify the University of your Shared Parental leave; the time off; keeping in touch; and returning to or leaving the University at the end of your Shared Parental leave. This Procedure applies to UK Campuses only.</p>
2.	PROCEDURES FOR SHARED PARENTAL LEAVE
	<p>It is your responsibility to confirm that you and the other parent are eligible for Shared Parental Leave (SPL) and Shared Parental Pay (SPP), and the period(s) of SPL and SPP which you and the other parent will be taking. Any abuse of this procedure (for example, if you provide false or misleading information) is likely to result in disciplinary action being taken in accordance with the University's Disciplinary Policy.</p> <p>Opt-In Notice Not less than eight weeks before the date you intend your SPL to start, you must give the University a written Opt-In Notice in the form set out at the end of this Appendix 5. In the Opt-In Notice, you are required to confirm that you are eligible for SPL and give an indication of the dates of SPL which you would like to take. The other parent is also required to complete a short declaration. You may submit their Period of Leave Notice (described in more detail below) at the same time, or at a later date. Both the Opt-In and Period of Leave Notices must be submitted at least eight weeks before you want any period of SPL to start.</p> <p>Evidence of Entitlement Within 14 days of receiving an Opt-In-Notice, the University may request that you provide:</p> <ul style="list-style-type: none"> • in birth cases, a copy of the birth certificate. Where the child has not yet been born, this should be supplied within 14 days of the birth; • in adoption cases, one or more documents from the adoption agency showing the agency's name and address and the expected placement date; • in surrogacy cases, a parental order, if available; and • the name and address of the other parent's employer (or a declaration that they have no employer). <p>If requested, this information must be provided within 14 days or you may not be able to take the period of SPL requested.</p> <p>Ending maternity leave Mothers must give at least eight weeks' written notice to end their maternity or adoption leave before they can take SPL. Mothers should give this notice by specifying the date that their maternity/adoption leave will end in the Opt-In Notice.</p> <p>Partners cannot commence SPL unless the Mother has:</p> <ul style="list-style-type: none"> • returned to work; • given her employer notice that she wants to end her maternity/adoption leave (or her SMP/SAP if she is not entitled to maternity/adoption leave); • given the benefits office notice that she wants to end her Government Maternity Allowance (if she is not entitled to maternity leave or SMP). <p>This means that a Partner can take SPL at the same time as the Mother is on maternity leave; provided that the Mother has notified her employer of the date that</p>

she wants her maternity/adoption leave to end before the Partner is due to commence SPL.

Period of Leave Notice

Once you have opted into the SPL system you will need to give the University a Period of Leave Notice, in the form set out at the end of this Appendix 5. This should specify your proposed start and end dates of SPL and SPP. This can be given at the same time as the Opt-In Notice, or it can be given later, as long as it is given at least eight weeks before your proposed start date of SPL.

Changing the Date of SPL

You can change a requested period of leave by submitting a further Period of Leave notice at least eight weeks before the change will take effect (e.g. at least eight weeks before the original and newly proposed start date). You can give up to three Period of Leave notices, and the initial request will count towards this total. A Mother may also cancel her SPL notice provided she does so within six weeks of the child's birth or placement for adoption.

Where the child is born early (before the beginning of the Expected Week of Childbirth), you may be able to start SPL in the eight weeks following birth even though you are unable to give eight weeks' notice. In such cases:

- if you have already given a Period of Leave notice to start SPL on a set date in eight weeks following the Expected Week of Childbirth, but your child is born early, you can move the SPL start date forward by the same number of days, provided that you notify the University in writing of the change as soon as possible. (If the Period of Leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
- if the child is born more than eight weeks early and you want to take SPL in the eight weeks following birth, you should submit your Opt-In Notice and your Period of Leave notice as possible.

Blocks of Leave

If you ask to take a single continuous block of SPL, you will be entitled to take that leave.

If you ask to take discontinuous blocks of SPL, the University can, within two weeks of receiving the Period of Leave Notice:

- agree to the periods of SPL;
- suggest alternative dates; or
- refuse the periods of SPL.

If no agreement is reached within the two week period, you can withdraw the Period of Leave Notice or take the total amount of leave requested as a single period of SPL. Where in response you decide to take a single period of SPL, you have five days to notify the University of the start and end dates of your SPL. If you do not do so, the start date requested for the period of discontinuous leave will apply as the default start date. The start date must not be less than eight weeks from the date of your original request.

Contact during shared parental leave

The University recommends that your line manager maintains reasonably regular contact with you during your shared parental leave, unless you advise them otherwise. This may be to discuss your plans for return to work, 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. You and your manager

should discuss in advance of you going on shared parental leave what reasonably regular contact will mean in practice.

SPL Keeping-in-touch days

You can agree to work for the University (or to attend training) for up to 20 days during SPL without that work bringing the period of SPL to an end and without loss of a week's SPP. These are known as 'SPL in-touch' (SPLIT) days. Any work carried out on any one day is classed as a SPLIT day's work for these purposes.

The University has no obligation to require you to carry out any work, and you have no obligation to undertake any work, during SPL. Any work undertaken is entirely a matter for agreement between the University and you. Salary for work undertaken on any SPLIT day would normally be paid at your normal contractual hourly rate for the number of hours worked. Any SPLIT days worked do not extend the period of SPL.

Note: we will pay you your usual contractual rate of pay for the hours you work on any SPLIT day. Any day on which work is done during shared parental leave will count as a whole SPLIT day; so if you came in for a 2- hour meeting or half-day training session, for example, that would still count as one SPLIT day.

Returning to work

The University expects you to return to work on the date notified to it in your Period of Leave Notice. If you want to end a period of SPL early or extend it further, you must give the University at least eight weeks' written notice of the new return date. If you fail to do so, the University may postpone your return to such a date as will give the University eight weeks' notice, provided that this is not later than the original return date. If you have already given three Period of Leave Notices, you will not be able to reduce or extend your SPL without the University's agreement.

If you are unable to attend work at the end of your SPL 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.

If you decide not to return to work after SPL, you must give notice of resignation as soon as possible and in accordance with the notice period in your contract of employment. If the notice period would expire after SPL has ended, the University may require you to return to work for the remainder of the notice period.

Coaching

The Organisational Development team within HRD offers coaching to staff who are about to go on or are returning from shared parental leave.

The aim is to provide additional support to you through this important time; for example, you may have concerns about how you can juggle your career aspirations with your parental responsibility and coaching can help you work through some of these issues, ensuring your transition back to work is as smooth as possible.

If you would like to find out more about coaching or meet with one of our experienced coaches from across the University, please contact organisational.development@hw.ac.uk or call 0131 451 3491

Flexible Working

If you wish to change or reduce your current working pattern or hours, you may apply under the Flexible Working Policy which may be found here: [Flexible Working Policy 2015](#)

	<p>Recording Shared Parental Leave on iHR The HR Team will record your Shared Parental leave absence on iHR.</p>			
3.	PROCEDURES VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V. 1.3 for approval	07.12.2015	UE	Updated Procedure to reflect legislation and to link with new Supporting Family Life Overarching Policy



Shared Parental Leave (SPL) Opt-In Form

Personal Details	
Name:	
Area and Directorate / School:	

Maternity Leave Details	
The expected week of childbirth/ date of placement for adoption is:	
<i>In adoption cases</i> , the date on which I was notified of having being matched with the child is:	
<i>In surrogacy cases</i> , if a parental order has been granted, the date on which it was granted is:	
Start and End Dates of any Maternity / Adoption Leave taken in respect of the child (either by you or your partner)	Start:
	End:
Start and End Dates of any Maternity / Adoption Pay or Maternity Allowance taken in respect of the child (either by you or your partner):	Start:
	End:

SPL Details	
The total amount of SPL available to me and my partner is (maximum amount 50 weeks):	
The total amount of Shared Parental Pay (SPP) available to me and my partner is (maximum amount 37 weeks):	
Total amount of SPL you and your partner intend to take:	Employee: week(s)
	Partner: week(s)
Total amount of SPP you and your partner intend to claim:	Employee : week(s)
	Partner: week(s)
Please provide details of your proposed pattern and dates of SPL and SPP here. <i>Please note that the proposed pattern of leave in this Opt-In form is not binding. You must also submit a Period of Leave Notice setting out your actual leave pattern, and the information contained in this</i>	

section does not constitute a Period of Leave Notice.	
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Declaration

In order to confirm your eligibility for SPL and SPP, please sign this form declaring that you meet the criteria as noted below.

I declare that, I am:

- I am the mother / adopter of the child. I am entitled to statutory maternity leave and pay or statutory adoption leave and pay and intend to curtail my rights to such leave and pay as set out above **OR**
- I am the father of the child or spouse / civil partner / partner of the mother / adopter. My partner is entitled to statutory maternity/adoption leave or pay or maternity allowance and intends to curtail their rights to such leave or pay as set out above.
- I have or will have been employed by the University for a minimum of 26 weeks at (i) in birth cases, the end of the 15th week before the expected week of childbirth or (ii) in adoption cases, the week the adoption agency notified me or my partner that I/they have been matched with a child for adoption.
- I have or will have average weekly earnings of not less than the lower earnings limit in force for national insurance contributions in the period of eight weeks leading up to (i) in birth cases, the end of the fifteenth week before the expected week of childbirth or (ii) in adoption cases, the week the adoption agency notified me or my partner that I/they have been matched with a child for adoption.
- My partner has or will have in the 66 weeks leading up to the child's expected due date/matching date worked for at least 26 weeks and earned an average of at least £30¹ a week in any 13 of those weeks.
- If you are an intended parent in a surrogacy arrangement who has not obtained a parental order in respect of the child only:** I have applied for, or intend to apply, under section 54 of the Human Fertilisation and Embryology Act 2008 with another person for a parental order in respect of the child within the time limit for making such an application and I expect the court to make a parental order on that application in respect of the child.
- My partner and I have the main responsibility for the care of the child and I intend to care for my child in any week where Statutory Shared Parental Pay is due.
- If I cease to be eligible for Shared Parental Leave or Pay, I will immediately inform the University.
- I have enclosed a declaration from my partner with this Opt-In Form.
- I intend to return to work after SPL. My attention has been drawn to the right of the University to reclaim the whole or part of the non-statutory element of shared parental pay if I fail to return to work and continue in employment for at least three months, as defined in the Supporting Family Life Policy, and I hereby undertake to refund that amount if such a situation arises.**

Signed (employee)	
Date	

Applications should be completed and sent to Human Resources at least eight weeks before any period of SPL or SPP is proposed to begin along with a Partner Declaration Form. Please note that in order to be eligible for SPL you will also need to submit a Shared Parental Leave (SPL) Period of Leave Notice at least eight weeks before any period of SPL or SPP is proposed to begin.

¹ 2015 rate



Partner Declaration Form in regard to Shared Parental Leave (SPL) Opt-In Form

Partner Details	
Name:	
Address (including postcode):	
National Insurance Number:	

Employee Details	
Name of Employee:	
Job Title and Section / School:	

Partner Declaration

I confirm that (tick as appropriate):

- I am the child's mother (in birth cases) or the person with whom the child is or is expected to be placed (in adoption cases). I am entitled to statutory maternity/adoption leave or pay or maternity allowance and intend to curtail my rights to such leave or pay as set out in the employee's SPL Opt-In Form.
- I am the child's father or the employee's spouse, partner or civil partner.
- I have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the expected week of childbirth/date of placement and my average weekly earnings are not less than the lower earnings limit set by the Government during 13 of those weeks.
- I consent to the period(s) of SPL and SPP which the employee intends to take and which are set out in their SPL Opt-In Form.
- I have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the expected week of childbirth and my average weekly earnings are not less than the lower earnings limit set by the government during 13 of those weeks;
- I consent to the University processing such of my information as is contained in this Declaration Form.

Signed:	
Dated:	

Note to Heriot-Watt employee: you must return this completed form together with your SPL Opt-In Form to Human Resources, not less than eight weeks before any period of SPL or SPP is proposed to begin.

Shared Parental Leave (SPL) Period of Leave Notice



Personal Details	
Name:	
Area and Section / School:	
This is the first/second/third (delete as appropriate) Period of Leave Notice I have submitted and (if applicable) I confirm that I have/have not (delete as appropriate) withdrawn any of these notices.	

SPL Details	
The total amount of SPL available to me and my partner is (maximum amount 50 weeks):	
The total amount of Shared Parental Pay (SPP) available to me and my partner is (maximum amount 37 weeks):	
Total amount of SPL you and your partner intend to take:	Employee: week(s)
	Partner: week(s)
Please provide details of your requested pattern and dates of SPL. Please note that unlike the SPL Opt-In Form, this is a binding request to take SPL on these dates	
Total amount of SPP you and your partner intend to claim:	Employee : week(s)
	Partner: week(s)
Please provide details of your requested pattern and dates of SPP. Please note that unlike the SPL Opt-In Form, this is a binding request to claim SPP on these dates.	

Declaration

I confirm that (tick as appropriate):

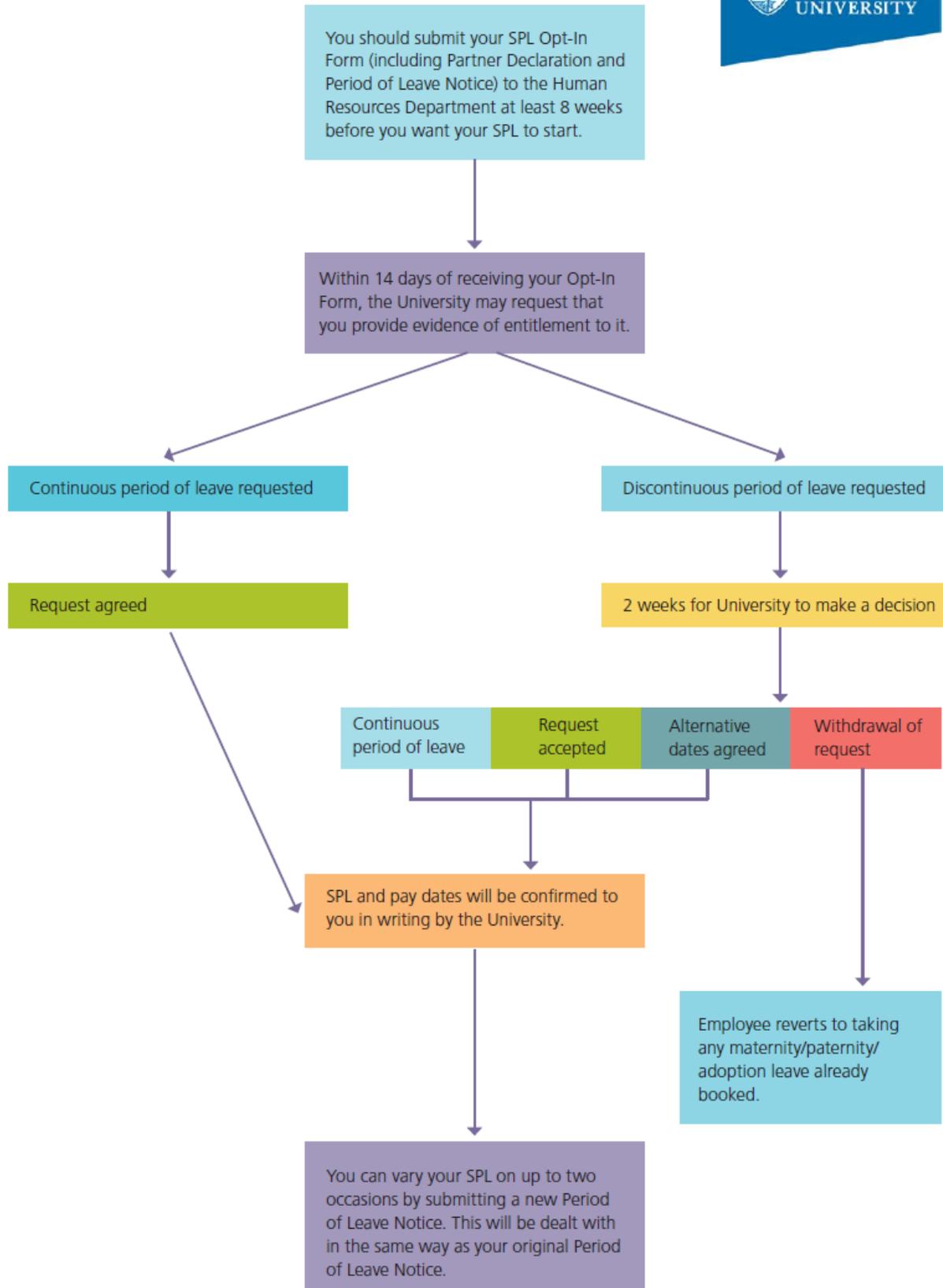
- I have enclosed a copy of my SPL Opt-In Form and Partner Declaration with this form.
- I have curtailed my maternity or adoption leave or will have done so by the date my SPL is due to begin. OR
- My partner has given notice to curtail their maternity or adoption leave, SAP, SMP or MA, or has returned to work.
- In accordance with the criteria set out in the University's SPL Policy and the SPL Opt-In Form, I am eligible to take SPL and claim SPP and I will immediately inform the University if I cease to meet the conditions for entitlement to SPL or SPP.
- I intend to return to work after SPL. My attention has been drawn to the right of the University to reclaim the whole or part of the non-statutory element of shared parental pay if I fail to return to work and continue in employment for at least three months, as defined in the Supporting Family Life Policy, and I hereby undertake to refund that amount if such a situation arises.**

Signed (employee)	
Date	

Applications should be completed and sent to Human Resources at least eight weeks before any period of SPL or SPP is proposed to begin.



Shared Parental Leave (SPL) Booking Process



PROCEDURES

PROCEDURES