

Shared Parental Leave and Pay Policy

October 2020

Policy control

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SHARED PARENTAL LEAVE AND PAY POLICY

1 PURPOSE AND SCOPE

- 1.1 The Glasgow School of Art (GSA) recognises that challenges can arise when parents have to balance work and childcare responsibilities. Shared Parental Leave is a flexible leave option which provides parents with the opportunity to consider the best arrangements to care for their child during the child's first year.
- 1.2 This policy sets out the options available to employees who wish to take Shared Parental Leave, and outlines the requirements and responsibilities of all relevant parties.
- 1.3 All eligible employees are able to take Shared Parental Leave as outlined in the policy. Employees may also be entitled to receive Statutory Shared Parental Pay (SShPP) whilst they are taking Shared Parental Leave, or the enhanced GSA Shared Parental Pay if eligible.

2 SHARED PARENTAL LEAVE (SPL)

- 2.1 The amount of Shared Parental Leave available is 50 weeks, which can be shared between the two eligible parents. By using Shared Parental Leave, both parents can take leave at the same time or they may wish to alternate between periods of leave and periods of work.
- 2.2 Shared Parental Leave can only become available once the mother/primary adopter ends their maternity/adoption entitlements.
- 2.3 If an eligible member of staff would like to end their maternity or adoption leave and opt into Shared Parental Leave then they must give at least eight weeks written notice (known as a "curtailment notice") to end their maternity or adoption leave.
- 2.4 Employees continue to be entitled to 52 weeks maternity and adoption leave. A mother must take at least two weeks compulsory maternity leave after the birth of her baby. An adopter must take at least two weeks compulsory adoption leave before it can be curtailed.
- 2.5 Shared Parental Leave should be taken in blocks of at least one week. It can be taken as one continuous period or as up to three separate discontinuous blocks of leave and can be taken separately or by both parents at the same time. Requests for continuous leave will be granted provided the required notice is provided; requests for discontinuous leave need to be considered and authorised by the employee's line manager and may not necessarily be approved.
- 2.6 Partners should consider taking their statutory two weeks of maternity/adoption support leave and pay before taking Shared Parental Leave as this is lost once Shared Parental Leave starts.

3 ELIGIBILITY FOR SHARED PARENTAL LEAVE

3.1 Shared Parental Leave can be taken by two people:

- the mother/primary adopter **and**
- either the father of the child **or** the spouse/civil partner of the child's mother/primary adopter.

3.2 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

3.3 Additionally, an employee of GSA taking Shared Parental Leave must satisfy each of the following criteria:

- The mother/primary adopter must be entitled to statutory maternity/adoption leave or pay;
- The child's mother/primary adopter has appropriately "curtailed" their maternity/adoption leave and pay and opted-in to the Shared Parental Leave scheme;
- The employee must still be working for GSA at the start of each period of Shared Parental Leave.

3.4 The employee's partner must meet the employment and earnings test i.e. has:

- Worked for 26 weeks in the 66 weeks leading up to the due date of birth/adoption and;
- earned an average of at least £30 a week in any 13 of those weeks.

4 SHARED PARENTAL PAY (ShPP)

4.1 Statutory Entitlement

4.1.1 The amount of Shared Parental Pay an eligible employee will be able to receive will depend on the amount of maternity/adoption pay or maternity allowance that a mother/primary adopter has already taken.

4.1.2 Eligible employees may be entitled to receive up to 37 weeks Shared Parental Pay, and 13 weeks unpaid leave whilst taking Shared Parental Leave.

4.1.3 Shared Parental Pay is paid at the statutory rate set by the Government for the relevant tax year, or 90% of employees' average weekly earnings if this is lower.

4.1.4 To qualify for statutory Shared Parental Pay employees must:

- Be entitled to statutory maternity/adoption pay, and;
- The child's mother/primary adopter has appropriately "curtailed" their maternity/adoption leave and pay and opted-in to the Shared Parental Leave scheme;

- Intend to care for the child during the weeks in which Shared Parental Pay is payable;
- Have earned above the Lower Earnings Limit for National Insurance Contributions in the 8 weeks prior to the qualifying week.

4.1.5 Employees with less than 26 weeks continuous service at the qualifying/matching week are not entitled to statutory Shared Parental Leave and so will not qualify for statutory Shared Parental Pay.

4.2 GSA Shared Parental Pay (GSA ShPP)

4.2.1 As part of our commitment to supporting employees who are working parents, GSA provides an enhanced GSA Shared Parental Pay for eligible employees. Employees will be able to take advantage of the enhanced terms where they have been employed by GSA for 26 continuous weeks or more by the 15th week before the Expected Week Confinement/placement date.

4.2.2 GSA Shared Parental Pay will be paid at:-

- 14 weeks at the employee's normal rate of full pay (payable between weeks 3 to 16 following birth or adoption);
- 23 weeks at statutory shared paternity pay (payable between weeks 19 to 39 following birth or adoption);
- 13 weeks unpaid leave (between weeks 40 to 52 following birth or adoption).

5 NOTIFICATION OF INTENTION AND REQUESTS TO TAKE SHARED PARENTAL LEAVE

5.1 Should an employee wish to opt in to Shared Parental Leave, we would encourage that informal discussions take place with the line manager as soon as possible to allow for appropriate discussions and decisions to be made.

5.2 Employees who meet the eligibility criteria must give GSA formal written notice of at least eight weeks before any period of Shared Parental Leave can commence by completing the relevant SPL2A or SPL2B form (from HR).

5.3 Employees are able to submit up to three notifications of leave. Each notification may include:

- A single period of leave;
- Two or more periods of leave (this is where the employee intends to return to work between periods of leave);
- Shared Parental Leave can only be taken in complete weeks however this may commence on any day of the week.

5 EVIDENCE OF ELIGIBILITY

6.1 GSA may request any of the following information in relation to evidence of eligibility:

- The name and business address of the employee's partner's employer;
- A copy of the child's birth certificate or declaration of the time and place of birth, or;
- Evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

7 ANNUAL LEAVE

7.1 Employees will continue to accrue contractual holiday entitlement during Shared Parental Leave.

7.2 Employees may, with their line manager's agreement, use any holiday entitlement accrued prior to commencing Shared Parental Leave, to extend their leave before or after the birth/adoption of the child.

8 PENSION ARRANGEMENTS

An employee on Shared Parental Leave will continue to be a member of the pension scheme if they belong to one. When they are in receipt of full pay (i.e. received GSA enhanced Shared Parental Pay) the employee's contributions will be deducted as normal. During periods of Statutory Shared Parental Pay, the employee's contributions will be deducted according to the total amount of pay received. Periods of unpaid leave do not count towards pensionable service. Should employees wish to make contributions for any period of unpaid leave, they should contact the Payroll Officer to arrange to pay the employee contributions within six months of returning to work from Shared Parental Leave. The Payroll Officer can provide more information on request.

9 SHARED PARENTAL LEAVE IN TOUCH DAYS (ALSO KNOWN AS SPLIT DAYS)

9.1 Before any period of Shared Parental Leave begins, HR will discuss the arrangements for employees to keep in touch during Shared Parental Leave. GSA reserves the right to maintain reasonable contact with the employee from time to time during their Shared Parental Leave. This may be to discuss any the employee's plans to return to work, discuss any special arrangements to be made or training to be given to ease them into their return to work, or simply to update on developments during their absence. Employees will be kept informed of any relevant promotion opportunities for job vacancies that arise during maternity leave.

- 9.2 Except during the first two weeks after childbirth/adoption, an employee can agree to work or attend training for up to 20 days during their Shared Parental Leave, without bringing their period of Shared Parental Leave to an end or impacting on their pay. These are known as Shared Parental Leave in Touch (SPLIT) days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 9.3 GSA has no right to require the employee to carry out any work during Shared Parental Leave. Any work undertaken, is entirely a matter for agreement between GSA and the employee. Employees will be paid their normal rate of Shared Parental Leave pay for any work undertaken on SPLIT days, unless these fall during the unpaid leave period, in which case they will be compensated for a full day's pay.

10 CONTINUITY OF SERVICE

- 10.1 Continuity of service will not be broken by any period of Shared Parental Leave, whether paid or unpaid, and therefore entitlement to periods of notice, holidays and sick leave which accrued at the beginning of Shared Parental Leave will be preserved, in accordance with the terms of the employee's contract of employment.

11 RETURNING TO WORK

- 11.1 An employee may exercise the right to return to work at any time during the period of leave, other than the exceptions detailed in section 2.4.
- 11.2 On resuming work after Shared Parental Leave, the employee is entitled to return to the same job as they occupied before commencing Shared Parental Leave on the same terms and conditions of employment as if he/she had not been absent.
- 11.3 Whilst returning to work on the basis of an alternative working pattern or hours of work is not a right, GSA will give serious consideration to such requests on either a temporary or permanent basis, from employees returning to work following Shared Parental Leave. The employee should submit a request in writing as early as possible. Any change will be discussed with the employee at a meeting within 28 days of the request being received.

Appendix 1

SHARED PARENTAL LEAVE PROCESS

Employee becomes aware of pregnancy/match for adoption:

Decide best option: Maternity/Adoption Policy, Maternity/Adoption Support Policy and SPL Policy
If SPL is chosen, SPL1 Form should be completed to curtail the maternity/adoption leave.

Discuss early on with line manager of your intentions

Notice of Intention & Entitlement

Provide GSA with formal notice of intention and entitlement at least 8 weeks before any SPL can begin.
You can use Form SPL 2A or SPL 2B.
You must provide a signed declaration from yourself and your partner.

GSA will acknowledge the request within 14 days and may request further evidence of eligibility.
Arrange to meet with employee to discuss leave and entitlements.

Request Leave

You can submit up to 3 separate notices for SPL.
You can request your SPL at same time as formal notice, ensuring you provide at least 8 weeks' notice of any period of leave.
Leave can be continuous or discontinuous blocks.

GSA will confirm outcome to the employee in writing.

Continuous Leave

GSA confirms leave and pay

Discontinuous Leave

In discussion with line manager, GSA will either:
Grant leave, confirm leave and pay, or,
Reject request and ask to withdraw leave and take in continuous block.