

## Shared Parental Leave and Pay

We know that having a baby or adopting a new child is an important and exciting time. We want to support your journey and this policy gives important information about shared parental leave and pay.

Shared parental leave gives parents the opportunity to share the care of their child in the first year. There are some important things that you need to know and do, to help us make the arrangements for your shared parental leave and pay. We would ask that you initially talk to your manager when considering shared parental leave.

The provisions in this policy are available to all staff regardless of sexual orientation, gender identity and any other protected characteristic.

This policy does not form part of your contract of employment. The university reserves the right to amend the terms of this policy when required.

This policy applies to employees living and working in the UK, if you have an approved arrangement to work abroad, please contact [hr@kcl.ac.uk](mailto:hr@kcl.ac.uk) to understand the provisions available to you.

Managers are encouraged to familiarise themselves with this policy.

## Essential information

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Shared parental leave enables the mother/birth parent/primary adopter (the primary carer) to commit to ending their maternity or adoption leave and to share the untaken balance of leave and pay with their partner as shared parental leave.

Shared parental leave is designed to give parents more flexibility in how to share the care of their child in their first year.

Shared Parental Leave and Shared Parental Pay are separate entitlements, the eligibility requirements set out in legislation are complex. Sometimes both parents will qualify and sometimes only one parent will qualify.

Please contact [hr@kcl.ac.uk](mailto:hr@kcl.ac.uk) before organising your leave.

## **Shared Parental Leave**

Shared parental leave allows eligible parents to share a maximum of 50 weeks leave, to care for a child. The amount of shared parental leave available will depend on when the primary carer chooses to bring their maternity or adoption leave to an end.

You can use shared parental leave to take leave in blocks separated by periods of work or take it all in one go. As long as you are both eligible you can choose to be off work together or to stagger the leave and pay.

Shared parental leave must be taken in blocks of at least one week. All shared parental leave must be taken within the first 52 weeks following the birth of the child.

## **Eligibility for Shared Parental Leave**

To qualify both parents need to share responsibility for the child at birth, or when placed with the family.

To take shared parental leave you will need to have been continuously employed by us for 26 weeks up to and including the 15<sup>th</sup> week before the baby is due. This is called the 'continuity of employment test'. You will also need to still be employed by us in the week before any shared parental leave is due to start.

In addition, your partner must have been an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due (or matched for adoption) and must have earned an average of £30 a week in 13 of those 26 weeks (not necessarily continuously). This is called the 'employment and earnings test'.

Further information can be found on [www.gov.uk/shared-parental-leave-and-pay](http://www.gov.uk/shared-parental-leave-and-pay).

## **King's Shared Parental Pay**

King's offers a maximum of 18 weeks Shared Parental Pay to all eligible employees.

To be eligible you need to:

- be an employee at King's before the expected week of childbirth or placement date,
- be responsible for the child's upbringing,
- meet eligibility criteria for Shared Parental Leave,
- have statutory shared parental pay available to share, and
- intend to return to work for the University following shared parental leave for a minimum of 3 months.

The amount of Kings Shared Parental Pay available depends on the number of weeks of Kings Maternity or Adoption Pay already taken within the first 18 weeks after birth or placement. The more weeks of occupational paid leave used, the fewer weeks of Kings Shared Parental Pay remain.

King's Shared Parental Pay is made up of different elements and is enhanced to full pay for up to 18 weeks.

## **Statutory Shared Parental Pay**

If eligible, a maximum of 37 weeks Statutory Shared Parental Pay can be taken, the rate of this pay is set by the UK Government each financial year. The number of weeks' pay available, is the remaining balance of the adoption or maternity leave taken by the primary carer.

King's Shared Parental Pay is available for up to 18 weeks and will be an enhancement of statutory payment, which will be paid automatically through King's payroll. Once King's Shared Parental Pay has been exhausted the remaining weeks will be paid as Statutory Shared Parental Pay only.

To qualify for Statutory Shared Parental Pay you must have been employed at King's for more than 26 weeks' continuously at the 15<sup>th</sup> week before the expected week of childbirth or placement date and earn at least the [lower earnings limit](#) set by the UK Government each year. In addition, your partner must meet the 'Employment and Earnings Test'.

Where both parents work for King's, they will each be able to take up to 18 weeks enhanced shared parental pay.

The gov.uk website provides information on [Statutory Shared Parental Pay](#).

To receive enhanced shared parental pay you need to commit to come back to work after your Shared Parental Leave and work with us for at least three months from your return. If you should leave in the first three months of your return to work, you are expected to pay back the enhanced element of the shared parental pay received.

### **Taking Shared Parental Leave and Pay**

If you are thinking of requesting shared parental leave, we encourage you to contact your manager to informally discuss the support they and the university can provide.

Shared parental leave can be taken in one go or you can ask for up to three blocks of shared parental leave instead. This is even if you are not sharing the leave with your partner.

Where your partner is also taking shared parental leave, you can take up to three blocks of leave each. You can take the time off at different times or the same time.

If you are a partner and intend to take shared parental leave in one go, we will always approve this.

If you ask to take the shared parental leave in blocks, we will try to make this work, however we may need to decline the request. Where this happens, we will explain why it has been rejected and suggest alternative dates.

The gov.uk website has a useful tool to [plan your shared parental leave and pay](#).

### **Curtailing Maternity or Adoption Leave**

Shared Parental Leave and Pay can only start once the mother/birth parent/primary adopter ends (curtails) their leave and converts the remaining amount to Shared Parental Leave and Pay. The earliest the leave can be curtailed is two weeks after the birth or placement of a child.

### **Changes to Maternity or Adoption Leave**

Once maternity or adoption leave has been finished early it cannot be restarted, unless:

- You find out during your eight weeks' notice period that either you or your partner are not eligible for shared parental leave,

- The mother/birth parent exits the shared parental leave scheme before the original date of curtailment and less than six weeks after their child's birth,
- Either partner has died.

If you change your mind about ending your adoption or maternity leave early, you need to tell your manager. The original planned end date must not have passed, and you should not have already returned to work.

### **Requesting Shared Parental Leave**

You must apply for shared parental leave at least eight weeks before your intended start date.

Once you have decided on your dates, you will need to complete the [Shared Parental Leave Request Form](#) and submit this to [HR@kcl.ac.uk](mailto:HR@kcl.ac.uk) and we will confirm your dates in writing.

You can use the [Booking Notice](#) to request additional periods of shared parental leave.

It should be noted that you are allowed to submit a maximum of three separate booking notices. After which no further changes will be accepted.

### **Changes to Shared Parental Leave**

If you wish to extend your period of shared parental leave or end it early, you must give at least eight weeks' written notice of the change. If you wish to extend your leave and there must be unused leave remaining.

The [Booking Notice](#) should be used for this request. If you have already submitted three booking notices the shared parental leave will only be extended at the University's discretion.

### **Paternity and Partners Leave**

Paternity and partners leave is not included in the calculation for shared parental leave. Any paternity and partners leave should be taken before commencing shared parental leave and any unused paternity and partners leave will be lost.

### **Neonatal Leave**

If your child is admitted into neonatal care, you will be granted additional leave to support you in this critical time. This may mean that your original Shared Parental Leave dates change and you will need to contact [hr@kcl.ac.uk](mailto:hr@kcl.ac.uk) to discuss your leave.

Further details can be found in the [Neonatal Leave Policy](#).

### **Keeping in Touch**

You should agree with your manager prior to the start of the leave the level of contact while on shared parental leave. They will also tell you about Shared Parental Leave in Touch Days (SPLIT) where you can work up to 20 days during your leave to help stay in touch with the university. These are explained in more detail in the [Keeping in Touch](#) guidance.

### **Pregnancy Loss**

If your baby is born prematurely and does not survive or is stillborn (after 24 weeks') before the expected week of childbirth and you have already booked shared parental leave, you will still be able to take this. However, if you have not given notice then you will no longer be eligible. Information to support you during this difficult time can be found in our [Pregnancy loss guidance](#).

## Redundancy Protection

If you take a Shared Parental leave for a period of 6 continuous weeks or more, you will have additional redundancy protection. This protection continues throughout your leave until 18 months from date of birth or placement or date of entry into the UK (if overseas adoption).

If you took a period of Maternity or Adoption leave the protection provided for that leave overrides the protection provided for Shared Parental leave.

Whilst the additional protection applies, if there is a redundancy situation, you may be offered suitable alternative employment, where it exists, in preference to other employees.

For further information refer to the [Redeployment Policy](#).

# Things to Think About

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## Returning to Work

You may have been out of the workplace for some time, and it can take a little while to settle down. [Keeping in Touch Days](#) can be used to help you settle back into work gradually towards the end of your leave. When you do return your manager should provide a general update and give you time to complete any mandatory training.

If you return to work after 26 weeks or less, of shared parental leave plus any adoption or maternity leave, you will return to the same job on the same terms and conditions as if you had not been absent unless a redundancy situation has arisen during the period of shared parental leave.

If you return to work after more than 26 weeks of shared parental leave plus any adoption or maternity leave, you will have the right to return to the same job unless it is not reasonably practicable for the University to permit this, in which case you will have the right to return to another job that is both suitable and appropriate for you to do in the circumstances.

## Changing Working Patterns

We appreciate that it is challenging to balance having a new child and your work. Flexible working may help. Look at our [Flexible Working Policy](#) for further information.

## Returning to Work Outside the UK

If you are intending to work remotely outside the UK on your return to work following a period of shared parental leave, you should talk to your manager before making any arrangements. You should also read our [Global Staff Mobility Policy](#), as this may have tax and social security implications.

If you require any further guidance, contact [hr@kcl.ac.uk](mailto:hr@kcl.ac.uk).

## Unable to Return to Work

We hope that all staff can return to work after their shared parental leave. However, we understand there may be reasons stopping this. We ask that you talk to your manager about this so they can help you find ways to allow a return to King's.

If you are unable to return to work because of ill health, contact your manager prior to your return date. This will be considered as sick absence and managed using our [Sick Absence Management Policy](#).

### **Expiry of Fixed Term Contract**

If you are employed on a fixed term contract and this is coming to an end, you will continue to receive shared parental pay for any blocks of shared parental leave booked after your contract expires.

You will also be eligible for enhanced shared parental pay where the qualifying conditions are met and:

- the reason you are leaving is not due to conduct or capability, or
- you have not declined the offer of suitable alternative employment.

Any outstanding enhanced shared parental pay will be paid as a one-off payment following the end of your contract. Any Statutory Shared Parental Pay will continue to be paid until this is exhausted.

You should notify [hr@kcl.ac.uk](mailto:hr@kcl.ac.uk) if:

- you no longer meet the conditions for receiving statutory pay, this includes if you start another job,
- your partner increases the number of weeks shared parental leave and pay they will take, which means that you will have less leave and pay available than originally booked

If your fixed term contract expires during your leave or within three months of return, you will not be expected to repay the enhanced part of your shared parental pay.

### **Pension**

Your pension rights and contributions will be maintained while on paid leave. When you have unpaid leave pension rights and contributions will be in accordance with the provisions of your pension scheme. Contact the [King's Pension Team](#) with any questions.

### **Pay Increments**

You will continue to receive the normal increment on your pay scale in accordance with your contract of employment.

### **Holidays**

You will accrue full contractual annual leave, including bank and public holidays while on shared parental leave. Holiday built up during this time and not taken within the leave year may be carried across to the following year and taken before the end of the following leave year.

Concessionary days that happen while you are on shared parental leave will not accrue.

## **Further Support**

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It is important that you understand about shared parental leave and pay before making a request to take this time off. If you are considering this leave, then we would ask that you contact [HR](#) before doing so. They will be able to help you understand if you are able to take this leave, what you can take and how much you will be paid.

For managers who need advice on the process contact [HR](#) who will assist.

Having a child can mean there are big changes in your personal life, and you may need extra advice and support in adapting to this.

At King’s we offer parental coaching through [Vita Health](#), who provide the [Employee Assistance Programme](#).

In addition, the [Parents and Carers hub](#) includes information that you may find useful, including details of the Parents and Carers network (NEST) who can offer peer support for new parents.

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