



# Family Leave Policy

## Maternity, adoption, paternity, parental, neonatal and time off for dependants

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# Table of Contents

<b>Family Leave Policy</b>	<b>3</b>
<hr/>	
Aim	3
Scope and exclusions	4
Summary	4
1: Maternity leave and pay	8
Table 1: Maternity leave and pay	14
Maternity leave and pay entitlements flowchart	15
2: Adoption/surrogacy leave and pay	17
Table 2: adoption/surrogacy leave and pay	23
Adoption/Surrogacy leave and pay entitlements flowchart	24
3: Paternity leave and pay	26
Table 3: Paternity leave and pay	28
4: Shared parental leave and pay	29
5: Unpaid parental leave	46
6: Neonatal leave and pay	47
7: Keeping in touch (KIT) days and shared parental leave in touch (SPLIT) days	49
8: Time off for dependants	51
9: Employees on fixed-term contracts	54
10: Family leave entitlements for on-demand workers	54
11: Equality Impact Assessment	55
12: Monitoring	55
13: Related University policies and procedures	55
14. University sources of support and information	56

# Family Leave Policy

## Aim

The University Strategy 2019-28 and People Supporting Strategy 2019-2028 outline our institutional commitment to support employees to balance work and family life.

Situated within our Body at Work<sup>1</sup> approach, and informed by research, this suite of Family Leave policies demonstrates the existing and ongoing work to create enabling environments where supporting the health of our members, and providing clear information about rights, entitlements, responsibilities and pay, is paramount.

All of our family leave policies are inclusive and apply to employees irrespective of any characteristic, whether protected or not.

We are committed to meeting our obligations under the Equality Act 2010, which requires the University show no discrimination as required by law on account of age, disability, gender reassignment<sup>2</sup>, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The University will always act lawfully and this may include taking action to support people with particular protected characteristics, including disability and sex. In addition to its obligations under the EA, the University shall adopt policies, practices, and procedures that define expected standards of behaviour and specify any additional characteristics, beyond those required by law, to which protection

Our *Equality, diversity and inclusion policy* sets out our approach, in the context of our institutional mission, values and objectives as set out in our Strategic Plan, our People Supporting Strategy, our Education and Research Strategies and equalities legislation.

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<sup>1</sup> Boncori, I. and Smith, C. (2019) I lost my baby today: Embodied writing and learning in organizations, *Management Learning*, 50 (1):74-86;

Boncori, I. and Foroughi, H. (2022) Understanding the individual and organisational experiences of miscarriage and stillbirth in the workplace, British Academy/Leverhulme.

Boncori, I. and Bewis, D. (2019-2021) "Body of Work", Wellcome Trust.

<sup>2</sup> The University's policies, practices and procedures specifically extend to all gender identities including trans, non-binary and gender non-conforming people.

## Key facts

- The University is fully committed to helping working parents to balance work and family life.
- Throughout these policies (except in the case of surrogacy) 'mother' means the biological mother who gives birth regardless of their gender identity and 'father' means the biological parent who does not give birth regardless of their gender identity.
- In a surrogate arrangement the 'surrogate' will be the person giving birth regardless of their gender identity and the 'intended parent(s)' will be the person/ people to whom it is intended that legal parenthood will be transferred to after the child(ren) are born.

## Scope and exclusions

The policy applies to all permanent and fixed-term employees at the University of Essex, regardless of length of service, during their employment with the University. Employees of the University of Essex Campus Services (UECS) or Wivenhoe House Hotel have their own specific policies and procedures. This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

## Summary

### Maternity leave and pay

Pregnant employees may take up to 52 weeks' leave, no matter how long they have been employed by the University.

This is made up of 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave. The level of pay received depends on the length of service.

- Employees with 26 weeks service (but less than 1 years' service) at the 15th week before the Expected Week of Childbirth (EWC) are entitled to Statutory Maternity Pay (SMP) for 39 weeks.
- Employees with more than one year's continuous service at the expected week of childbirth who intend to return to work are entitled to Occupational Maternity Pay (OMP), which is an enhanced provision inclusive of the statutory provision.
- Employees with less than 26 weeks service at the 15th week before the expected week of childbirth may be entitled to Maternity Allowance (MA).

### Adoption leave and pay

One parent may take up to 52 weeks leave no matter how long they have been employed by the University. The level of pay depends on the length of service.

- Employees with 26 weeks service or more (but less than 1 years' service) continuing into the week in which they are 'matched' with a child for adoption are entitled to Statutory Adoption Pay (SAP) for 39 weeks.
- Employees with more than one year's continuous service before the commencement of Adoption Leave who intend to return to work are entitled to Occupational Adoption Pay (OAP) which is an enhanced provision inclusive of the statutory provision.
- The parent not taking adoption leave may take Paternity Leave.

## **Surrogacy leave and pay (adoption leave)**

One parent having a child through surrogacy is entitled to adoption leave and pay. As outlined above, this is up to 52 weeks leave no matter how long they have been employed by the University, with the level of pay depending upon the length of service.

- Employees with 26 weeks service or more (but less than one years' service) at the 15th week before the Expected Week of Childbirth (EWC) are entitled to Statutory Adoption Pay (SAP) for 39 weeks.
- Employees with more than one year's continuous service before the commencement of adoption leave who intend to return to work are entitled to Occupational Adoption Pay (OAP) which is an enhanced provision inclusive of the statutory provision.
- The parent not taking adoption leave may take paternity leave. There is also an option to use shared parental leave to take time off.
- Surrogates are entitled to maternity leave and pay.

## **Paternity leave and pay**

Employees with at least 26 weeks service by the end of the 15th week before the expected week of childbirth (matching week in the case of adoption) are entitled to two weeks' Paternity Leave and Statutory Paternity Pay.

Employees with one years continuous service by the birth or adoption of their child are entitled to Occupational Paternity Pay (OPP) which is inclusive of any statutory provision.

## **Shared Parental Leave and Pay**

Shared parental leave enables two parents to share statutory leave and pay on the birth/adoption/parental order of a child. It is separate from the right to unpaid parental leave.

To opt into shared parental leave and pay, the parent/adopter must have ended their maternity/adoption leave, and the amount of leave and pay available for eligible parents depends upon the maternity or adoption entitlements taken by the birth parent or primary adopter, respectively.

## **Unpaid parental leave**

Employees with at least one year of service are entitled to a total of 18 weeks unpaid parental leave for each child, which can be taken before their child's 18<sup>th</sup> birthday.

## **Neonatal leave and pay**

Neonatal Care Leave (NCL) supports parents of babies who require neonatal care (for at least seven consecutive days) before the baby reaches 28 days of life. Employees who are entitled to family leave under this policy (e.g. maternity, paternity, adoption and shared parental leave) will also be entitled to an additional period of Neonatal leave to add to the end of their family leave period. Employees who are eligible will be entitled to NCL on full pay, equivalent to the number of days the baby has received neonatal care for at least seven consecutive days. This leave is capped at 12 weeks.

## **Keeping in touch (KIT) days and shared parental leave in touch (SPLIT) days**

KIT days are available to employees on maternity or adoption Leave. You are permitted to use up to 10 KIT days.

SPLIT days are available to employees on shared parental leave. Each parent entitled to shared parental leave will have an individual entitlement of up to 20 SPLIT days. This document sets out arrangements for employees.

## **Time off for dependants (unpaid)**

Time off for dependants allows employees the right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements. The right does not include a statutory right to pay and communications around this should take place between employees and their line manager.

## **Employees on fixed-term contracts**

If you are on a fixed-term contract you still have the same entitlement to maternity leave as other employees, 52 weeks commencing anytime from the 11<sup>th</sup> week before the EWC regardless of when your fixed-term contract ends<sup>3</sup>.

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<sup>3</sup> Should your contract end after the 15<sup>th</sup> week before the expected week of childbirth, the University will honour your entitlement to pay. Please refer to [section eight](#) for further information.

## Family leave entitlements for on-demand workers

If you are an on-demand worker, you may be entitled statutory maternity, adoption or paternity pay. For further information, please contact [People & Culture](#).

### Key to abbreviations contained within this document:

- **AAL** Additional Adoption Leave
- **AML** Additional Maternity Leave
- **EWC** Expected Week of Childbirth
- **KIT** Keeping in Touch Day Maternity Allowance
- **MATB1** Maternity certificate provided by your GP/Midwife
- **OAL** Ordinary Adoption Leave
- **OAP** Occupational Adoption Pay
- **OML** Ordinary Maternity Leave
- **OMP** Occupational Maternity Pay
- **OPP** Occupational Paternity Pay
- **OshPP** Occupational Shared Parental Pay
- **SAP** Statutory Adoption Pay
- **ShPP** Shared Statutory Parental Pay
- **SMP** Statutory Maternity Pay
- **SPL** Shared Parental Leave
- **SPP** Statutory Paternity Pay

# 1: Maternity leave and pay

## 1.1 Maternity leave

Pregnant employees are entitled to 52 weeks maternity leave irrespective of length of service. This is made up of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). AML follows immediately on from OML and there can be no gap between the two. The maternity leave period cannot be broken by any other manner of leave and must be a continuous period.

By law the minimum time that you must take is two weeks immediately following the birth of your baby, this is known as compulsory maternity leave.

Only one period of leave will be available for a multiple birth (e.g. twins).

Your contract of employment continues throughout your maternity leave and continuity of service will not be broken. Therefore, entitlement to periods of notice, holidays and sick leave which accrued at the beginning of maternity leave will not be lost.

The earliest you can start your maternity leave is 11 weeks before the expected week of childbirth (EWC). The EWC can be worked out from your due date or when your midwife or doctor has issued your MAT B1 form. This form is usually issued in the 20th week of your pregnancy.

Should you become ill with a pregnancy related illness after the start of your fourth week before EWC, your maternity leave will automatically begin. A pregnancy related illness includes any condition that is related to your pregnancy and it is recorded separately from other sickness absence. If you are unsure about what this includes, please seek advice from your GP, Midwife and/or Occupational Health.

### Key facts

- You are entitled to 52 weeks maternity leave irrespective of your length of service.
- The minimum time that you must take is two weeks. This is known as compulsory maternity leave.
- Your contract of employment continues throughout your maternity leave and continuity of service will not be broken.
- The pay you receive will depend on how long you have worked for the University.

## 1.2 Maternity Pay

The pay you receive will depend on how long you have worked for the University. You could be eligible for:

- Statutory Maternity Pay (SMP)
- Occupational Maternity Pay (OMP), an enhanced provision inclusive of SMP.

- Maternity Allowance (MA)

Payment details can be found in [Table 1](#).

### **Statutory Maternity Pay (SMP)**

SMP is paid for 39 weeks and is paid on behalf of the state by the University. In order to claim this, you must have been continuously employed by the University for 26 weeks at the 15<sup>th</sup> week before your expected week of childbirth (EWC) known as the qualifying week. Your average earnings must be at least as much as the lower earnings limit for National Insurance contributions, which applies at the end of your qualifying week.

SMP is payable whether or not you intend to return to work.

### **Occupational Maternity Pay (OMP)**

OMP is an enhanced pay provision provided by the University. To qualify for OMP you must have been employed continuously with the University for a minimum period of 12 months before the expected week of childbirth.

OMP is only available for individuals who intend to return to work after their maternity leave.

For the purposes of the Occupational Maternity Scheme, you will be deemed to be in receipt of SMP.

SMP will be offset against OMP. If you are planning on returning to work after maternity leave, this will be during the eight weeks you receive full pay. If you do not intend to return to work, this will be offset from the amount of six week's pay.

If you are not eligible for SMP, any Maternity Allowance (MA) paid by the Jobcentre Plus will be offset as above against OMP.

SMP will not normally be offset against occupational maternity half pay. However, if during the course of occupational maternity leave, payment of half pay and SMP (at whatever rate) together amount to more than full pay, then the combined payment will be reduced to the level of full pay during the period in which SMP is being paid. No combinations of payments will exceed full pay.

Your payslip will show the amount of SMP paid plus a pay adjustment to bring the payment up to the level of OMP.

### **How will SMP and OMP be paid to me?**

Your SMP/OMP will be paid into your bank account on the same date that your salary would have been paid, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

### **Key facts**

- To qualify for Occupational Maternity Pay you must have been employed continuously with the University for a minimum period of 12 months before the expected week of childbirth.

## **What if I do not qualify for SMP?**

Should you not be eligible for SMP, Payroll will issue you with a form (SMP1) which may enable you to get a Maternity Allowance (MA). Take the SMP1 form to your local Jobcentre Plus.

You can be paid MA for up to 39 weeks, but this will be stopped if you return to work before the end of the MA period.

## **What about my pension contributions?**

For the first 39 weeks, during which you will be in receipt of OMP and/or SMP, pension contributions will continue to be payable. Although based on the rate of pay that you will actually receive you will continue to accrue pension benefits in the same way and at the same rate that applied immediately before you leave commenced.

For any subsequent period of unpaid leave, the choice is with the individual. If you pay contributions for the period of unpaid leave they will be based on the full notional salary that you would have received had you not taken maternity leave. If you wish to make up these contributions, they can be collected from your salary on your return to work. It may be possible, subject to the restrictions of the tax year, to spread the collection of these contributions over a period equal to the length of the unpaid leave. You will receive a letter from the University Pensions Officer asking you to confirm your decision.

## **Key facts**

- Book a meeting with People & Culture as early as possible to enable the University to support you.
- To give notification of your intention to take maternity leave you must complete an application form.

## **1.3 Notification of Pregnancy**

It is suggested to contact and meet with People & Culture as early as possible to talk about your plans, benefits and entitlements in an informal meeting, and to enable the University to support you throughout your pregnancy.

A maternity leave application form will need to be completed in order to provide written notice of your intention to take maternity leave and the date that it will commence from. Once completed, this form should be sent to both your line manager (or head of department, where appropriate) and People & Culture. Your MATB1 form should also be attached to this form unless you are only eligible to claim Maternity Allowance, in which case you should retain your MATB1 for the Jobcentre Plus.

Before you submit your MATB1 form, take a photocopy for your partner, as it may be needed for their employer should your partner wish to take paternity leave.

The application form should be provided no later than the end of the 15<sup>th</sup> week before your expected week of childbirth, noting that a week begins on a Sunday. However, in order to best enable your line manager and the university more widely to uphold health and safety commitments, it is advisable that written notification is made at an early stage in the pregnancy.

Within 28 days from the submission of the application form, you will receive written confirmation from [People & Culture](#) to accept notification of your pregnancy and to confirm the date your maternity leave will run to.

If you change your mind about the date on which you want to start your leave, you must give your line manager at least 28 days written notice of the new date. Please note also that if you are eligible for SMP payments, you must provide at least 28 days written notice of the date on which you wish your SMP payments to begin. If you give birth before the commencement of your Maternity Leave, you should notify your head of department and [People & Culture](#) as soon as is reasonably practical after the birth. In these circumstances, maternity leave will start automatically on the day after the birth.

## **Key facts**

- Arrange to review your work activities with your line manager and complete a risk assessment form.

## **1.4 Health and Safety**

Upon becoming aware that you are pregnant, you should review your work activities alongside your line manager or supervisor using the [Risk Assessment Form](#) as soon as you can. This discussion is centred around keeping you safe at work. Should this conversation with an immediate colleague present personal difficulty, you are welcome to discuss this further with [People & Culture](#).

In a few cases, where the risks cannot be controlled, it may be necessary to significantly adjust your working conditions or hours, give you alternative work or suspend you from work on full pay. If you think this may be necessary speak to your line manager/ supervisor in the first instance who will discuss your situation with [People & Culture](#).

## **1.5 Annual Leave**

Annual leave accrues throughout the full period of maternity leave. Leave also accrues for any statutory public holiday and/or University closure day that falls during the period of maternity leave.

Annual leave may only be taken before you start your maternity leave or at the end of your maternity leave. It is not possible to take annual leave whilst you are on maternity leave.

Any annual leave accrued before maternity leave starts should be taken during that leave year.

Any annual leave or statutory public holiday/University closure day that will accrue whilst on maternity leave during the annual leave year in which maternity leave begins should be taken:

- either before maternity leave starts (i.e. it is taken in the same annual leave year)
- or immediately on return from maternity leave, thereby effectively extending your actual physical return to work (i.e. it is carried forward to the next annual leave year but must be taken immediately on return or it is lost)

Any annual leave or statutory public holiday/University closure day accrued whilst on maternity leave during the annual leave year in which you are due to return may be taken:

- either immediately on return from maternity leave, thereby effectively extending your actual physical return to work (even if this crosses into a new annual leave year)
- or at some other mutually agreed time during the annual leave year in which you return. However, it should be noted that the option to take accrued leave at a later point in the leave year does not apply where you wish to return to work on a reduced hours basis (see below)

Any leave accrued during the leave year in which the maternity leave falls may be used in lieu of an equivalent amount of unpaid maternity leave.

Where it is agreed that you will return to work on the basis of reduced contractual hours of work, your new reduced hours should not normally take effect until any leave accrued under your previous contractual hours has been taken. This effectively means that you may officially return to work on X day, take your outstanding holiday accrued under your previous (e.g. full-time) contractual hours and then physically return to work and start your new reduced hours on Y date.

## **Key facts**

- Annual leave accrues throughout the whole period of maternity leave.

## **1.6 Keeping in touch (KIT) days**

KIT days allow you to do some limited work under the terms of your contract of service for the University whilst you are on maternity leave. Any KIT day taken will not bring your maternity leave period to an end, and payment of SMP/OMP will not be affected. You are permitted to use up to 10 KIT days. For further information please see the additional [KIT Day information](#).

## **1.7 Returning to work**

Before you return to work you should complete the Maternity [Return to Work Form](#) and send it to [People & Culture](#) with a copy to your line manager/head of department. This should be sent at least eight weeks before you are due to return. If you subsequently wish to change this date, you must give 28 days' notice.

You may return to work anytime within the 52 weeks of the commencement of the maternity leave period (with the exception of the first two weeks known as Compulsory Maternity Leave).

If you have chosen to take OMP you must return to work for a minimum of three months otherwise you will be expected to repay any amount of OMP that you have received in excess of the SMP entitlement. If you have only received SMP and you decide not to return to work you will not need to repay anything. The University's supportive flexible working culture is outlined with the [Flexible Working Policy](#), where information can be sought should you wish to consider changing or reducing your working hours.

You are entitled to sick leave and statutory sick pay if you are not well enough to return to work after the end of your maternity leave, providing a fit to work certificate for sickness absence lasting longer than seven calendar days.

## **Key facts**

- You are permitted to use 10 KIT days.
- At least eight weeks before you return to work you must complete the Maternity Return to Work form.
- If you wish to consider the possibility of part-time working, please review our [Flexible Working policy](#).

## **1.8 Ante natal appointments**

### **Am I entitled to time off to attend ante natal appointments?**

You have a statutory right to reasonable paid time off work to attend appointments for antenatal care prescribed by a doctor, midwife or health visitor, irrespective of your length of service. You should provide if requested, after the first appointment, evidence of appointments to your line manager/head of department. As far as it is reasonably practicable, such appointments should be arranged at times that would cause least disruption to your work, although you should not be required to arrange such appointments outside of your normal working hours.

Partners or the second parent also have the right to take unpaid time off work to accompany pregnant individuals to up to two antenatal appointments. The time off is capped at six and a half hours for each appointment and there is no qualifying period before employees can take up the new rights. As far as it is reasonably practicable, such appointments should be arranged at times that would cause least disruption to your work, although you should not be required to arrange such appointments outside of your normal working hours.

## **1.9 Annual Increments**

### **Will I still receive my annual increment on my pay scale during my maternity leave?**

Yes, if in accordance with your contract of employment you are due to receive an annual increment at the incremental date in either August or October you will still receive this.

## **1.10 Shared Parental Leave**

Employees taking maternity leave can elect to bring their maternity leave to an early end and opt-in to a period of shared parental leave instead. However, the first two weeks of maternity leave are compulsory maternity leave and cannot be shared. You must give the University eight weeks' notice to end your entitlement to maternity leave early, which will then enable you or your partner to take advantage of the shared parental leave scheme. This notice can be given before or after the birth. If it is

given after the birth, the notice is binding. However, if notice is given before the birth, you are able to revoke the notice up to six weeks after the birth – this is in case an unplanned situation arises following the birth of the child.

## Key facts

- You have a statutory right to reasonable paid time off work to attend antenatal appointments.

### Table 1: Maternity leave and pay

Length of Service	Maternity Leave Entitlement	Maternity Pay
One year's continuous service before the Expected Week of Childbirth (EWC).	Up to 52 weeks (the first two weeks are compulsory)	<p>Maximum pay period of 39 weeks.</p> <p>You are entitled to Occupational Maternity Pay (OMP), which is inclusive of Statutory Maternity Pay (SMP). This is:</p> <ul style="list-style-type: none"> <li>■ eight weeks full pay, followed by</li> <li>■ 16 weeks of half pay (plus SMP or 90% of your average weekly earnings, whichever is the lesser amount), followed by</li> <li>■ 15 weeks of lower rate SMP or 90% of your average weekly earnings, whichever is the lesser amount, followed by</li> <li>■ 13 weeks of unpaid leave.</li> </ul>
26 weeks continuous service (but less than one years' continuous service) at the 15 <sup>th</sup> week before EWC (known as the Qualifying Week).	Up to 52 weeks leave (the first 2 weeks are compulsory).	<p>Maximum pay period of 39 weeks.</p> <p>You are entitled to Statutory Maternity Pay (SMP) as follows:</p> <ul style="list-style-type: none"> <li>■ six weeks at 90% of earnings, followed by</li> <li>■ 33 weeks at the current lower rate of SMP or 90% of average weekly earnings, whichever is the lesser amount, followed by</li> <li>■ 13 weeks unpaid leave.</li> </ul> <p>Please note: To receive SMP your normal weekly earnings during the Qualifying Week must be above the lower weekly earnings limit for national</p>

Length of Service	Maternity Leave Entitlement	Maternity Pay
		insurance contributions in force during the 15th week.
Less than 26 weeks service at the 15 <sup>th</sup> week before the EWC.	Employees may take up to 52 weeks leave (the first two weeks are compulsory).	You do not have an entitlement to SMP or OMP. Maternity allowance may be payable from your local Job Centre or Social Security Office if you are eligible.

## Maternity leave and pay entitlements flowchart

1. GP/Midwife confirms that you are expecting a baby. You are entitled to paid leave to attend antenatal care appointments.
2. Inform your line manager of your pregnancy and, together, review your work activities and complete a risk assessment form.
3. **Maternity Leave entitlement** Employees are entitled to 52 weeks Maternity Leave irrespective of length of service. Arrange an appointment with [People & Culture](#) to discuss your entitlements and benefits.
4. **Maternity Pay entitlement** Before your Expected Week of Childbirth (EWC), will you have completed 1 years continuous service at the University?

Yes	No
<p>You are eligible for OMP, comprising of:</p> <ul style="list-style-type: none"> <li>■ eight weeks full pay, followed by</li> <li>■ 16 weeks of half pay (plus Statutory</li> <li>■ Maternity Pay (SMP) at the lower rate), followed by</li> <li>■ 15 weeks of lower rate SMP followed by</li> <li>■ 13 weeks unpaid leave.</li> </ul>	<p>Will you have completed 26 weeks continuous (but less than one years' service) with the University at the beginning of the 15th week before your EWC?</p>



Yes	No
<p>You are entitled to 39 weeks of SMP, comprising of:</p> <ul style="list-style-type: none"> <li>■ six weeks at 90% of earnings, followed by</li> <li>■ 33 weeks at the current lower rate of SMP or</li> <li>■ 90% of average weekly earnings, whichever is the lesser amount, followed by</li> <li>■ 13 weeks unpaid leave.</li> </ul>	<p>You are not entitled to receive SMP but may be entitled to Maternity Allowance (MA). The Payroll within <a href="#">People &amp; Culture</a> will provide you with a SMP1 form, which will explain why you do not qualify for SMP. You can take your form to your local job Centre Plus who can provide more information about MA.</p>

## Notifying the University

To receive your Maternity Leave and Pay Entitlements, you will need to notify the University of your intention to take Maternity Leave and the date you intend this to commence. To do this, complete an application form and submit it to [People & Culture](#) and provide your line manager with a copy. This must be sent no later than the 15 week before the EWC. Your MATB1 form should be attached to form, unless you are only eligible for MA, for which you should retain your MATB1 form and take it to the Job Centre Plus to find out whether you are eligible for MA payments.

## Starting your maternity

The earliest you can start your Maternity Leave is the beginning of the 11th week before your EWC. If you are on leave from work with a pregnancy related illness during the four weeks before the start of EWC, maternity leave starts automatically from the first date of absence. If your baby is born before your intended start of maternity leave, your Maternity Leave period will commence on the day after the date of the birth.

## KIT Days

During your Maternity Leave you can use up to 10 Keeping In Touch (KIT) Days. Please complete the [KIT Form](#) for payment.

## Return to work

If you are intending to return to work following Maternity Leave, you will need to complete the [Return to Work Form](#) at least eight weeks before you wish to return.

## Changing Maternity Leave end date

If you wish to change the end date of your Maternity Leave period, you must give 28 days notice in writing to [People & Culture](#), with a copy to your line manager/head of department. Please see the flexible working policy should you require further information about flexible working.

## **2: Adoption/surrogacy leave and pay**

### **2.1 Adoption/surrogacy leave**

Employees adopting a child or having a child through surrogacy are entitled to 52 weeks adoption leave irrespective of length of service. This is made up of 26 weeks Ordinary Adoption leave (OAL) and 26 weeks' Additional Adoption Leave (AAL). AAL follows immediately on from OAL and there can be no gap between the two. This leave period cannot be broken by any other manner of leave and must be a continuous period.

Only one parent can take adoption leave, with the partner having the right to paternity leave.

Only one period of leave will be available even if more than one child is placed for adoption as part of the same arrangement, or if there is a multiple birth (e.g. twins) through surrogacy.

Your contract of employment continues throughout your adoption leave and continuity of service will not be broken. Therefore, entitlement to periods of notice, holidays and sick leave which accrued at the beginning of maternity leave will not be lost.

If adopting, adoption leave can begin on or up to 14 days before the date of placement, whether this is earlier or later than expected. For overseas adoption, leave cannot begin before child enters the United Kingdom and latest it can begin is 28 days after child enters the United Kingdom.

If having a child through a surrogacy, adoption leave can begin on the day that the child is born or the day afterwards.

You will not qualify for sick pay while you are on adoption leave. Dual approved prospective adopters (also known as fostering for adoption) may be eligible for adoption leave and pay where they have agreed to have a child placed with them in accordance with section 22C of the Children Act 1989 with a view to them adopting that child. Once you have returned to work your Adoption Leave will have ended and cannot be re-started.

### **2.2 Adoption/surrogacy pay**

#### **What will I be paid during my adoption/surrogacy leave?**

The pay you receive will depend on how long you have worked for the University. You could be eligible for:

- Statutory Adoption Pay (SAP)
- Occupational Adoption Pay (OAP), an enhanced provision inclusive of SAP.

Payment details can be found in [Table 2](#).

## **Key facts**

- You are entitled to 52 weeks' adoption/surrogacy leave irrespective of your length of service.
- Your contract of employment continues throughout your adoption leave and continuity of service will not be broken.
- The pay you receive will depend on how long you have worked for the University.

## **Statutory Adoption/Surrogacy Pay (SAP)?**

SAP is paid for 39 weeks and is paid on behalf of the state by the University. In order to claim this, you must have 26 weeks service or more (but less than one years' service) continuing into the week in which you are 'matched' with a child for adoption or at the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC) for surrogacy.

In addition, your average earnings must be at least as much as the lower earnings limit for National Insurance contributions, which applies at the end of your matching week or the end of the 15<sup>th</sup> week before the EWC.

SAP is payable whether or not you intend to return to work.

## **Occupational Adoption Pay (OAP)?**

OAP is an enhanced pay provision provided by the University. To qualify for OAP, you must have been employed continuously with the University for a minimum period of 12 months before the commencement of adoption leave.

If you do not intend to return to work, you will not qualify for OAP. For the purposes of the Occupational Adoption Scheme, you will be deemed to be in receipt of SMP. SMP will be offset against OAP as follows:

- a. if you are intending to return to work, during the period of eight weeks that you are receiving full pay;  
or
- b. if you are not intending to return to work, from the amount of six weeks pay you receive

SAP will not normally be offset against occupational adoption half pay. However, if during the course of occupational adoption leave, payment of half pay and SAP (at whatever rate) together amount to more than full pay, then the combined payment will be reduced to the level of full pay during the period in which SAP is being paid. No combinations of payments will exceed full pay.

Your payslip will show the amount of SAP paid plus a pay adjustment to bring the payment up to the level of OAP.

## **How will SAP and OAP be paid to me?**

Your SAP/OAP will be paid into your bank account on the same date that your salary

would have been paid, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

## **What if I do not qualify for SAP or OAP?**

Should you not be eligible for SAP or OAP, the Payroll team in [People & Culture](#) will issue you with a form (SAP1) which may enable you to get support from your local Job Centre Plus instead.

## **What about my pension contributions?**

For the first 39 weeks, during which you will be in receipt of OAP and/or SAP, pension contributions will continue to be payable. Although based on the rate of pay that you will actually receive you will continue to accrue pension benefits in the same way and at the same rate that applied immediately before you leave commenced.

For any subsequent period of unpaid leave, the choice is entirely yours. If you pay contributions for the period of unpaid leave they will be based on the full notional salary that you would have received had you not taken adoption leave. If you wish to make up these contributions, they can be collected from your salary on your return to work. It may be possible, subject to the restrictions of the tax year, to spread the collection of these contributions over a period equal to the length of the unpaid leave. You will receive a letter from the University Pensions Officer asking you to confirm your decision.

## **2.3 Notification of adoption/surrogacy leave**

It is suggested that you contact and meet with [People & Culture](#) as early as possible to talk about your plans/benefits/entitlements and to enable the University to support you.

If you are adopting a child, please complete an [Adoption/Surrogacy Leave Application Form](#) and send it to [People & Culture](#), together with your matching certificate/official notification, within seven days of being notified by your adoption agency that you have been newly matched with a child for adoption. Where reasonably practicable, this should also provide at least 28 days' notice of the date on which you wish the adoption pay period to start. With this being said, it is recognised that there is not always the ability to do this if there is a relatively short period of time between when you receive notification of being matched with a child for adoption and the child being placed with you.

The expected date of placement is the expected date that the child will start living with you. The actual date of placement may be the same as the expected date of placement or it may be different. This is the date that the child is actually placed with you.

## **Key facts**

- Book a meeting with People & Culture as early as possible to talk about how the University can support you.
- To give notification of your intention to take adoption/surrogacy leave, you must complete an Adoption/Surrogacy Leave Application Form.

## Matching certificate

A matching certificate is documentary evidence from your adoption agency which provides:

- name and address of adoption agency
- the adopter's name and address
- the date on which the 'matching' occurred
- the expected date of placement or date placement occurred
- in cases of adoption of a child from overseas, you should be in receipt of an official notification showing their eligibility for adoption.

## Overseas adoptions

If you are adopting a child from overseas the conditions are the same except, you:

- must have 'official notification' (permission from a UK authority) that you can adopt from abroad
- must have worked for the University continuously for at least 26 weeks by the time you get your official notification
- must fill in the declaration on [form SC6](#) if you are adopting a child with your partner. Form SC6 confirms you are not taking paternity leave or pay.

If you change your mind about the date on which you want to start your leave, you should give at least 28 days written notice of the new date to your line manager and [People & Culture](#) if reasonably practicable. Please note also that if you are eligible for SAP payments, you should provide People & Culture with at least 28 days written notice of the date on which you wish your SAP payments to begin.

If you are having a child through surrogacy, please complete an adoption leave application form and send it to [People & Culture](#) at least 15 weeks before the expected week of childbirth, noting that a week begins on a Sunday. Alongside the completed form you will need to attach a parental statutory declaration. This is a written statement confirming that you have applied for a parental order or that you intend to apply for a parental order in the six months after the child's birth.

If you change your mind about the date on which you want to start your leave, you must give your line manager at least 28 days written notice of the new date. Please note also that if you are eligible for SAP payments, you must provide at least 28 days written notice of the date on which you wish your SAP payments to begin. If the baby is born before the commencement of your Adoption Leave, you should notify your head of department and [People & Culture](#) as soon as is reasonably practical after the birth. In these circumstances, adoption leave will start automatically on the day after the birth.

Within 28 days from the submission of the adoption leave application form for either adoption or surrogacy, you will receive written response from People & Culture confirming the date your adoption leave will run to.

## 2.4 Annual Leave

Annual leave accrues throughout the full period of adoption leave. Leave also accrues for any statutory public holiday and/or University closure day that falls during the period of maternity leave.

Annual leave may only be taken before you start your adoption leave or at the end of your adoption leave. It is not possible to take annual leave whilst you are on adoption leave.

Any annual leave accrued before adoption leave starts should be taken during that leave year.

Any annual leave or statutory public holiday/University closure day that will accrue whilst on adoption leave during the annual leave year in which adoption leave begins should be taken:

- either before adoption leave starts (i.e. it is taken in the same annual leave year)
- or immediately on return from adoption leave, thereby effectively extending your actual physical return to work (i.e. it is carried forward to the next annual leave year but must be taken immediately on return or it is lost)

Any annual leave or statutory public holiday/University closure day accrued whilst on adoption leave during the annual leave year in which you are due to return may be taken:

- either immediately on return from adoption leave, thereby effectively extending your actual physical return to work (even if this crosses into a new annual leave year);
- or at some other mutually agreed time during the annual leave year in which you return. However, it should be noted that the option to take accrued leave at a later point in the leave year does not apply where you wish to return to work on a reduced hours basis (see below).

Any leave accrued during the leave year in which the adoption leave falls may be used in lieu of an equivalent amount of unpaid adoption leave.

Where it is agreed that you will return to work on the basis of reduced contractual hours of work, your new reduced hours should not normally take effect until any leave accrued under your previous contractual hours has been taken. This effectively means that you may officially return to work on X day, take your outstanding holiday accrued under your previous (e.g. full-time) contractual hours and then physically return to work and start your new reduced hours on Y date.

## 2.5 Keeping in touch (KIT) days

KIT days allow you to do some limited work under the terms of your contract of service for the University whilst you are on adoption leave. Any KIT day taken will not bring your adoption leave period to an end, and payment of SAP/OAP will not be affected. You are permitted to use up to 10 KIT days. For further information please see the additional [KIT day information \(.pdf\)](#)

Should you want more time off after the end of adoption leave, you are also eligible to take unpaid Parental Leave.

## Key facts

- Annual leave accrues throughout the full period of adoption/surrogacy leave.
- You are permitted to use 10 KIT days.

## 2.6 Return to Work

Before you return to work you should complete the [Adoption /Surrogacy Return to Work Form](#) and send it to [People & Culture](#) with a copy to your line manager/head of department. This should be sent at least eight weeks before you are due to return. If you subsequently wish to change this date, you must give 28 days' notice.

You may return to work anytime within the 52 weeks of the commencement of the Adoption/Surrogacy leave period (with the exception of the first two weeks known as compulsory adoption leave).

If you have chosen to take OMP, once you have returned from adoption leave you must return to work for a minimum of three months otherwise you will be expected to repay any amount of OMP that you have received in excess of the SMP entitlement.

The university's supportive flexible working culture is outlined with the [Flexible Working Policy](#), where information can be sought should you wish to consider changing or reducing your working hours.

You are entitled to sick leave and statutory sick pay if you are not well enough to return to work after the end of your adoption leave. You will be required to produce a fitness to work certificate after your sickness absence for any period longer than seven calendar days.

## 2.7 Adoption appointments

The main adopter can now take reasonable paid time off work to attend up to five adoption appointments in the period between being notified of a match and the child being placed with the family. The secondary adopter is entitled to take unpaid time off for up to two appointments and up to 6.5 hours is allowed for each appointment. You should provide if requested, after the first appointment, evidence of appointments to your line manager/head of department. As far as it is reasonably practicable, such appointments should be arranged at times that would cause least disruption to your work, although you should not be required to arrange such appointments outside of your normal working hours.

## 2.8 Annual increment

If, in accordance with your contract of employment, you are due to receive an annual increment at the incremental date in either August or October you will still receive this.

## 2.9 Shared parental leave

You can elect to bring your adoption leave to an end early and opt-in to a period of Shared Parental Leave and Pay instead. However, the first two weeks of adoption leave are compulsory and cannot be shared. You must give the University eight weeks' notice to end your entitlement to adoption leave early, which will then enable you or your partner to take advantage of the shared parental leave scheme.

## Key facts

- At least eight weeks before you return to work you must complete the Adoption /Surrogacy Return to Work Form.
- You may take paid time off work to attend up to five adoption appointments.
- The secondary adopter is entitled to take unpaid time off for up to two adoption appointments.

**Table 2: adoption/surrogacy leave and pay**

Length of Service	Leave Entitlement	Adoption/Surrogacy Pay
One year's continuous service or more before the commencement of adoption leave.	Up to 52 weeks leave (the first two weeks are compulsory)	<p>Maximum pay period of 39 weeks.</p> <p>You are entitled to Occupational Adoption Pay (OAP), which is inclusive of Statutory Adoption Pay (SAP) as follows:</p> <ul style="list-style-type: none"> <li>■ eight weeks full pay, followed by</li> <li>■ 16 weeks of half pay (plus SAP or 90% of your average weekly earnings, whichever is the lesser amount), followed by</li> <li>■ 15 weeks of lower rate SAP or 90% of your average weekly earnings, whichever is the lesser amount, followed by</li> <li>■ 13 weeks of unpaid leave.</li> </ul>
26 weeks continuous service (but less than one years' continuous service) continuing into the week in which you are notified you are being 'matched' with a child.	Up to 52 weeks leave (the first 2 weeks are compulsory).	<p>Maximum pay period of 39 weeks.</p> <p>You are entitled to Statutory Adoption Pay (SAP) as follows:</p> <ul style="list-style-type: none"> <li>■ six weeks at 90% of earnings, followed by</li> <li>■ 33 weeks at the current lower rate of SAP or 90% of average weekly earnings, whichever is the lesser amount, followed by</li> <li>■ 13 weeks unpaid leave.</li> </ul> <p>Please note: To receive SAP your average weekly earnings must be at least as much as the lower earnings limit for National Insurance contributions,</p>

Length of Service	Leave Entitlement	Adoption/Surrogacy Pay
		which applies at the end of your matching week or the 15th week before Expected Childbirth for Surrogacy.
Less than 26 weeks continuous service by the week you are notified that you are being 'matched' with a child for adoption or at 15th week before the Expected Week of Childbirth for surrogacy.	Up to 52 weeks leave (the first two weeks are compulsory).	You do not have an entitlement to SAP or OAP.  An allowance may be payable from your local Job Centre or Social Security Office if you are eligible.

## Adoption/Surrogacy leave and pay entitlements flowchart

1. You are advised by an adoption agency that you are going to be matched with a child OR You are having a child via Surrogacy
2. **Adoption Leave entitlement** Employees are entitled to 52 weeks Adoption Leave irrespective of length of service. Arrange an appointment with People & Culture to discuss your entitlements and benefits.
3. **Adoption Pay entitlement** Before your placement or the Expected Week of Childbirth (EWC), will you have completed 1 years continuous service at the University?

Yes	No
You are eligible for OAP, comprising of: <ul style="list-style-type: none"> <li>■ eight weeks full pay, followed by</li> <li>■ 16 weeks of half pay (plus Statutory Adoption Pay (SAP) at the lower rate), followed by</li> <li>■ 15 weeks of lower rate SAP followed by</li> <li>■ 13 weeks unpaid leave.</li> </ul>	Will you have completed 26 weeks continuous (but less than one years' service) with the University at the beginning of the 15 <sup>th</sup> week before the date of placement or EWC?

Yes	No
<p>You are entitled to 39 weeks of SAP, comprising of:</p> <ul style="list-style-type: none"> <li>■ six weeks at 90% of earnings, followed by</li> <li>■ 33 weeks at the current lower rate of SAP or 90% of average weekly earnings, whichever is the lesser amount, followed by</li> <li>■ 13 weeks unpaid leave.</li> </ul>	<p>You are not entitled to receive SAP. Your local job Centre Plus can provide more information.</p>

## Notifying the University

To receive your Adoption Leave and Pay Entitlements, you will need to notify the University of your intention to take Adoption Leave. If you are adopting a child you will need to complete an application form and send it to [People & Culture](#) together with your matching certificate/official notification within seven days of being notified by your adoption agency that you have been newly matched with a child for adoption. Where reasonably practicable, this should also provide at least 28 days' notice of the date on which you wish the adoption pay period to start.

## Adoption Leave

If you are adopting a child, Adoption Leave can begin on or up to 14 days before the date of placement, whether this is earlier or later than expected. For overseas adoption, leave cannot begin before child enters the United Kingdom and latest it can begin is 28 days after child enters the United Kingdom.

If having a child through a surrogacy, adoption leave can begin on the day that the child is born or the day afterwards.

## KIT Days

During your Adoption Leave you can use up to 10 Keeping In Touch (KIT) Days. Please complete the [KIT Form](#) for payment.

## Return to work

If you are intending to return to work following Adoption Leave, you will need to complete the [Return to Work Form](#) at least 8 weeks before you wish to return.

## Changing Adoption Leave end date

If you wish to change the end date of your Adoption Leave period, you must give 28 days' notice in writing to [People & Culture](#), with a copy to your line manager/head of department. Please see the [Flexible Working Policy](#) should you require further information about flexible working.

## 3: Paternity leave and pay

### 3.1 Paternity leave

Paternity leave is available for employees to care for a child upon their birth or adoption, and to support the other parent. To be eligible, employees must be:

- responsible for the upbringing of the child
- the biological father of the child
- the adoptive parent of the child
- having a child through surrogacy
- married or partnered to the child's other parent

Employees are entitled to a maximum of two weeks paternity leave irrespective of length of service (10 days for a full-time employee or an appropriate pro-rata entitlement for a part-time employee) if your partner is pregnant, or you plan to adopt a baby.

Employees can choose to take their leave as a single period or in two blocks of one week (pro rata for part-time employees)

Paternity leave must be taken within 52 weeks after the birth or adoption placement.

The length of statutory paternity leave is unaffected by multiple births or if more than one child is adopted as part of the same placement.

Your contract of employment continues throughout your paternity leave and continuity of service will not be broken. Therefore, entitlement to periods of notice, holidays and sick leave which accrued at the beginning of paternity leave will not be lost.

### 3.2 Paternity Leave Pay

The pay you receive will depend on how long you have worked for the University.

You could be eligible for:

- Statutory Paternity Pay (SPP)

- Occupational Paternity Pay (OPP)
- Paternity Allowance (PA).

## **Statutory Paternity Pay (SPP)**

Statutory Paternity Pay (SPP) is paid for two weeks and is paid on behalf of the state by the University. In order to claim SPP, you must have been continuously employed by the University for 26 weeks at the 15th week before the expected week of childbirth (EWC). In the case of adoption, you must have 26 weeks continuous service by the end of the week you are 'matched' with the child for adoption.

Your average earnings must be at least as much as the lower earnings limit for National Insurance contributions, which applies at the end of your qualifying week.

### **Key facts**

- You are entitled to a maximum of two weeks paternity leave irrespective of your length of service (pro rata for part-time employees).
- Your contract of employment continues throughout your paternity leave and continuity of service will not be broken.
- The pay you receive will depend on how long you have worked for the University.

## **Occupational Paternity Pay (OPP)?**

OPP is an enhanced pay provision provided by the University and is inclusive of any statutory pay. To qualify for OPP you must have been employed continuously with the University for a minimum period of 12 months before the EWC or the adoption of your child.

As payment of SPP is a statutory requirement, SPP must be offset against any entitlement to OPP. Your payslip will, therefore, show the amount of SPP paid plus a pay adjustment to bring the payment up to the level of OPP.

No combinations of payments will exceed full pay.

### **3.3 Notification and Evidence of Paternity Leave**

In order to take paternity leave after the birth/adoption of a child you must notify [People & Culture](#) and your line manager of your intention to take paternity leave using the [Paternity Leave Application Form](#).

Notification to take paternity leave must be given at least 15 weeks before the expected week of childbirth/date of placement, followed by at least 28 days' notice of each period of leave.

This date can be changed, as long as at least 28 days written notice is given provided where reasonably practicable.

If the baby comes early and you were therefore unable to give the required notice, you should inform [People & Culture](#) and your line manager as soon as can. If the baby comes late, you will need to delay the start of your paternity leave or take the leave from the birth of the baby, as paternity leave cannot start before the birth. Please notify your line manager and People & Culture if this is the case.

### 3.4 Antenatal Appointments

You are entitled to take unpaid time off work to accompany your partner to up to two of their ante-natal appointments. Up to six and a half hours is allowed for each appointment. With prior approval from your line manager extra time off may be taken as annual leave.

### 3.5 Adoption Appointments

The secondary adopter has the statutory right to reasonable paid time off work to attend up to two adoption appointments. Up to six and a half hours is allowed for each appointment. You should provide if requested, after the first appointment, evidence of appointments to your line manager/head of department. As far as it is reasonably practicable, such appointments should be arranged at times that would cause least disruption to your work, although you should not be required to arrange such appointments outside of your normal working hours. With prior approval from your line manager/head of department extra time off may be taken as annual leave.

#### Key facts

- To take paternity leave you must complete the [Paternity Leave Application Form](#).
- If the baby comes early or late, and you need to change your leave request, please notify your Employee Relations Advisor and line manager.

### Table 3: Paternity leave and pay

Length of Service	Leave Entitlement/Requirement	Paternity Pay
One year's continuous service or more before the EWC or the matching week in the case of adopting a child in the UK.	<p>Up to two weeks leave (10 days for a full-time employee or an appropriate pro-rata entitlement for a part-time employee).</p> <p>This leave cannot start before the birth/date of placement and must be taken within 52 weeks of the birth/date of placement.</p> <p>Employees can choose to take their leave as a single period or in two blocks of one week (pro rata for part-time employees)</p>	<p>You are entitled to Occupational Paternity Pay (OPP) as follows:</p> <ul style="list-style-type: none"> <li>■ two weeks at full pay (inclusive of Statutory Paternity Pay - SPP).</li> </ul>

Length of Service	Leave Entitlement/Requirement	Paternity Pay
	<p>If the baby is born prematurely, you may take leave from any time from the actual date of birth up to 52 weeks after the EWC.</p> <p>If the baby is born late, you must delay the start date of the leave until the baby is born.</p>	
<p>26 weeks continuous service (but less than one years' continuous service) at the 15th week before the EWC or the matching week in the case of adopting a child in the UK.</p>	<p>Up to two weeks leave (10 days for a full-time employee or an appropriate pro-rata entitlement for a part-time employees).</p> <p>This leave cannot start before the birth/date of placement and must be taken within 52 weeks of the birth/date of placement.</p> <p>Employees can choose to take their leave as a single period or in two blocks of one week (pro rata for part-time employees)</p> <p>If the baby is born prematurely you may take leave from any time from the actual date of birth up to the first year.</p> <p>If the baby is born late, you must delay the start date of the leave until the baby is born.</p>	<p>Employees are entitled to SPP as follows:</p> <ul style="list-style-type: none"> <li>■ two weeks at the current lower rate of SPP (or 90% of average earnings, whichever is the lesser amount).</li> </ul>

## 4: Shared parental leave and pay

### 4.1 Shared parental leave and pay

Shared parental leave (SPL) is separate from the right to unpaid parental leave and does not replace the maternity leave and pay or adoption leave and pay entitlements.

The right allows the mother/primary adopter to choose to bring the maternity/adoption leave to an end (known as 'curtailing') at any point after the initial two-week compulsory maternity/adoption leave period. The parents can then choose how to split up the remaining weeks of leave and pay between them. Any time spent on maternity or adoption leave by the mother or the primary adopter will reduce the amount of SPL available.

Where the mother/primary adopter takes 51 or more of the 52 weeks of maternity/adoption leave that is available, then no shared parental leave can be created.

The mother/primary adopter must take two weeks' compulsory maternity/adoption leave immediately following the birth/placement of the child, which may not be shared with their partner.

The mother/primary adopter can elect to bring their maternity/adoption leave to an end early and opt-in to a period of shared parental leave and pay instead. The two-week period of paternity leave will continue to be available. The contract of employment continues throughout SPL and continuity of service will not be broken. Therefore, entitlement to periods of notice, holidays and sick leave which accrued at the beginning of SPL will not be lost.

Example: Primary adopter and their partner are both eligible for SPL. The adopter ends their maternity leave after 12 weeks, leaving 40 weeks (of the total 52-week entitlement) available for SPL. They take 30 weeks and their partner takes the other 10 weeks.

## **Key facts**

- The mother/adopter can bring the maternity leave to an end early and opt into a period of shared parental leave and pay instead.
- Your contract of employment continues throughout shared parental leave and continuity of service will not be broken.

## **Who does this SPL policy apply to?**

This policy only applies to employees of the University, whether they are the mother, partner or adopter. If you are the mother/primary adopter (and are employed by the University), your partner must (where relevant) submit any notifications to take shared parental leave to their own employer, which may have its own shared parental leave policy in place, if they want to take a period of shared parental leave.

If you are the partner (and are employed by the University), the mother/primary adopter must (where relevant) submit any notifications to take SPL to their own employer.

In either situation, the mother/primary adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

If both individuals are employees of the University, notifications for each employee should be provided to [People & Culture](#).

## **Who is eligible for SPL?**

SPL can only be used by two people:

- the mother/primary adopter
- one of the following:
  - the other parent of the child
  - the spouse, civil partner or partner of the mother/primary adopter

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

### **Mother/primary adopter's eligibility for shared parental leave**

- have at least 26 weeks continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth and remains in continuous employment with the University until the week before any period of shared parental leave that is taken
- have, at the date of the child's birth/ adoption, the main responsibility, apart from the partner, for the care of the child;
- are entitled to statutory maternity/adoption leave in respect of the child; and
- comply with the relevant (or has returned to work before the end of statutory maternity/adoption leave), and shared parental leave notice and evidence requirements

In addition, for the mother/adopter to be eligible for shared parental leave, the partner must:

- have been employed or a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date
- meet the 'earnings test' and have average weekly earnings of at least £30 for any 13 of those 66 weeks; and
- have, at the date of the child's birth/adoption, the main responsibility, apart from the mother/primary adopter, for the care of the child

### **Partner's eligibility for shared parental leave**

- have at least 26 weeks continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth/ matching date and remains in continuous employment with the University until the week before any period of shared parental leave is taken
- have, at the date of the child's birth, the main responsibility, apart from the mother/primary adopter, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements. In addition, for the partner to be eligible for shared parental leave, the mother/adopter must:
  - have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date
  - meet the 'earnings test' and have average weekly earnings of at least £30 for any 13 of those 66 weeks; and
  - have, at the date of the child's birth/adoption, the main responsibility, apart from the partner, for the care of the child

- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity/adoption allowance in respect of the child; and
- comply with the relevant maternity/adoption leave or pay curtailment requirements (or have returned to work before the end of statutory maternity/ adoption leave)

## **How many weeks of shared parental leave am I entitled to?**

You may take up to 50 weeks SPL during your child's first year in your family. The number of weeks available is calculated using the mother's/primary adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If the mother/primary adopter reduces their maternity/adoption leave entitlement then you may opt-in to the SPL system and take any remaining weeks as SPL. The mother/primary adopter must take a compulsory period of at least two weeks maternity/adoption leave after the birth/adoption of the child. This compulsory period cannot be shared.

A mother/primary adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

SPL leave can be taken during the 12 months following the birth or date of placement for adoption but cannot begin earlier than two weeks following the child's birth/placement date. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

If the mother/adopter is not entitled to maternity/adoption leave (e.g. they are a casual worker) but are entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their 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.

## **Key facts**

- You may take up to 50 weeks of shared parental leave during your child's first year.

## **4.2 How can the leave be taken?**

Those in receipt of Occupational Shared Parental Pay (enhanced provision) If you are eligible for, and intend to take, Occupational Shared Parental Pay (OshPP) you are only permitted to make one, single request for leave and this leave must be taken in one, continuous block with no breaks in between (e.g. four weeks in a row). This leave must not exceed the total number of weeks of SPL available to you and you must have given at least eight weeks notice before commencing the period of leave. Only in exceptional circumstances may agreement be made in advance to a discontinuous period of leave, and this will need approval from Executive Deans or the Registrar and Secretary.

## **Those in receipt of 'Statutory' Shared Parental Pay only**

If you are not entitled to OshPP, or do not intend to take it, and are eligible for Statutory Shared Parental Pay (ShPP) only you may request either:

- a continuous period of leave (e.g. four weeks in a row) so long as it does not exceed the total number of weeks of SPL available to you and you have given at least eight weeks' notice, or
- a discontinuous period of leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work (for example, an arrangement where you will take six weeks of SPL and work every other week for a period of three months).

For further guidance on how SPL can be taken, please see the *Supporting Family Leave Guidance*, and/or contact [People & Culture](#).

### **Does my request for leave have to be approved?**

Any request for continuous leave must be approved (providing you have given the correct eight weeks notice before the start of the leave period). The University will consider a discontinuous leave notification but has the right to refuse it. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to you and the University against any adverse impact to the business, for example:

- the burden of additional costs
- inability to reorganise work amongst existing employees
- inability to recruit additional employees
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business.

It is best to discuss any planned discontinuous periods of leave with your line manager and [People & Culture](#) in advance of submitting any formal request. This will give the University more time to consider your request and hopefully give you some idea whether your plans may be agreed.

Where there is concern over accommodating the notification, People & Culture and your line manager may seek to arrange a meeting to discuss your notification within 14 days of the request being received. If the leave pattern is refused, you can either withdraw it within 15 days of giving it or can take the leave in a single continuous block. The reason for withdrawal should be clear from the outset. Individuals have the right to contest the decision and appeal to a senior manager in their area in accordance to the University's [Standard Appeal Procedure](#).

## Key facts

- If you are eligible for Occupational Shared Parental Pay you may only make a single request for leave and this leave must be taken in one continuous block.
- It is advisable to book a meeting with People & Culture to talk about how the University can support you.

## When can SPL commence?

SPL can commence as follows:

- the mother can take SPL after they have taken the legally required two weeks of maternity leave immediately following the birth of the child
- the primary adopter can take SPL after taking at least two weeks of adoption leave
- the partner can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as they partner cannot take paternity leave or pay once they have taken any SPL or ShPP)

Where the mother/adopter gives notice to curtail their maternity/adoption entitlement, the partner can take leave while they continue to use their maternity/adoption entitlements. SPL will generally commence upon your chosen start date specified in your SPL application or in any subsequent variation notice.

If you are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see 'Shared Parental Pay' below).

## When must SPL end?

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

## Key facts

- To request shared parental leave, you must provide three notifications:
  - Maternity curtailment notice
  - Notice of entitlement and intention to take shared parent leave
  - Notice to book leave

## 4.3 Notification of Shared Parental Leave

In order to notify the university of your intention to take SPL, it is suggested that you contact [People & Culture](#) as soon as you possibly can in order to discuss your plans/benefits/entitlements and to enable support to be put in place for you.

To request shared parental leave, the following three notifications should be provided within the required timescales.

## **1. Maternity/adoption leave curtailment notice**

Firstly, before the mother/primary adopter or partner can take shared parental leave, the mother/primary adopter must either return to work before the end of the maternity/adoption leave period (by giving the required eight weeks' notice) or provide [People & Culture](#) and your line manager with a [Maternity/Adoption Leave Curtailment Notice](#) if the mother/primary adopter is employed by the University.

The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to their employer; and
- at least one week before what would be the end of the additional maternity leave period. It is advisable to book a meeting with [People & Culture](#) to talk about how the University can support you

## **2. Notification of entitlement and intention to take shared parental leave**

Secondly, a [Notice of entitlement and intention](#) (.pdf) to take SPL should be submitted to [People & Culture](#) and your line manager to provide an indication of start and end dates of any requested SPL. This should be submitted at least eight weeks before the start date of the period of SPL and may be submitted at the same time as the maternity/adoption leave curtailment notice. The notice also requires confirmation of eligibility, entitlement and signed declaration and consent from partners.

At this stage you are only notifying the University of your 'intention' to take leave. It should be noted that, as such, this is a non-binding agreement and does not create actual certainty for your line manager or give you the entitlement to take the leave specified. The most important aspect at this stage is have an early discussion with your line manager about your intentions.

## **3. Notice to book leave**

Thirdly, a [Notice to Book Leave](#) (.pdf) is required to be submitted. It can be submitted either at the same time as the notice of entitlement and Intention or afterwards, as long as at least eight weeks' notice are given before the commencement of this leave. Please ensure your maternity/adoption leave curtailment notice has either already been submitted or is submitted with this form.

## **Is there a limit on the number of notices to book leave?**

If you are eligible for, and intend to take OshPP you are only permitted to make one 'notice to book leave' request.

If you are not entitled to, or do not intend to take, OshPP you may submit up to three separate 'notices to book leave' requests.

## **Will the University require evidence of my eligibility?**

The University may within 14 days of your notification being given, request:

- the name and business address of your partner's employer (where your partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- in the case of an adopted child, documentary 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
- in the case of a child born through surrogacy, a copy of the child's birth certificate and documentary evidence of a parental order application

In order to be entitled to SPL, you must produce this information within 14 days of the University's request.

## **Can I vary or cancel agreed arrangements for shared parental leave?**

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise People & Culture and your line manager in writing at least eight weeks before the date of any variation using the notice to cancel or vary a shared parental leave request. Any new start date cannot be sooner than eight weeks from the date of the variation request.

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 or later than the EWC. In such cases please notify People & Culture in writing of the change as soon as you can.

A notice to cancel or change a period of leave, including notice to return to work early, will count as one of your three period of leave notices, unless:

- the variation is a result of your child being born earlier or later than the EWC
- the variation is at our request; or
- it is agreed otherwise

If you have used up all of your notifications the University is under no obligation to agree to vary/cancel the leave but will consider the request and decide whether it is reasonably practicable to grant it.

## Key facts

- The University may request: the name and address of the partner's employer; a copy of the child's birth certificate or the name and address of the adoption agency and the date on which they were notified of having being matched/expects to place the child.
- You may vary or cancel an agreed period of shared parental leave, provided that you advise your Employee Relations Advisory contact and your line manager in writing at least eight weeks before the date of any variation.

## Can I withdraw my notice to end (curtail) my maternity/adoption leave?

If you have given notice to curtail your maternity or adoption leave (as above) and wish to withdraw the notice, as long as you have not returned to work and one of the following circumstances applies you may do so:

- where it is discovered in the eight weeks following the notice that neither you (the mother/ primary adopter) nor your partner has any entitlement to shared parental leave or pay
- in the event of the death of your partner;
  - (only applicable to the mother) if your notice was given before the birth, and you wish to withdraw your maternity curtailment notice in the six weeks following the birth

With the first two circumstances there will be no further opportunity to opt into shared parental leave at a later date with the same child. However, in the third circumstance the mother would be able to opt into Shared Parental Leave at a later date.

Please inform People & Culture and your line manager in writing if you wish to withdraw a leave curtailment notice.

## 4.4 Shared Parental Pay

### What is shared parental pay and how many weeks of pay are available?

If you are eligible you may be entitled to take up to 37 weeks of shared parental pay (ShPP) while taking SPL. The number of weeks available will depend on the amount by which the mother/primary adopter reduces their maternity/adoption pay period or maternity allowance period. The untaken weeks of ShPP or OshPP can be taken by the parent who is on SPL if they meet the qualifying criteria. Shared parental pay may be payable during some or all of SPL, depending on the length and timing of the leave. For example, if shared parental leave starts eight weeks after the birth, the partner will be eligible for only the remaining pay entitlements.

If both parents take leave and pay at the same time, the pay entitlement (which will not exceed 37 weeks and if eligible will include 22 weeks of OshPP) must be shared between them.

The pay you receive will depend on how long you have worked for the University.

You could be eligible for:

- Statutory Shared Parental Pay (ShPP)
- Occupational Shared Parental Pay (OshPP), an enhanced provision inclusive of ShPP

## Key facts

- If you are eligible you may take up to 37 weeks of shared parental pay.

## Am I eligible for ShPP?

For employees to be eligible for ShPP, both parents must meet certain eligibility requirements.

The mother/primary adopter is eligible for statutory shared parental pay if they:

- have at least 26 weeks continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth or adoption matching and remains in continuous employment with the University until the week before any period of shared parental pay that they get
- have normal weekly earnings for a period of eight weeks ending with the 15<sup>th</sup> week before the expected week of childbirth or adoption matching of at least the lower earnings limit for national insurance contribution purposes
- have at the date of the child's birth or adoption matching, the main responsibility, apart from the partner, for the care of the child
- are absent from work and intends to care for the child during each week in which they receive ShPP; and
- are entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced

In addition, the partner/second adopter partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth or adoption matching
- meet the 'earnings test' and have average weekly earnings of at least £30 for any 13 of those 66 weeks; and
- have, at the date of the child's birth or adoption matching, the main responsibility, apart from the mother/adopter for the care of the child

## Partner's eligibility for ShPP

The partner is eligible for ShPP if they:

- have at least 26 weeks continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth/ matching date and remains in continuous employment with the University until the week before any period of shared parental pay that they get

- have weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes
- have, at the date of the child's birth/adoption, the main responsibility, apart from the mother, for the care of the child; and
- are absent from work and intend to care for the child during each week in which they receive ShPP

In addition, for the partner to be eligible, the mother/primary adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth or adoption matching
- meet the 'earnings test' and have average weekly earnings of at least £30 for any 13 of those 66 weeks
- have, at the date of the child's birth/adoption, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity/adoption pay or maternity/adoption allowance in respect of the child, but the maternity/adoption pay period or maternity/adoption allowance period has been reduced

SMP is payable whether or not you intend to return to work.

### **Am I eligible for OshPP?**

OshPP is an enhanced pay provision provided by the University. To qualify you must have been employed continuously with the University for a minimum period of 12 months before the expected week of childbirth/commencement of adoption leave. In addition, you and your partner must meet the appropriate eligibility requirements for ShPP outlined above.

If you do not intend to return to work, you will not qualify for OShPP.

For the purposes of OShPP you will be deemed to be in receipt of ShPP. ShPP will be offset against OShPP during the period of eight weeks that an employee, who intends to return to work, is receiving full pay.

ShPP will not normally be offset against OshPP half pay. However, if during the course of SPL, payment of half pay and ShPP (at whatever rate) together amount to more than full pay, then the combined payment will be reduced to the level of full pay during the period in which ShPP is being paid. No combinations of payments will exceed full pay.

Your payslip will show the amount of ShPP paid plus a pay adjustment to bring the payment up to the level of OshPP.

## Key facts

- Occupational Shared Parental Pay is an enhanced pay provision provided by the University. To qualify you must have been employed continuously with the University for a minimum of 12 months before the expected week of childbirth/commencement of adoption leave.
- Statutory Shared Parental Pay is payable whether or not you intend to return to work.
- If you do not intend to return to work, you will not qualify for Occupational Shared Parental Pay.

## How will ShPP and OshPP be paid to me?

Your ShPP/OshPP will be paid into your bank account on the same date that your salary would have been paid, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

## What about my pension contributions?

For the time you are in receipt of either ShPP or OshPP, pension contributions will continue to be payable. Although, based on the rate of pay that will be received, the pension benefits will continue to accrue in the same way and at the same rate that applied immediately before leave was commenced.

For any subsequent period of unpaid leave the choice is entirely yours. If you pay contributions for the period of unpaid leave they will be based on the full notional salary that you would have received had you not taken adoption leave. If you wish to make up these contributions, they can be collected from your salary on your return to work. It may be possible, subject to the restrictions of the tax year, to spread the collection of these contributions over a period equal to the length of the unpaid leave. You will receive a letter from the University Pensions Officer asking you to confirm your decision.

## 4.5 Annual leave

Annual leave accrues throughout the full period of shared parental leave. Leave also accrues for any statutory public holiday and/ or University closure day that falls during the period of shared parental leave.

Annual leave may only be taken before you start your shared parental leave or at the end of your shared parental leave. It is not possible to take annual leave whilst you are on shared parental leave.

All annual leave is subject to the rule of 'no-carry-over' from one leave year to the next. In some cases, it may be possible at Department level to agree a small carry-over of leave (no more than five days), subject to the business need of the employing unit and at the discretion of the Head of that Section or Department.

Any leave accrued during the leave year in which the shared parental leave falls may be used in lieu of an equivalent amount of unpaid adoption leave.

Where it is agreed that you will return to work on the basis of reduced contractual hours of work, your new reduced hours should not normally take effect until any leave accrued under your previous

contractual hours has been taken. This effectively means that you may officially return to work on X day, take your outstanding holiday accrued under your previous (e.g. full-time) contractual hours and then physically return to work and start your new reduced hours on Y date.

## **Key facts**

- Annual leave continues throughout the full period of shared parental leave.

## **4.6 Shared parental leave in touch (SPLIT) days**

Shared parental leave in touch (SPLIT) days allow you to do some limited work under the terms of your contract of service for the University whilst you are on maternity leave. Any SPLIT day taken will not bring your shared parental leave to an end, and payment of ShPP/OshPP will not be affected. Each parent will be entitled to up to 20 SPLIT days.

For further information see SPLIT Day Information.

## **What if I want more time off after the end of my paid shared parental leave?**

You are also eligible to take unpaid parental leave.

## **4.7 Returning to Work**

If you have chosen to take OshPP you must return to work for a minimum of three months otherwise you will be expected to repay any amount of OshPP that you have received in excess of the ShPP entitlement.

If you wish to consider the possibility of working part time on your return to work, please look at the University's [\*Flexible Working Policy\*](#).

## **Should I change my mind, and not want to return to work, what will I have to pay back?**

If you have taken OshPP you will have to repay the difference between the OshPP and the ShPP.

If you have only received ShPP and you decide not to return to work you will not need to repay anything.

## **What happens if I am sick after my shared parental leave is over?**

You are entitled to sick leave and statutory sick pay if you are not well enough to return to work after the end of your SPL. You must produce a fitness to work certificate after your sickness absence for any period longer than seven calendar days.

## **What if I am no longer responsible for the care of the child?**

If circumstances change and you are no longer responsible for caring for the child (unless

it is because the child has died) your entitlement to SPL and any ShPP/OShPP will immediately cease and you must notify People & Culture and your line manager.

**Key facts**

- If you have chosen to take Occupational Shared Parental Pay you must return to work for a minimum period of three months.
- If you wish to consider the possibility of working part-time on your return to work, please review the Flexible Working Policy.

**Table 4: Shared parental pay**

Statutory Shared Parental Pay (ShPP)	Occupational Shared Parental Pay (OShPP)
<p>The rate of ShPP can be found on the Gov.uk website, is paid at the rate of or 90% of your average weekly earnings, whichever is the lesser amount.</p>	<p>OShPP is inclusive of statutory shared parental pay (ShPP) as follows:</p> <ul style="list-style-type: none"> <li>■ six weeks full pay, (please note only six weeks at full pay are available as the first two weeks must be taken by the mother/primary adopter as compulsory maternity/adoption leave and pay), followed by</li> <li>■ 16 weeks of half pay (plus ShPP or 90% of your average weekly earnings, whichever is the lesser amount), followed by:</li> <li>■ 15 weeks of lower rate ShPP or 90% of your average weekly earnings, whichever is the lesser amount.</li> </ul>

**Examples: Shared parental leave and pay**

**Example 1**

Both parents are employees of the University and are entitled to OshPP. They both decide to take shared parental leave and pay at the same time.

The mother goes on maternity leave for the first two weeks after the baby is born at full pay.

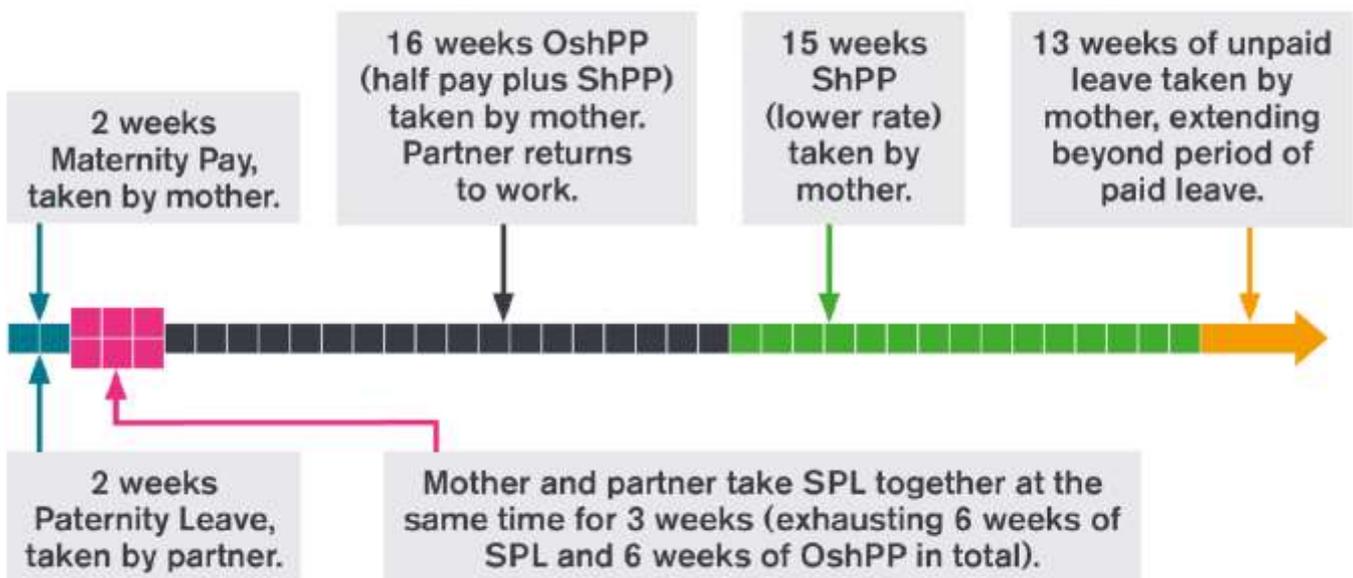
Partner takes two weeks’ ordinary paternity leave (OPL) at the time of the birth, at full pay. The mother ends their maternity leave after a total of two weeks’ maternity leave. SPL begins immediately with a total of 50 weeks leave entitlement and 37 weeks pay, to be shared by both parents.

The mother and partner take SPL together at the same time for three weeks (exhausting six weeks of SPL and 6 weeks of OshPP in total). Partner returns to work. The mother remains on SPL for a further 44 weeks (16 weeks at half pay plus ShPP, followed by 15 weeks of lower rate ShPP, followed by 13 weeks of unpaid leave).

The cost of SPL is met by each employee's department:

The mother's department will pay: Two weeks maternity leave at full pay, three weeks of shared parental leave at full pay, 16 weeks at half pay (plus ShPP), 15 weeks of lower rate ShPP.

The partner's department will pay: Two weeks Paternity at full pay and three weeks of Shared Parental Leave at full pay.



## Example 2

Both parents are employees of the University and are entitled to OshPP. After the mother has ended their maternity leave the partner enters into the shared parental leave and pay arrangement.

The mother goes on maternity leave for the first two weeks after the baby is born at full pay. Partner takes two weeks ordinary paternity leave (OPL) at the time of the birth, at full pay.

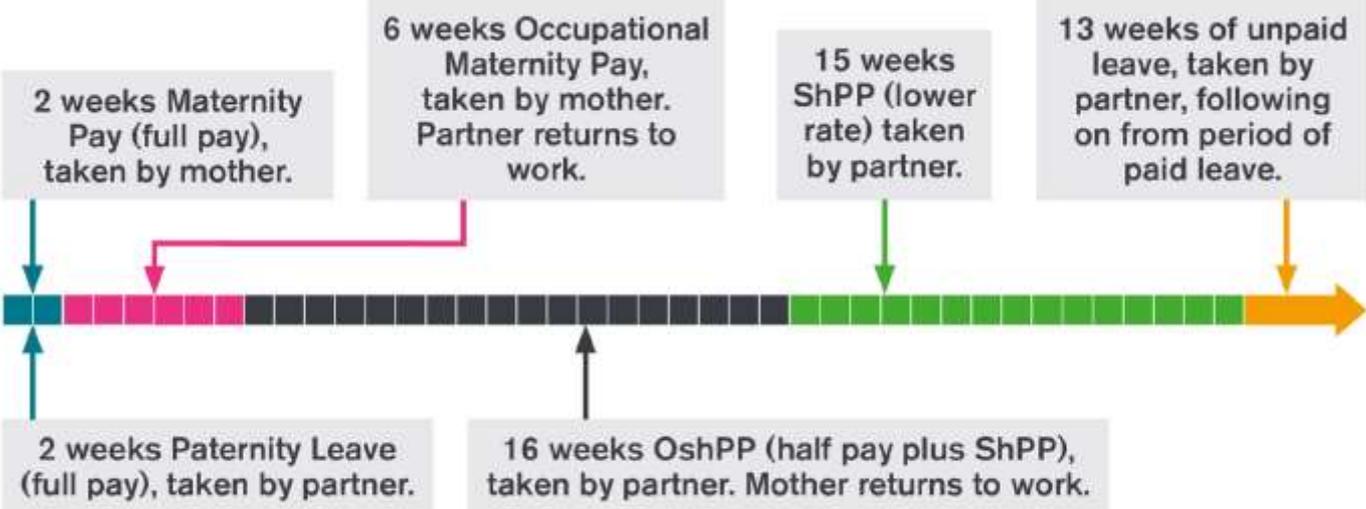
The parent who gave birth remains on maternity leave for another six weeks and continues to take the remaining 6 weeks of their full OMP. Partner returns to work.

The mother ends their maternity leave after a total of eight weeks maternity leave and returns to work. SPL begins immediately with a total of 44 weeks leave entitlement and 31 weeks of pay.

Partner begins SPL for the remaining 44 weeks (16 weeks at half pay plus ShPP, followed by 15 weeks of lower rate ShPP, followed by 13 weeks of unpaid leave).

The cost of SPL is met by each employee's department:

The mother's department will pay: eight weeks maternity leave at full pay. The partner's department will pay: 31 weeks of Occupational Shared Parental Pay (16 weeks of half pay plus ShPP, followed by 15 weeks of lower rate ShPP).



**Example 3**

The partner is an employee of the University but the mother is employed by another organisation. The partner is entitled to OshPP.

The mother takes 14 weeks of maternity leave before curtailing their leave and pay. They return to work.

Partner begins SPL for the remaining 38 weeks (10 weeks of half pay plus ShPP, followed by 15 weeks of lower rate ShPP, followed by 13 weeks of unpaid leave).

The cost of SPL is met by each employee's organisation:

The mother's organisation will pay: 14 weeks of maternity pay.

The University will pay the partner: 10 weeks of half pay plus ShPP, followed by 15 weeks of lower rate ShPP, followed by 13 weeks of unpaid leave.



#### Example 4

The mother is an employee of the University but the partner is employed by another organisation. The mother is entitled to ShPP only.

The mother takes maternity leave for two weeks then ends their maternity leave allowing their partner to enter into the SPL arrangement. They then return to work.

Partner takes 6 weeks of SPL before returning to work. The mother takes a further 44 week's of SPL (31 week's of ShPP, followed by 13 weeks of unpaid leave).

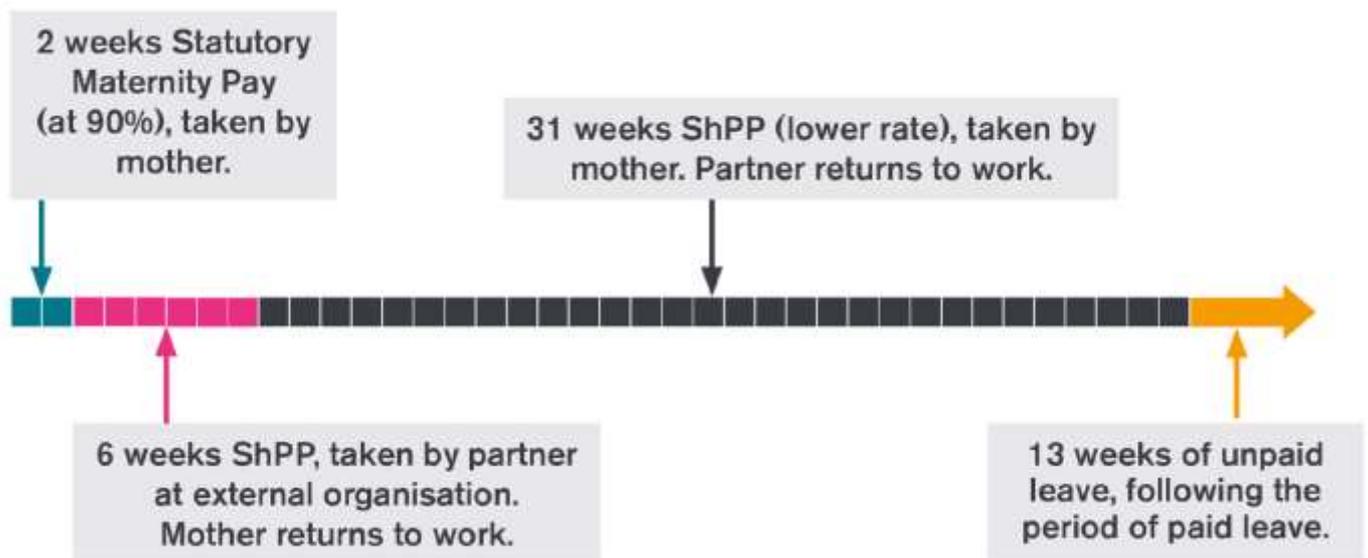
The cost of SPL is met by each employee's organisation:

The mother's department at the University will pay:

- 2 weeks of SMP
- 31 weeks of ShPP

The partner's organisation will pay the partner:

- 6 weeks of OshPP



## 5: Unpaid parental leave

Parental leave is a right to take time off work to look after a child or to make arrangements for a child's welfare. You can take unpaid parental leave to look after your child's welfare, for example to:

- spend more time with your children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family – e.g. visiting grandparents

You will remain employed while on parental leave. At the end of the period of Parental leave you will be entitled to return to the same job as before.

Parental leave will be subject to agreement with the University on the timing and duration of the leave. Such agreement will not be unnecessarily withheld but will take into account service provision.

### Am I entitled to take parental leave?

You are entitled to take Parental Leave if you have a child and have completed one year's qualifying service with the University at the time you wish to take the leave. The leave is available for each child up to their 18<sup>th</sup> birthday.

### How many weeks can be taken?

18 weeks of unpaid leave can be taken per child. A 'week' equals the length of time you normally work in a week.

## Is there a limit to how much leave I can take per year?

The limit on how much parental leave can be taken in a year

(1 August-31 July) is a maximum of four weeks for each child (unless agreed otherwise).

## How can the leave be taken?

Unless the child is disabled, or the University agrees otherwise, leave should be taken in blocks or multiples of one week. Parents with disabled children can take parental leave in periods of less than one week (e.g. an 'odd' day off).

## Notification to take unpaid parental leave

You must give 21 days' notice before the intended start date. Please complete a [parental leave application form](#) (.pdf) to give written notification of your intention to take unpaid parental leave and the date on which you intend this leave to start and send it to [People & Culture](#) with a copy to your line manager/head of department.

## What if you are unreasonably refused time off?

If you feel you have been unreasonably refused time off, then you should contact [People & Culture](#) who will seek to investigate and resolve the situation.

## Key facts

- You are entitled to take Parental Leave if you have had at least one year of service with the University at the time you wish to take the leave.
- 18 weeks of Parental Leave can be taken per child.
- The leave is available for each child up to their 18<sup>th</sup> birthday.

## 6: Neonatal leave and pay

6.1 Neonatal Care Leave supports parents of babies who require neonatal care (for at least seven consecutive days) before the baby reaches 28 days of life.

Employees who are entitled to family leave under this policy (e.g. maternity, paternity, adoption and shared parental leave) will also be entitled to an additional period of Neonatal leave to add to the end of their family leave period (up to a maximum of 12 weeks).

6.2 Key principles of neonatal care leave (NCL) and pay:

- NCL will only apply to babies born before the 37<sup>th</sup> week of pregnancy

- both parents will each be entitled to take NCL
- if you are eligible you will be entitled to NCL on full pay, equivalent to the number of days your baby received neonatal care for at least seven consecutive days. This leave is capped at 12 weeks
- NCL must be taken in one block (at the end of the family leave)
- NCL must be taken within the first 68 weeks of the baby's life
- the right to NCL is per child therefore if you have multiple births (e.g. twins) and both require neonatal care, the total NCL will be added together. This will be capped at 12 weeks in total.
- in the unfortunate event that your baby is admitted to neonatal care (for a period of at least seven consecutive days), discharged, and then readmitted to neonatal care (for a period of at least seven consecutive days), providing that the second admittance occurs before 28 days of life, both instances will count towards NCL
- as you are taking NCL immediately after the period of family leave, no additional notice will be required as this should have already been confirmed as part of the return-to-work process

## **Will I be paid during my Neonatal leave?**

If you meet the eligibility criteria to receive the University's enhanced occupational Maternity, Paternity, Adoption pay (as outlined in the relevant policy e.g. maternity, paternity, adoption, shared parental leave) you will be entitled to take this leave at full pay. If you do not meet these criteria, you are eligible to take this leave as unpaid. Paid NCL will be paid at the end of the period of the occupational maternity / paternity / adoption / shared parental leave.

## **Notification to take neonatal leave**

You should notify your line manager if your baby has been admitted into neonatal care (for at least seven consecutive days) and the date of discharge. You should notify your manager of your intention to take neonatal leave as soon as you can and according to the requirements set out in this policy for occupational maternity / paternity / adoption / shared parental leave. For example, in the case of maternity leave, this would be at least eight weeks before your maternity leave is expected to end. Your line manager will notify People & Culture to ensure that the leave is accurately recorded on HR Organiser.

## When can NCL be taken?

If you are the primary carer (and taking a period of maternity or adoption leave), your NCL leave must be taken **after** your maternity/adoption leave has ended or curtailed (if moving onto Shared Parental Leave).

## Returning to work

As NCL is an extension of your maternity, paternity, adoption and shared parental leave, please refer to those policies about arranging your return to work following your leave.

We understand that returning to work can be a difficult time, particularly if you have experienced a traumatic and upsetting time seeing your baby in a neonatal ward. Babies can have ongoing medical needs requiring regular hospital appointments and check-ups when the parent returns to work. Please refer to our [Special Leave \(.pdf\)](#) policy for further information

The University's supportive flexible working culture is outlined within the [Flexible Working Policy](#), where information can be sought should you wish to consider changing or reducing your working hours.

If you have taken paid NCL you must return to work for a minimum of three months otherwise you will be expected to repay the full NCL pay you have received.

## 7: Keeping in touch (KIT) days and shared parental leave in touch (SPLIT) days

### 7.1 KIT/SPLIT Days

KIT days are available to you if you are on maternity or adoption leave. You are permitted to use up to 10 KIT days.

SPLIT days are available to you if you are on shared parental leave. Each parent entitled to shared parental leave will have an individual entitlement of up to 20 SPLIT days.

KIT/SPLIT days allow you to do some limited work under the terms of your contract of service for the University. Any KIT/SPLIT day taken will not bring your maternity/ adoption/ shared parental leave period to an end, and payment of any statutory or occupational pay will not be affected but it will be offset against pay for the KIT/SPLIT days.

KIT/SPLIT days can either be taken as blocks of days, or as individual days.

KIT/SPLIT days may be taken at any point during maternity/adoption leave (except in the case of maternity leave for the first two weeks directly after the baby is born).

These days are optional and the decision to undertake a KIT day must be made by agreement between you and your line manager/head of department. There is no obligation for either you or the University to agree to a KIT day(s). You must give your manager at least two weeks' notice of your intention to use your KIT day, unless agreed otherwise.

## **7.2 How do KIT/SPLIT Days Work?**

As soon as you enter work, even if it's for only a few hours, this is counted as one of your 10 KIT/SPLIT days allowed. The number of hours that you attend work can be up to the maximum of the full time equivalent (7.2 hours for a full-time employee). However, you will only get paid for the hours you work.

KIT/SPLIT days can provide a number of advantages for both you and the University and can provide a smooth transition back to work after a long period of maternity/ adoption leave.

Some of the many advantages are:

- training and development can continue during maternity/adoption leave
- you can stay in touch with your workplace or finish a project

You are encouraged to make use of KIT/SPLIT days as a positive way to keep in contact with developments in your area of work. As work during maternity/ adoption leave may only take place with the agreement of both parties, you will not be at any disadvantage regarding the options you choose. If you are unable to or decline the opportunity to work any KIT/SPLIT days, no detriment will be experienced.

### **Key facts**

- KIT days are available to you if you are on Maternity/Adoption leave. You may take up to 10 days.
- SPLIT days are available to you if you are on Shared Parental Leave. Each parent is entitled to take up to 20 SPLIT days.
- KIT/SPLIT days can be taken as blocks of days or as individual days.

## **What type of work will I be expected to undertake whilst working a KIT/SPLIT day?**

You will be expected to undertake any work duties normally performed under your contract

of employment. The purpose of these days is to allow you to be kept informed and up to date on developments within your own workplace or within the University. This may include attending a conference, undertaking training or a team event.

## **I have been asked to be an external examiner for another university, can I use a KIT/SPLIT day to undertake this work?**

No, because this is paid work for another employer and therefore will affect your maternity/adoption/shared parental pay arrangements.

## **What payment will I receive for working a KIT/SPLIT day?**

If you work during a period of full pay, no additional payment will be made. If you work during a period of half maternity/adoption/ shared parental leave pay or SMP/SAP/ ShPP pay will be ‘topped up’ so that you receive full pay for the hours worked. If you work for less than your normal full day, this will count as one KIT/SPLIT day for the purposes of the 10 KIT/20 SPLIT days allocated, although payment will only be made for actual hours worked. On no occasion will you receive more than a full day’s pay.

Payment will be made as follows:

- Payment for KIT/SPLIT days will not exceed full pay. If a KIT/SPLIT day occurs during a period of full maternity/adoption pay then no additional payment will be made.
- If a KIT/SPLIT day occurs during a period of half pay or SMP only, this will be effectively “topped-up” so that you receive full pay at your normal hourly rate for the hours worked on the day in question.
- If a KIT/SPLIT day occurs during a period of unpaid leave you will receive full pay at your normal hourly rate for the hours worked on that day.
- Payment for KIT/SPLIT days will only be made after completion of the day’s work.

## **How do I receive payment for my KIT days?**

To receive payment for any KIT/SPLIT day worked you need complete a KIT/SPLIT form and send this to your line manager/ head of department to agree and sign. Your line manager should send this to [People & Culture](#) to process payment.

### **Key facts**

- Even if you work for only a few hours on your KIT/SPLIT day this will be counted as one of your days. You will only be paid for the hours you work.
- You do not have to use your KIT/SPLIT days but they are a positive way of keeping in touch with developments in your area of work (particularly before you are due to return).

## **8: Time off for dependants**

Time off for dependants allows you the right to take a reasonable amount of time off work to

deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements.

A dependant is your partner, child or parent, or someone who lives with you as part of your family. For example, this could be an elderly aunt or grandparent who lives in your household. It does not include tenants or boarders living in your family home, or someone who lives in your household as an employee, for example, a live-in housekeeper.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on you for assistance. This may be where you are the primary carer or the only person who can help in an emergency. For example, a parent or grandparent who lives elsewhere but who relies on you for assistance when problems arise.

## **Under what circumstances can you take time-off?**

The right allows you to deal with an unexpected or sudden problem and make any necessary longer-term arrangements, for example:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically
- to make longer-term care arrangements for a dependant who is ill or injured
- to deal with the death of a dependant; for example, to make funeral arrangements or to attend a funeral
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the childminder or nurse fails to turn up
- to deal with an incident involving your child during school hours; for example, if the child has been involved in a fight or is being suspended from school

## **How much time off is allowed?**

There is not a set limit to the amount of time off which can be taken. In most cases, the amount of leave will be one or two days at the most, but this will depend on your individual circumstance, although you may be able to take a longer period of leave under other arrangements. For example, if your child falls ill, the leave should be enough to help you cope with the crisis - to deal with the immediate care of your child, visiting the doctor if necessary, and to make longer term care arrangements. It does not mean that you may take two weeks leave to look after your sick child.

## **Key facts**

- Time off for Dependants allows you to take a reasonable amount of time off work to deal with unexpected or sudden emergencies.

- There is not a set limit to the amount of time off however in most cases the amount of leave will be one or two days.

## **Payment**

The right for this leave does not include a statutory right to pay. However, there may be some circumstances when you will be entitled to paid leave to deal with sudden or unexpected family/dependant problems. In cases of serious urgent domestic distress, requests should be made to the head of department who will consult with People & Culture and consider such requests via the Special Leave policy.

## **Notification**

If you need time off to care for a dependant/s you should inform your line manager/head of department as soon as possible – you should give details of your absence, the reason for it and how long you expect to be absent from work.

It is acknowledged however that there may be a rare occasion when you are unable to contact your line manager/head of department or another appropriate person. In such circumstances you should, at the earliest opportunity, inform your line manager/head of department of the reason for your absence from work. Your line manager/head of department may wish to discuss your absence with you upon your return to work.

## **What if you are unreasonably refused time off?**

If you believe you have been unreasonably refused time off, then you should contact People & Culture who will seek to investigate and resolve the situation.

## **What happens if an employee needs longer time off, or knows in advance that the problem is going to arise?**

This leave is intended to cover unforeseen matters. If you know in advance that you are going to need time off, it may be possible to arrange a longer period of unpaid leave or a combination of unpaid leave and annual leave. If the reason you need leave relates to your child, you may be entitled to take unpaid parental leave.

## **Key facts**

- There is not a statutory right to be paid for your time off, however in some cases a request may be made to your line manager/head of department.

## **9: Employees on fixed-term contracts**

If you are on a fixed-term contract you still have the same entitlement to maternity leave as other employees, 52 weeks commencing anytime from the 11th week before the EWC.

### **Will I receive maternity pay if I am on a fixed-term contract that expires before the 15<sup>th</sup> week before the expected week of childbirth?**

Where a fixed term contract ceases before the qualifying week (15<sup>th</sup> week before the expected week of birth), you will not be entitled to maternity pay from the University but may be entitled to Maternity Allowance from the Government.

### **What maternity pay will I receive if I am on a fixed-term contract that expires after the 15<sup>th</sup> week before the expected week of childbirth?**

Where a fixed term contract ceases after the qualifying week (15<sup>th</sup> week before the expected week of birth), the University will honour your entitlement to pay. Your contract of employment will still end on the original end date. Contracts are not usually extended unless an extension can be agreed for other reasons.

### **What if my fixed-term contract expires whilst on maternity leave?**

If your fixed-term contract expires whilst you are on maternity leave and you cannot return to the University because of the expiry of a fixed-term contract, providing you state your intention to return to work before commencing maternity leave, your maternity pay will be calculated on the basis that you will be returning to work, therefore you will not need to repay the occupational element of the pay.

### **I am on a fixed-term contract and am the primary adopter/having a child through surrogacy. Do I have the same rights as an employee on a fixed-term contract taking maternity leave?**

If you are on a fixed-term contract and are the primary adopter you have the same entitlements to leave and pay as an employee on a fixed-term contract taking maternity leave.

## **10: Family leave entitlements for on-demand workers**

An on-demand agreement is an open-ended agreement used where short periods of work are provided on an 'as and when' basis. On-demand arrangements at the university are reduced wherever the nature of the work makes this necessary, and they are used only where the relationship is genuinely on-demand and where there is no employment relationship. Likewise, these agreements are only used for workers where there is no mutual obligation to be offered work or to accept work, and where they

would not be an integrated or permanent part of our university workforce. If you are a casual worker, you may be entitled statutory maternity, adoption or paternity pay. For further information, please contact [People & Culture](#).

## **11: Equality Impact Assessment**

The University has conducted an Equality Impact Assessment on this policy and is satisfied that its application should not result in a differential and negative impact on any groups of employees identified under the Equality Act 2010.

## **12: Monitoring**

[People, Culture, and Inclusion Advisory Group \(.pdf\)](#) will monitor the impact of this policy.

## **13: Related University policies and procedures**

- [Equality and Diversity Policy and Strategy](#)
- [Health and Safety Policy](#)
- [Miscarriage, stillbirth and infertility](#)
- [Special Leave Policy](#)
- [Zero Tolerance of Harassment and Bullying](#)
- [Grievance Procedure](#)
- [Disciplinary Procedure](#)
- [Sickness Absence Policy and Procedure](#)
- [Stress Management Policy \(.doc\)](#)
- [Probation](#)
- [Flexible Working Policy](#)
- [Whistleblowing Policy](#)
- [Social Media Policy](#)
- [Essential Training Policy](#)
- [Academic Freedom and Freedom of Speech](#)

## **14. University sources of support and information**

- [Health and Wellbeing](#)
- [Wellbeing Directory](#)
- [Work-Related Stress](#)
- [Coaching Essentials for line managers](#)
- [Report and Support](#)
- [Mental Health First Aid](#)
- [Employee Assistance Programme](#)

## Document Control Panel

Field	Description
<b>Title</b>	<b>Family Leave Policy</b>
<b>Policy Classification</b>	Policy
<b>Security Classification</b>	Open
<b>Security Rationale</b>	None
<b>Policy Manager Role</b>	Policy and Projects Officer
<b>Nominated Contact</b>	develop@essex.ac.uk
<b>Responsible UoE Section</b>	People & Culture
<b>Approval Body</b>	University Steering Group
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