FAMILY LEAVE POLICY

MATERNITY, ADOPTION, PATERNITY, PARENTAL AND TIME OFF FOR DEPENDANTS

HUMAN RESOURCES
FAMILY LEAVE POLICY

INTRODUCTION

The University is fully committed to helping working parents to balance work and family life, and to provide appropriate cover. This suite of family leave policies aims to ensure that employees are able to take appropriate leave at the birth – or placement for adoption – of a child in accordance with their legal entitlement, and that Departments are able to make arrangements in good time to provide appropriate cover.

All our family-friendly policies are inclusive and apply to everyone including lesbian, gay, bi and trans staff and same-sex couples as well as heterosexual individuals and couples.

AIM

The University is fully committed to helping working parents to balance work and family life, whilst this is compatible with the interests of the University.

SUMMARY

Maternity leave and pay
Employees may take up to 52 weeks' leave. This is a ‘day one’ right and there is no qualifying period. The level of pay depends on the length of service.

- Employees with 26 weeks' service (but less than 1 year's 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. This is a ‘day one’ right and there is no qualifying period. The level of pay depends on the length of service.

- Employees with 26 weeks' service or more (but less than 1 year's service) continuing into the week in which you 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.

Parental 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 year's 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
From 5 April 2015 Shared Parental Leave is the new way for parents to share statutory leave and pay on the birth/adoption of a child. It replaces Additional Paternity Leave but it is separate from the right to unpaid Parental Leave (below) and will not replace the current Maternity/Adoption schemes. To opt into Shared Parental Leave and Pay the parent/adopter must have ended their Maternity/Adoption Leave.

Parental Leave (unpaid)
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 18th birthday. The limit on how much parental leave can be taken in a year (1 April-31 March) is a maximum of 4 weeks for each child.

The following information has been prepared for you as guidance. You must make an appointment with HR before you go on any period of leave.

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.

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. For information about casual workers, please contact HR.

You may also be interested in the following:
- Childcare Vouchers
- Special Leave
- Equality and Diversity
- Parents' Support Network
- Parent Monitoring Scheme
- Pregnancy, Maternity and Returning to Work Booklet
- Wivenhoe Park Day Nursery

HR can answer any questions you may have on this document.

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
- MA 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
- SPP Statutory Paternity Pay
- SNPP Shared Statutory Parental Pay
- SML Shared Maternity Leave
- SPL Shared Parental Leave
- WPL Shared Parental Leave

1 For the purposes of these procedures, ‘Department’ shall mean Departments, Schools, Centres and Sections.
2 ‘Head of Department’ shall mean ‘Head of Department or Head of School or section or Director of a Centre.’
1.1 MATERNITY LEAVE

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 irrespective of whether you have 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.

If you become ill with a pregnancy related illness after the start of your 4th week before EWC, your maternity leave will automatically begin.

If your baby is stillborn after the beginning of the 24th week of pregnancy, you will still be entitled to maternity leave.

You will not qualify for sick pay while you are on maternity leave.

Once you have returned to work your Maternity Leave will have ended and cannot be re-started.

1.2 MATERNITY PAY

What will I be paid during my maternity leave?

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)

If your baby is stillborn after the beginning of the 24th week of pregnancy, you will still be entitled to maternity leave and to Statutory Maternity Pay or Occupational Maternity Pay, provided you meet the qualifying conditions. You will get a certificate of stillbirth; this is the evidence you need to claim Statutory Maternity Pay or Maternity Allowance. If you have a miscarriage (before the 24th week of pregnancy), you will not be entitled to maternity leave or pay.

Payment details can be found in Table 1.

Am I eligible for Statutory Maternity Pay?

Statutory Maternity Pay (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 15th 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 (currently £113) 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.
FAMILY LEAVE POLICY

Will I receive any Occupational Maternity Pay?

Occupational Maternity Pay (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.

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

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

SMP will be offset against OMP as follows:

a) during the period of 8 weeks that an employee, who intends to return to work, is receiving full pay; or

b) from the amount of 6 weeks' pay received by an employee who does not intend to return to work.

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

OMP will not normally be offset against SMP. 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 Statutory Maternity Pay and Occupational Maternity pay 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.

What if I do not qualify for Statutory Maternity Pay?

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 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 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.

1.3 NOTIFICATION AND EVIDENCE OF PREGNANCY

It is advisable to book a meeting with HR as early as possible to talk about your plans/benefits/entitlements and to enable the University to support you.

Please complete an application form to give written notification of your intention to take maternity leave and the date on which you intend this to start and send it to your Line Manager/Head of Department. Your MATB1 form should also be attached to this form unless you are only eligible to claim Maternity Allowance for which 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 15th week before your expected week of childbirth. Note that for these purposes a week begins on a Sunday. However, in order to discharge the university’s responsibilities with regards to health and safety it is advisable that written notification is made at an early stage in the pregnancy.

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 give us 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 HR as soon as is reasonably practical after the birth. In these circumstances, maternity leave will start automatically on the day after the birth.

Human Resources will write to you to accept notification of your pregnancy.

If you are taking maternity leave you are encouraged to contact HR to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable the University to support you.

1.4 HEALTH AND SAFETY

Do I have to complete a pregnancy risk assessment?

You should arrange to review your work activities in consultation with your line manager/supervisor immediately upon becoming aware that you are pregnant using the risk assessment form. Where this may present personal difficulty, you are urged to discuss the matter with HR at the earliest opportunity.

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 HR.
1.5 ANNUAL LEAVE
Will I accrue any annual leave during my maternity leave?
Annual leave accrues throughout the full period of maternity leave. Leave also accrues for any statutory public holiday and/or Christmas 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/Christmas 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/Christmas 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.

1.6 KEEPING IN TOUCH (KIT) DAYS
What are KIT days?
Keeping In Touch days (or 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.
What if I want more time off after the end of my paid OML?
You are also eligible to take unpaid Parental Leave.

1.7 RETURNING TO WORK
When do I have to inform my manager of my return to work?
Before you return to work you should complete the Maternity Return to Work Form and send it to HR with a copy to your Line Manager/Head of Department. This should be sent at least 8 weeks before you are due to return. If you subsequently wish to change this date, you must give 38 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 2 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 wish to consider the possibility of working part time, please look at the University’s work life balance information.
Should I change my mind, and not want to return to work, what will I have to pay back?
If you have taken OMP you will have to repay the difference between the OMP and the SMP.
If you have only received SMP and you decide not to return to work you will not need to repay anything.
What happens if I am sick after my maternity 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 maternity leave. You must produce a fitness to work certificate to evidence your sickness absence for any period longer than seven calendar days.

1.8 FIXED TERM CONTRACTS
I am on a fixed term contract does this affect my entitlement to maternity leave and pay?
Please see the section on Fixed-Term Staff for entitlements and benefits if you are on a fixed-term contract.

1.9 ANTE NATAL APPOINTMENTS
Am I entitled to time off to attend ante natal appointments?
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 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.

1.11 SHARED PARENTAL LEAVE
From April 2015, you can elect to bring your maternity leave to an end early and opt-in to a period of Shared Parental Leave and Pay 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.
### TABLE 1: MATERNITY LEAVE AND PAY

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<th>LENGTH OF SERVICE</th>
<th>MATERNITY/ADOPTION LEAVE ENTITLEMENT</th>
<th>MATERNITY/ADOPTION PAY</th>
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| One year’s continuous service before the Expected Week of Childbirth (EWC). | Employees may take up to 52 weeks leave (the first 2 weeks are compulsory for those taking maternity leave). | Maximum pay period of 39 weeks. You are entitled to Occupational Maternity Pay (OMP), which is inclusive of SMP as follows:  
- 8 weeks full pay, followed by  
- 16 weeks of half pay (plus SMP (£140.98 or 90% of your average weekly earnings, whichever is less) amount) followed by  
- 15 weeks of lower rate SMP (£140.98 or 90% of your average weekly earnings, whichever is the lesser amount) followed by  
- 13 weeks unpaid leave. |
| 26 weeks’ continuous service (but less than one year’s continuous service) at the 15th week before EWC (known as the Qualifying Week). | Employees may take up to 52 weeks leave (the first 2 weeks are compulsory for those taking maternity leave). | Maximum pay period of 39 weeks. You are entitled to Statutory Maternity Pay (SMP) as follows:  
- 6 weeks at 90% of earnings followed by  
- 33 weeks at the current lower rate of SMP or 90% of average weekly earnings whichever is the lesser amount) followed by  
- 13 weeks unpaid leave. |
| Less than 26 weeks’ service at the 15th week before the EWC. | Employees may take up to 52 weeks leave (the first 2 weeks are compulsory for those taking maternity leave). | 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. **Maternity Leave entitlement**
   - Employees are entitled to 52 weeks’ Maternity Leave regardless of length of service.

2. **Maternity Pay**
   - **Will you have completed 1 year’s continuous service with the University before your EWCT?**
     - **YES**
       - You are eligible for OMP, comprising:
         - 8 weeks full pay, followed by
         - 16 weeks of half pay (plus SMP at the lower rate) followed by
         - 15 weeks of lower rate SMP followed by
         - 13 weeks’ unpaid leave.
     - **NO**
       - You are eligible for SMP, comprising:
         - 6 weeks at 90% of earnings followed by
         - 33 weeks at the current lower rate of SMP or 90% of average weekly earnings whichever is the lesser amount followed by
         - 13 weeks’ unpaid leave.
   - **Will you have completed 26 weeks’ continuous service with the University at the beginning of the 15th week before your EWCT?**
     - **YES**
       - You are entitled to 39 weeks’ of Statutory Maternity Pay (SMP) comprising:
         - 6 weeks at 90% of earnings followed by
         - 33 weeks at the current lower rate of SMP or 90% of average weekly earnings whichever is the lesser amount, followed by
         - 13 weeks’ unpaid leave.
     - **NO**
       - You are not entitled to receive SMP but may be entitled to MA Payroll will send you a SMP1 form, which explains why you do not qualify for SMP. Your local Job Centre will be able to tell you more.

3. **Notification**
   - To receive your maternity leave and pay entitlements you must complete an application form to give written notification of your intention to take maternity leave and the date on which you intend this to start and send it to HR with a copy to your Line Manager/Head of Department. This should be sent no later than the 15th week before the EWC. Your MATB1 form should also be attached to this form unless you are only eligible to claim Maternity Allowance for which you should retain your MATB1 for the Job Centre Plus.
   - Human Resources will write to you upon receiving your application form to confirm your maternity leave and pay entitlements and arrangements for your maternity leave.

4. **Maternity Leave**
   - The earliest you can start your maternity leave is the beginning of the 11th week before your EWCT. If you are absent 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.
   - During your maternity leave you can use up to 10 Keeping In Touch (KIT) Days. Please complete the KIT form for payment.

5. **Return to work**
   - If you are intending to return to work you must complete the return to work form at least 8 weeks before you wish to return.
   - If you wish to vary your maternity leave end date you must give 28 days’ notice in writing to HR with a copy to your Line Manager/HOD. If you wish to apply for flexible working please refer to the work life balance information.

### Additional Information
- **GP/Midwife confirms that you are expecting a baby.**
  - You are entitled to paid time off for antenatal care.
- **Review the risk assessment guidance for new and expectant mothers at work.**
  - Make an appointment with HR to discuss your entitlements and benefits.
- **Employees are entitled to 52 weeks' Maternity Leave regardless of length of service.**
- **Maternity allowance may be payable from your local Job Centre or Social Security Office if you are eligible.**
- **You are entitled to paid time off for antenatal care.**
- **During your maternity leave you can use up to 10 KIT Days. Please complete the KIT form for payment.**
- **If you wish to vary your maternity leave end date you must give 28 days’ notice in writing to HR with a copy to your Line Manager/HOD.**
SECTION 2: ADOPTION LEAVE AND PAY

2.1 ADOPTION LEAVE
Employees 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. The adoption leave period cannot be broken by any other manner of leave and must be a continuous period.

The main adopter can take adoption leave, with the partner or secondary adopter having the right to paternity leave.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

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.

You can start adoption leave up to 14 days before date of placement or on the date of placement (whether this is earlier or later than expected). For overseas adoption, leave cannot begin before child enters Great Britain and latest it can begin is 28 days after child enters Great Britain.

You will not qualify for sick pay while you are on adoption leave.

The same principles apply for surrogacy arrangements.

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. To be eligible for adoption leave and/or pay the child must be matched with the dual approved prospective adopter on or after 5 April 2015.

Once you have returned to work your Adoption Leave will have ended and cannot be re-started.

2.2 ADOPTION PAY

What will I be paid during my adoption 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.

Am I eligible for Statutory Adoption 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 1 years’ service) continuing into the week in which you are ‘matched’ with a child for adoption (the ‘matching’ week). This is known as the ‘continuity of employment test’. In addition, your average earnings must be at least as much as the lower earnings limit (currently £113) for National Insurance contributions, which applies at the end of your matching week. This is known as the ‘earnings test’.

If you are adopting under a surrogacy arrangement you must have been continuously employed by the University for 26 weeks up to an including the 15th week before the expected week of childbirth (EWC) and meet the ‘earnings test’ above.

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

Will I receive any 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 OMP as follows: a) if you are intending returning to work, during the period of 8 weeks that you are receiving full pay; or b) if you are not intending to return to work, from the amount of 6 weeks’ pay you receive.

OAP 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 Statutory Adoption Pay or Occupational Adoption Pay?

Should you not be eligible for SAP or OAP, Payroll 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 SAP and/or OAP, 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 LEAVE

How do I notify Human Resources and my Line Manager?
It is advisable to book a meeting with HR as early as possible to talk about your plans/benefits/entitlements and to enable the University to support you.

Please complete an Adoption Application Form and send it to HR, together with your matching certificate/official notification, within 7 days of being notified by your adoption agency that you have been newly matched with a child for adoption; providing at least 28 days’ notice of the date on which you wish the adoption pay period to start where reasonably practicable. It is recognised that this may not always be practicable, given that there may be 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.

If you change your mind about the date on which you want to start your leave, you must give your line manager and HR at least 28 days’ written notice of the reason why you have decided to change the date. It is recognised that this may not always be practicable, given that there may be 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.

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.

2.4 ANNUAL LEAVE

Will I accrue any annual leave during my Adoption Leave?
Annual leave accrues throughout the full period of adoption leave. Leave also accrues for any statutory public holiday and/or Christmas closure day that falls during the period of adoption 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 or statutory public holiday/Christmas 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/Christmas 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

What are KIT days?
Keeping In Touch days (or 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 SARP/SMP will not be affected. You are permitted to use up to 10 KIT days. For further information please see the additional KIT day information.

What if I want more time off after the end of my Adoption Leave?
You are also entitled to take unpaid Parental Leave.

2.6 RETURN TO WORK

When do I have to inform my manager of my return to work?
Before you return to work you should complete the Adoption Return to Work Form and send it to HR with a copy to your Line Manager/Head of Department. This should be sent at least 8 weeks before you are due to return. If you subsequently wish to change this date, you must give 28 days’ notice.

Once you have returned from adoption leave, you must remain in the University’s employment for a minimum of 3 months; otherwise you will be expected to repay any amount of OAP that you have received in excess of the SAP entitlement.

If you wish to consider the possibility of working part time, please look at the University work life balance information.

You may return to work anytime within the 52 weeks of the commencement of the adoption leave period (with the exception of the first 2 weeks known as compulsory adoption leave).

Should I change my mind, and not want to return to work, what will I have to pay back?
If you have taken OAP you will have to repay the difference between the OAP and the SMP.

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

What happens if either I or my child is sick after my adoption 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 adoption leave. You must produce a fitness to work certificate after your sickness absence for any period longer than 7 calendar days.
2.7 FIXED TERM CONTRACTS
I am on a fixed term contract does this affect my entitlement to adoption leave and pay?
Please see the section on Fixed-Term Staff for entitlements and benefits if you are on a fixed-term contract.

2.8 ADOPTION APPOINTMENTS
Am I entitled to time off to attend adoption appointments?
From 5 April 2015, 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. Up to 6.5 hours is allowed for each appointment. You should provide, 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.

2.9 ANNUAL INCREMENT
Will I still receive my annual increment on my pay scale during my adoption 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.

2.10 SHARED PARENTAL LEAVE
From April 2015, 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.

Please note that statutory pay rates are often increased annually in April.

### TABLE 2: ADOPTION LEAVE AND PAY

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>ADOPTION LEAVE ENTITLEMENT</th>
<th>MATURETY/ADOPTION PAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>One year’s continuous service or more before the commencement of Adoption Leave.</td>
<td>Employees may take up to 52 weeks leave (the first 2 weeks are compulsory for those taking adoption leave).</td>
<td>Maximum pay period of 39 weeks. You are entitled to Occupational Adoption Pay (OAP), which is inclusive of SAP, as follows:</td>
</tr>
<tr>
<td>8 weeks full pay, followed by</td>
<td>16 weeks of half pay (plus SAP (£140.98 or 90% of your average weekly earnings, whichever is lesser) followed by</td>
<td></td>
</tr>
<tr>
<td>15 weeks of lower rate SAP (£140.98 or 90% of your average weekly earnings, whichever is the lesser amount) followed by</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 weeks’ unpaid leave.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 26 weeks’ continuous service (but less than one year’s continuous service) continuing into the week in which you are notified you are being ‘matched’ with a child. | Employees may take up to 52 weeks leave (the first 2 weeks are compulsory for those taking adoption leave). | Maximum pay period of 39 weeks. You are entitled to Statutory Adoption Pay (SAP) as follows: |
| 6 weeks at 90% of earnings followed by | 33 weeks at the current lower rate of SAP (£140.98 or 90% of average weekly earnings, whichever is the lesser amount) followed by |
| 13 weeks’ unpaid leave. |

| Less than 26 weeks’ continuous service by the week you are notified that you are being ‘matched’ with a child for adoption. | Employees may take up to 52 weeks leave (the first 2 weeks are compulsory for those taking adoption leave). | 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. |

Please note: To receive SAP your average weekly earnings must be at least as much as the lower earnings limit (currently £113) for National Insurance contributions, which applies at the end of your matching week.
You are advised by an adoption agency that you are going to be matched with a child. You are entitled to paid time off to attend adoption appointments.

Make an appointment with HR to discuss your entitlements and benefits.

Adoption Leave entitlement
You are entitled to 52 weeks' Adoption Leave regardless of length of service.

Notification
To receive your adoption leave and pay entitlements please complete an application form and send it to HR, together with your matching certificate/official notification, within 7 days of being notified by your adoption agency that you have been newly matched with a child for adoption; providing at least 28 days' notice of the date on which you wish to take your adoption leave.

Human Resources will write to you upon receiving your application form to confirm your adoption leave and pay entitlements and arrangements for your adoption leave.

Adoption Leave
You can start adoption leave up to 14 days before date of placement or on the date of placement (whether this is earlier or later than expected). For overseas placement adoption cannot begin before child enters Great Britain and latest it can begin is 28 days after child enters Great Britain.

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 you must complete the return to work form at least 8 weeks before you wish to return.

If you wish to vary your adoption leave end date you must give 28 days' notice in writing to your Line Manager/HOD. If you wish to apply for flexible working please refer to the work life balance information.
3.3 NOTIFICATION AND EVIDENCE OF PATERNITY LEAVE

When should I inform my Line Manager?

In order to take paternity leave after the birth/adoption of a child you must notify HR and your Line Manager of your intention to take paternity leave using the Paternity Leave Application Form.

This date can be changed, as long as at least 28 days’ written notice is given to HR and your Line Manager, if reasonably practicable.

If the baby comes early, what should I do?

If the baby comes early and you were therefore unable to give the required notice, you need to inform HR and your Line Manager as soon as possible.

If the baby comes late, what should I do?

If the baby comes late, you must delay the start of your paternity leave or take the leave from the birth of the baby. Leave cannot start before the birth of the baby. Notify HR and your Line Manager as soon as possible.

3.4 ANTENATAL APPOINTMENTS

Can I accompany my partner to ante-natal care appointments?

Yes, you are entitled to take unpaid time off work to accompany your partner to up to 2 of her ante-natal appointments. Up to 6.5 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

Am I entitled to time off to attend adoption appointments?

From 5 April 2015, the secondary adopter has the statutory right to reasonable paid time off work to attend up to two adoption appointments. 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. With prior approval from your Line Manager extra time off may be taken as annual leave.

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### TABLE 3: PATERNITY LEAVE AND PAY (INCLUDING AFTER ADOPTION)

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>PATERNITY LEAVE ENTITLEMENTS/REQUIREMENTS</th>
<th>PATERNITY PAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>One year’s continuous service or more by the EWC, or ‘matching week’ in the case of adoption of a child in the UK.</td>
<td>Employees may take up to 2 weeks’ paternity leave (10 days for a full-time member of staff or an appropriate pro-rata entitlement for a part-time member of staff).</td>
<td>Employees are entitled to Occupational Paternity Pay (OPP) as follows: 2 weeks at full pay (inclusive of statutory paternity pay SPP).</td>
</tr>
<tr>
<td>26 weeks’ continuous service (but less than one year’s continuous service) at the 15th week before the EWC, or ‘matching week’ in the case of adoption of a child in the UK.</td>
<td>Employees may take up to 2 weeks’ paternity leave (10 days for a full-time member of staff or an appropriate pro-rata entitlement for a part-time member of staff).</td>
<td>Employees are entitled to Statutory Paternity Pay (SPP) as follows: 2 weeks at the current lower rate of SPP (£140.98 or 90% of average earnings whichever is the lesser amount).</td>
</tr>
</tbody>
</table>

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 link HR contact and line manager.
4.1 SHARED PARENTAL LEAVE (SPL)

From 5 April 2015, Shared Parental Leave (SPL) will be the new way for parents to share statutory leave and pay during the first year of birth or adoption. It is separate from the right to unpaid parental leave and will not replace the current maternity leave and pay or adoption leave and pay regimes.

The new right allows the mother/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 a mother/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/adopter must take two weeks’ compulsory maternity/adoption leave immediately following the birth/placement of the child, which may not be shared with the father/partner.

The mother/adopter can elect to bring their maternity/adoption leave to an end early and opt into a period of shared parental leave and pay instead.

The two week period of paternity leave will continue to be available.

Your 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: An 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.

Who does this policy apply to?
This policy only applies to employees of the University, whether you are the mother/adopter or the partner.

If you are the mother/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/adopter must (where relevant) submit any notifications to take shared parental leave to their own employer. If both you are employees of the University each of you should submit the required notifications to the University.

The mother/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.

Who is eligible for shared parental leave?
SPL can only be used by two people:

- the mother/adopter and
- one of the following:
  - the father of the child (in the case of birth) or
  - the spouse, civil partner or partner of the child’s mother/adopter.

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

Mother’s/adopter’s eligibility for shared parental leave

The mother/adopter is eligible for shared parental leave if they:

- have at least 26 weeks’ continuous employment ending with the 15th 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 she takes;
- 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 been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date; and
- 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).

Partner’s eligibility for shared parental leave

The partner is eligible for shared parental leave if they:

- have at least 26 weeks’ continuous employment ending with the 15th 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 that they take;
- have, at the date of the child’s birth, the main responsibility, apart from the mother/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; and
- 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/adopter’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks’ leave. If the mother/adopter reduces their maternity/adoption leave entitlement then they may opt in to the SPL system and take any remaining weeks as SPL. A mother/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/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 can 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 is 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.

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. 4 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 8 weeks’ notice before commencing the period of leave. Only in exceptional circumstances may the Executive Deans or the Registrar and Secretary agree in advance to a discontinuous period of leave.

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) you may request either:

- a continuous period of leave (e.g. 4 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 8 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).

Does my request for leave have to be approved?
Any request for continuous leave must be approved (providing you have given the correct 8 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 staff
- inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand.

It is best to discuss any planned discontinuous periods of leave with your line manager and HR 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, HR 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.

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

How can I book this leave?

It is advisable to book a meeting with HR to talk about how the University can support you.

To request shared parental leave you must provide three notifications:
- maternity curtailment notice
- notice of entitlement and intention to take shared parental leave
- notice to book leave.

1. Maternity/adoption leave curtailment notice
Firstly, before the mother/adopter or partner can take shared parental leave, the mother/adopter must either return to work before the end of the maternity/adoption leave period (by giving the required 8 weeks’ notice) or provide HR and your Line Manager with a maternity/adoption leave curtailment notice if the mother/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 6 weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity leave period.

4.2 NOTIFICATION OF SHARED PARENTAL LEAVE
How do I give notice of my intention to take Shared Parental leave and how do I book this leave?

It is advisable to book a meeting with your HR contact as early as possible to talk about your plans/benefits/entitlements and to enable the University to support you.

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

- notice to book leave
- notice of entitlement and intention to take shared parental leave
- maternity curtailment notice

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter’s partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on 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.
2. Notification of Entitlement and Intention to take shared parental leave

Secondly, a Notice of Entitlement and Intention to take SPL must be submitted to HR and your Line Manager to provide an indication of start and end dates of any SPL that is to be requested. This should be submitted at least 8 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. 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 intention is to encourage you and your Line Manager to have an early discussion about your intentions.

3. Notice to Book Leave

Thirdly, a Notice to Book Leave is required and may be submitted at the same time as the Notice of Entitlement and Intention is submitted. However, this may be submitted afterwards. A notice to book leave must be given at least 8 weeks before leave can be taken. 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, Occupational Shared Parental Pay (OshPP) you may submit up to three separate Notices to Book Leave requests.

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 HR and your line manager in writing at least 8 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 8 weeks from the date of the variation request.

You do not need to give 8 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 us 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 your request; or
- we agree 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.

Will the University require evidence of my eligibility?

The University may request the name and address of the 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 order to be entitled to SPL, you must produce this information within 14 days of the University’s request.

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 8 weeks following the notice that neither you (the mother/adopter) nor your partner has any entitlement to Shared Parental Leave or pay;
- in the event of the death of your partner;
- (for mothers only) 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.

You must inform HR and your line manager in writing if you wish to withdraw a leave curtailment notice.

4.3 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 amount of weeks available will depend on the amount by which the mother/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 8 weeks before 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.

Shared parental leave and pay examples.

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.

Payment details can be found in Table 4.

Am I eligible for statutory shared parental pay (ShPP)?

For employees to be eligible for statutory shared parental pay (ShPP), both parents must meet certain eligibility requirements.

Mother’s/primary adopter’s eligibility for statutory shared parental pay

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

- have at least 26 weeks’ continuous employment ending with the 15th 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 15th 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 intend to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory maternity/ adoption pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother/adopter to be eligible for statutory shared parental pay, the 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.
**Family Leave Policy**

**Family Leave**

- be entitled to statutory maternity/adoption.
- have average earnings for 8 weeks ending with the 15th week before the expected week of childbirth/commencement of adoption leave.
- 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 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 statutory shared parental pay.

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 Occupational Shared Parental Pay?**

Occupational Shared Parental Pay (OsPP) 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 OsPP.

For the purposes of OsPP you will be deemed to be in receipt of ShPP if you will be offset against ShPP during the period of 8 weeks that an employee, who intends to return to work, is receiving full pay.

ShPP will not normally be offset against OsPP 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 OsPP.

How will Statutory Shared Parental Pay (ShPP) and Occupational Shared Parental Pay (OsPP) be paid to me?

Your ShPP/OsPP 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 OsPP 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 left.

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 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.

**4.4 Annual Leave**

Will I accrue any annual leave during my Shared Parental Leave?

Annual leave accrues throughout the full period of Shared Parental Leave. Leave also accrues for any statutory public holiday and/ or Christmas closures that fall 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 rules on ‘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 5 days), subject to the business need of the employing unit and at the discretion of the Head of that unit.

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 only 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.

**4.5 Shared Parental Leave in Touch (SPLIT) Days**

What are 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 adoption leave. Any SPLIT day taken will not bring your Shared Parental Leave to an end, and payment of ShPP/OsPP will not be affected. Each parent will be entitled to up to 20 SPLIT days. For further information please see SPLIT day information.

If you have chosen to take Occupational Shared Parental Pay you must return to work for a minimum period of three months.

**4.6 Returning to Work**

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

If you wish to consider the possibility of taking annual leave you must notify HR and your Line Manager.

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

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

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 you are well enough to return to work after the end of your SPL. You must notify HR and your Line Manager.

**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/OsPP will immediately cease and you must notify HR and your Line Manager.
**TABLE 4: SHARED PARENTAL PAY**

<table>
<thead>
<tr>
<th>STATUTORY SHARED PARENTAL PAY (ShPP)</th>
<th>OCCUPATIONAL SHARED PARENTAL PAY (OShPP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ShPP is paid at the rate of £140.98 a week or 90% of your average weekly earnings, whichever is the lesser amount.</td>
<td>OShPP is inclusive of statutory shared parental pay (ShPP) as follows:</td>
</tr>
<tr>
<td>6 weeks full pay (please note only 6 weeks at full pay are available as the first 2 weeks must be taken by the mother/primary adopter as compulsory maternity/adoption leave and pay) followed by</td>
<td>16 weeks of half pay (plus ShPP (£140.98 or 90% of your average weekly earnings, whichever is the lesser amount) followed by</td>
</tr>
<tr>
<td>15 weeks’ of lower rate ShPP (£140.98 or 90% of your average weekly earnings whichever is the lesser amount).</td>
<td></td>
</tr>
</tbody>
</table>

**SHARED PARENTAL LEAVE AND PAY EXAMPLES**

**EXAMPLE 1:**

In this example - 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.

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.

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.

Mother and partner take SPL together at the same time for 3 weeks (exhausting 6 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
- 3 weeks of shared parental leave at full pay
- 16 weeks at half pay (plus ShPP, 15 weeks of lower rate ShPP)
- 13 weeks of unpaid leave extending beyond period of paid leave.

The partner’s department will pay:
- Two weeks’ Paternity at full pay
- 3 weeks of Shared Parental Leave at full pay.
**Acronyms:**

- OMP: occupational maternity pay
- OPL: ordinary paternity leave
- OshPP: occupational shared parental pay
- SMP: statutory maternity pay
- ShPP: statutory shared parental pay
- SPL: shared parental leave

**EXAMPLE 2:**

In this example - both parents are employees of the University and are entitled to OshPP. After the mother has curtailed (ended) their maternity leave the partner enters into the shared parental leave and pay arrangement.

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. Mother remains on maternity leave for another 6 weeks and continues to take the remaining 6 weeks of her full OMP. Partner returns to work.

Mother ends their maternity leave after a total of 8 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: 8 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:**

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

Mother takes 14 weeks of maternity leave before curtailing their leave and pay. Mother returns 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.

**EXAMPLE 4:**

In this example - the mother is an employee of the University but the partner is employed by another organisation. The Mother is entitled to ShPP only.

Mother takes maternity leave for 2 weeks then curtails her maternity leave allowing her partner to enter into the SPL arrangement. Mother returns to work. Partner takes 6 weeks of SPL before returning to work. Mother takes a further 44 weeks of SPL (31 weeks' 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: 6 weeks of OshPP.
SECTION 5: PARENTAL LEAVE (UNPAID)

5.1 PARENTAL LEAVE (UNPAID)

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 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 had at least one year of service with the University at the time you wish to take the leave.

How many weeks can be taken?

18 weeks of Parental Leave can be taken per child.

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).

Is the leave with pay?

No, parental leave is unpaid.

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 April-31 March) is a maximum of 4 weeks for each child (unless we agree otherwise).

How can the leave be taken?

If a KIT/SPLIT day occurs during a period of full pay, no additional payment will be made. If you work during a period of half pay, no additional payment will be made. If you work during a period of statutory pay, no additional payment will be made.

Payment examples

- Payment for KIT/SPLIT days will be made as follows:
  - For KIT/SPLIT days taken during a period of full pay, no additional payment will be made.
  - For KIT/SPLIT days taken during a period of half pay, no additional payment will be made.
  - For KIT/SPLIT days taken during a period of statutory pay, no additional payment will be made.

How do I receive payment for my KIT days?

To receive payment for any KIT/SPLIT day worked you need to 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 HR to process payment.

6.1 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 Maternity or Adoption Leave. You are entitled to take SPLIT days in blocks or multiples of one week, with a maximum of 4 weeks per child.

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 10 SPLIT days.

How many weeks can be taken?

The leave is available for each child up to their 18th Birthday.

How can the leave be taken?

The leave is available for each child up to their 18th Birthday.

The leave can be taken per blocks of days, or as individual 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 10 SPLIT days.

Payment for 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 pay, no additional payment will be made. If you work during a period of statutory pay, no additional payment will be made.

Payment for a KIT/SPLIT day

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Payment for a KIT/SPLIT day
6.3 HOW DO KIT/SPLIT DAYS WORK?
If I attend work for half a day or less is this classed as one of my KIT/SPLIT days?
Yes, 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 (72 per day for a full-time employee). However, you will only get paid for the hours you work.

What are the advantages of using KIT days?
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 workplace issues and changes or finish the completion of a project.

Will I be placed at a disadvantage on my return if I don’t come into work prior to the end of my maternity/adoption/shared parental leave?
You are encouraged to make use of KIT/SPLIT days as a positive way to keep in touch 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, or decline the opportunity, to work any KIT/SPLIT days then they will do so without suffering any detriment.

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 paid work for another employer and therefore will affect your maternity/adoption/shared parental pay arrangements.

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 main adopter. 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 main adopter you have the same entitlements to leave and pay as an employee on a fixed-term contract taking maternity leave.
SECTION 8: TIME OFF FOR DEPENDANTS

8.1 DEFINITION
What is Time off for Dependents?
Time off for dependents 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.

Who counts as a dependant?
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.

8.2 TIME OFF
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 however in most cases the amount of leave will be one or two days.

8.3 PAYMENT
The right does not include a statutory right to pay. There may, however, 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 HR and consider such requests via the Special Leave policy.

8.4 NOTIFICATION
How much notice do you need to give the University of your intention to take “time off”?
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. You should make every effort to inform your Line Manager/Head of Department or another responsible person if absence from work is required. A message via telephone, fax or email will be sufficient if a person is facing an urgent/crisis situation and time-off work is needed at very short notice. 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.

8.5 WHAT IF YOU ARE UNREASONABLY REFUSED TIME OFF?
If you believe you have been unreasonably refused time off, then you should contact HR who will seek to investigate and resolve the situation.

8.6 WHAT HAPPENS IF A MEMBER OF STAFF NEEDS LONGER TIME OFF, OR KNOWS IN ADVANCE THAT THE PROBLEM IS GOING TO ARISE?
The new right 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.