



# **Family Leave Policies:**

**Maternity Leave**

**Adoption/Surrogacy Leave**

**Paternity Leave**

**Shared Parental Leave**

**Neonatal Care Leave**

**Unpaid Parental Leave**

**Keeping in Touch / Shared Keeping in Touch Days**

**Employees on Fixed Term or**

**On Demand Contracts**

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## **Introduction**

Wivenhoe House Hotel Ltd (WHH) is fully committed to supporting working parents to balance work and family commitments.

These family leave policies provide information to employees about statutory and occupational entitlements and eligibility.

You can find out about other types of leave, by referring to the [WHH Special Leave Policies](#).

## **Definitions**

Throughout these policies (except in the case of adoption or surrogacy) 'mother' means the biological parent who gives birth, 'father' means the biological parent who does not give birth and 'partner' means the spouse, civic partner, or partner of the child's other parent.

Where an employee or employees are adopting a child, the 'main adopter' and 'secondary adopter' will be the person/people to whom legal parenthood will be transferred after the child or children have been placed.

In a surrogate arrangement the 'surrogate' means the biological parent giving birth 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 or children are born.

## Key to abbreviations:

|              |   |
|--------------|---|
| <b>AAL</b>   | Additional Adoption Leave                         |
| <b>AML</b>   | Additional Maternity Leave                        |
| <b>EWC</b>   | Expected Week of Childbirth                       |
| <b>KIT</b>   | Keeping in Touch Day                              |
| <b>MATB1</b> | Maternity certificate provided by your GP/Midwife |
| <b>OAL</b>   | Ordinary Adoption Leave                           |
| <b>OML</b>   | Ordinary Maternity Leave                          |
| <b>SAP</b>   | Statutory Adoption Pay                            |
| <b>ShPP</b>  | Shared Statutory Parental Pay                     |
| <b>SMP</b>   | Statutory Maternity Pay                           |
| <b>SPL</b>   | Shared Parental Leave                             |
| <b>SPP</b>   | Statutory Paternity Pay                           |

# Section 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 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).

If you are a surrogate, you are entitled to maternity leave and pay.

Your contract of employment continues throughout your maternity leave and continuity of service will not be broken. Therefore, your contractual entitlements and benefits 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 GP has issued your MATB1 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 4th 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](#).

## 1.2 Maternity Pay

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

- Statutory Maternity Pay (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 WHH. To claim this, you must have been continuously employed by WHH 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 for National Insurance contributions, which applies at the end of your qualifying week.

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

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

Your SMP 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 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 and they will be able to advise you on your eligibility.

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 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 of Pregnancy**

It is suggested you contact and meet with [People and Culture](#) as early as possible to talk about your plans, benefits and entitlements in an informal meeting, and to enable WHH to support you throughout your pregnancy.

A [Maternity/Adoption 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 your manager and [People and 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 15th week before your expected week of childbirth, noting that a week begins on a Sunday. However, to best enable your manager and WHH 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 and Culture who will acknowledge notification of your pregnancy or adoption and confirm the date your maternity / adoption leave will run to.

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

## 1.4 Health and Safety

Upon becoming aware that you are pregnant, you should review your work activities alongside your manager using the [Risk Assessment Form](#) as soon as you can. This discussion is centered around keeping you safe at work.

Should this conversation present personal difficulty, you are welcome to discuss this further with your Head of Service or [People and 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 manager in the first instance who will discuss your situation with People and 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 date, 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**

KIT days allow you to do some limited work under the terms of your contract for WHH whilst you are on maternity leave. Any KIT Day taken will not bring your maternity leave period to an end, and payment of SMP will not be affected. You are permitted to use up to 10 KIT days. For further information please refer to [Section 7](#).

## **1.7 Returning to Work**

Before you return to work you should complete the [Maternity/Adoption Leave Return to Work Form](#) and send it to your manager and [People and Culture](#).

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.

You may return to work anytime within the 52 weeks of the commencement of the maternity leave period (excluding the first 2 weeks known as Compulsory Maternity Leave).

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

Should you wish to consider changing or reducing your working hours, please refer to the [Flexible Working Policy](#).

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, ensuring you provide a fit to work certificate for sickness absence lasting longer than seven calendar days.

## **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 GP, midwife or health visitor, irrespective of your length of service. You should provide if requested, after the first appointment, evidence of appointments to your manager.

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 also have the right to take unpaid time off work to accompany the mother to up to 2 antenatal appointments. The time off is capped at 6 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 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 and cannot be shared.

You must give WHH 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. See [Section 4](#) for details.

**Table 1: Maternity Leave and Pay**

| Length of Service  | Maternity Pay  | Maternity Leave Entitlement  |
|--|--|--|
| <p>26 weeks continuous service at the 15th week before EWC (known as the Qualifying Week).</p> | <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>• 6 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 insurance contributions in force during the 15th week</p> | <p>Employees may take up to 52 weeks leave (the first 2 weeks are compulsory).</p> |
| <p>Less than 26 weeks service at the 15th week before the EWC.</p>                             | <p>You do not have an entitlement to SMP. Maternity Allowance may be payable from your local Job Centre or Social Security Office if you are eligible.</p>   | <p>Employees may take up to 52 weeks leave (the first 2 weeks are compulsory).</p> |

## Section 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, your contractual entitlements and benefits which accrued at the beginning of adoption 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 the 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**

The pay you receive will depend on how long you have worked for WHH and your pay band. Statutory Adoption Pay (SAP) details can be found in [Table 2](#).

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

SAP is paid for 39 weeks and is paid on behalf of the state by WHH. To claim this, you must have 26 weeks service or more continuing into the week in which you are 'matched' with a child for adoption or at the 15th 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 15th week before the EWC.

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

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

Your SAP 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?**

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

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

For the first 39 weeks, during which you will be in receipt of 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 and Culture](#) as early as possible to talk about your plans, benefits and entitlements and to enable WHH to support you.

### **Adoption**

If you are adopting a child, please complete a [Maternity/Adoption Leave Application Form](#) and send it to your manager and [People and Culture](#), 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.

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. 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.

### **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 WHH 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 taking SAP and adoption leave and will not be 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 manager and [People and Culture](#) if reasonably practicable.

Please note also that if you are eligible for SAP payments, you should provide [People and Culture](#) with at least 28 days written notice of the date on which you wish your SAP payments to begin.

### **Surrogacy**

If you are having a child through surrogacy, please complete a [Maternity/Adoption Leave Application Form](#) and send it to your manager and [People and 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 6 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 manager and [People and Culture](#) 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 child is placed before the commencement of your adoption leave, you should notify your manager and [People and 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 and 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 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 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 date, 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 WHH whilst you are on adoption leave. Any KIT Day taken will not bring your adoption leave period to an end, and payment of SAP will not be affected. You are permitted to use up to 10 KIT days. For further information please refer to [Section 7](#).

## **2.6 Returning to Work**

Before you return to work you should complete the [Maternity/Adoption Return to Work Form](#) and send it to your manager and [People and Culture](#). 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.

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 2 weeks known as compulsory adoption leave).

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

Should you wish to consider changing or reducing your working hours, please refer to the [Flexible Working Policy](#).

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 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. You should provide if requested, after the first appointment, evidence of appointments to your manager.

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.

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.

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 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 eight weeks' notice to end your adoption leave early, to enable you or your partner to take advantage of the shared parental leave scheme. See [Section 4](#) for details.

**Table 2: Adoption/Surrogacy Leave and Pay**

| Length of Service  | Adoption / Surrogacy Pay  | Adoption / Surrogacy Leave Entitlement   |
|--|---|--|
| <p>26 weeks continuous service continuing into the week in which you are notified you are being 'matched' with a child for adoption or at 15th week before the Expected Week of Childbirth for surrogacy</p> | <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>• 6 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, which applies at the end of your matching week or the 15th week before Expected Childbirth for Surrogacy</p> | <p>Employees may take up to 52 weeks leave (the first 2 weeks are compulsory).</p> |
| <p>Less than 26 weeks continuous service by the week you are notified of being 'matched' with a child or at 15th week before the EWC for surrogacy.</p>  | <p>You do not have an entitlement to SAP. An allowance may be payable from your local Job Centre or Social Security Office if you are eligible.</p>   | <p>Employees may take up to 52 weeks leave (the first 2 weeks are compulsory).</p> |

## Section 3: Paternity Leave and Pay

### 3.1 Paternity Leave

Paternity leave is available for employees to care for a child following their birth or adoption, and to support the other parent. Paternity leave can be taken within 52 weeks of the child's birth or placement. To be eligible, employees must be responsible for the upbringing of the child and one or both of the following:

- the father of the child,
- married to, or the civic partner, or the partner of, the child's other parent.

Employees are entitled to a maximum of 2 weeks paternity leave irrespective of length of service if your partner is pregnant, or you plan to adopt a child. This equates to 10 days for a full-time employee based on a full time equivalent of 40 hours per week, pro-rated accordingly for those who work a differing number of hours per week.

You can choose to take your leave as a single period or in two blocks of one week.

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, your contractual entitlements and benefits which accrued at the beginning of paternity leave will not be lost.

There are differences in when and how you can take your paternity leave depending on your length of service.

### 3.2 Paternity Pay

The pay you receive will depend on how long you have worked for WHH and your pay band. You could be eligible for:

- Statutory Paternity Pay (SPP),
- Paternity Allowance (PA).

Payment details can be found in [Table 3](#).

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

Statutory Paternity Pay (SPP) is paid for 2 weeks and is paid on behalf of the state by WHH. To claim SPP, you must have been continuously employed by WHH 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.

The average gross weekly pay that you must earn to be eligible for SPP, and the rate of SPP can be found on the [gov.uk](https://www.gov.uk) website.

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

In order to take paternity leave after the birth/adoption of a child you must notify your manager and [People and Culture](#) 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 birth or date of placement., followed by at least 28 days' notice of each period of leave. You can change the date, as long as 28 days written notice is provided where reasonably practicable.

If the child is born/placed early and you were therefore unable to give the required notice, you should inform your manager and [People and Culture](#) as soon as you can.

If the child is born/placed later than expected, you will need to delay the start of your paternity leave or take the leave from the birth/placement, as paternity leave cannot start before this time. Please notify your manager and [People and 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 2 of their ante-natal appointments. Up to 6.5 hours is allowed for each appointment. With prior approval from your manager extra time off may be taken as annual leave.

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.

### **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 6.5 hours is allowed for each appointment. With prior approval from your manager extra time off may be taken as annual leave.

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.

**Table 3: Paternity Leave and Pay**

| Length of Service  | Paternity Pay   | Paternity Leave Entitlement  |
|--|---|--|
| <p>26 weeks 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>Employees are entitled to 2 weeks SPP. The average gross weekly earnings to be eligible for SPP, and the rate of SPP can be found on the <a href="http://gov.uk">gov.uk</a> website.</p> | <p>Leave can be taken as 1 or 2 consecutive weeks (pro-rated accordingly for those who work a differing number of hours per week). If you elect to take 1 week you cannot take the second week at a later date.</p> <p>If the child is born/placed earlier, you may take leave from any time from the actual date of birth/placement up to 52 weeks after the EWC.</p> <p>If the child is born/placed late, you must delay the start date of the leave until the child is born/placed.</p> |

## Section 4: Shared Parental Leave and Pay

Shared parental leave (SPL) and Shared Parental Pay (ShPP) are separate from the right to unpaid parental leave and do not replace the maternity leave and pay or adoption/surrogacy leave and pay entitlements.

Eligible parents can get;

- Up to 50 weeks of shared parental leave,
- Up to 39 weeks of shared parental pay.

### 4.1 Shared Parental Leave

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, your contractual entitlements and benefits which accrued at the beginning of shared parental leave will not be lost.

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

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

This policy only applies to employees of WHH, whether they are the mother, primary adopter or partner.

If you are the mother/primary adopter (and are employed by WHH), 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 WHH), 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 each liaise with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

If both individuals are employees of WHH, notifications for each employee should be provided to WHH.

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

To be eligible for SPL, there must be two parents sharing responsibility for a child and the SPL can only be shared by two people; the mother/primary adopter and either:

- the father/secondary adopter,
- 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**

To be eligible for shared parental leave you must:

- have at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth/matching date and remain in continuous employment with WHH 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,
- be entitled to statutory maternity/adoption leave in respect of the child, and
- comply with the relevant shared parental leave notice and evidence requirements (or has returned to work before the end of the statutory maternity/adoption leave period).

In addition, for the mother/primary 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**

To be eligible for shared parental leave you must:

- have at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth/matching date and remain in continuous employment with WHH until the week before any period of shared parental leave is taken,
- 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; 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/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/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 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/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 maternity/adoption leave, confirming the date their leave will end.

SPL leave can be taken during the 12 months following the birth date 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/primary adopter is not entitled to maternity/adoption leave (for example, they are a casual worker), they are not entitled to take SPL themselves. However, if the mother/primary adopter is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they can reduce ('curtail') their entitlement to create SPL for their partner, who 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/primary adopter. The partner may also be eligible for Shared Parental Pay (ShPP).

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

Information about Shared Parental Pay (ShPP) is provided in [4.2](#) below.

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

If you 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 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 contact [People and Culture](#).

### **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).

WHH 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 WHH 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 manager and People and Culture in advance of submitting any formal request. This will give WHH 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, your manager and People and Culture 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 the General Manager.

## **When can SPL commence?**

SPL can commence as follows:

- The mother/primary adopter 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 choose to take their paternity leave and pay entitlements.  
The partner can take paternity leave and pay following any period of SPL.

Where the mother/primary adopter gives notice to curtail their maternity/adoption entitlement, the partner can take SPL while the mother/primary adopter continues 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 [4.2](#) 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.

## **4.2 Shared Parental Pay**

If you are eligible, you may be entitled to take up to 39 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 rate of ShPP can be found on the [Gov.uk](http://Gov.uk) website. ShPP is currently paid at the published rate or 90% of your average weekly earnings, whichever is the lesser amount.

The untaken weeks of ShPP 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 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 39) must be shared between them.

### **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 15th week before the expected week of childbirth/matching date and remain in continuous employment with WHH until the week before any period of shared parental pay commences,
- have normal weekly earnings for a period of 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/placement, 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 ShPP, and
- are entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been 'curtailed'.

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/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/placement, the main responsibility, apart from the mother/primary 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 15th week before the expected week of childbirth/matching date and remain in continuous employment with WHH until the week before any period of shared parental pay commences,
- have weekly earnings for 8 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/placement, the main responsibility, apart from the mother/primary adopter, 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/matching date,
- 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/placement, the main responsibility, apart from the partner, for the care of the child, and
- be entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been 'curtailed'.

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

### **How will ShPP be paid to me?**

Your ShPP 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 ShPP, 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 shared parental 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.

### **4.3 Notification of Shared Parental Leave**

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

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

#### **1. Maternity/Adoption 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 8 weeks' notice) or provide their manager and [People and Culture](#) with a [Maternity/adoption leave curtailment notice](#) if the mother/primary adopter is employed by WHH.

The [Maternity/adoption leave curtailment notice](#) must be in writing and state the date on which maternity/adoption leave is to end. That date must be:

- after the compulsory maternity/adoption leave period, which is the two weeks after birth,
- at least 8 weeks after the date on which the mother/primary adopter gave the [Maternity/adoption leave curtailment notice](#) to their employer, and
- at least one week before what would be the end of the additional maternity/adoption leave period (there are 26 weeks of ordinary maternity/adoption leave followed by 26 weeks of additional maternity/adoption leave during the 52 week maternity/adoption leave period).

It is advisable to book a meeting with [People and Culture](#) to talk about how WHH can support you.

#### **2. Notice of Entitlement and Intention to take Shared Parental Leave**

Secondly, a [Notice of entitlement and intention](#) should be submitted to [People and Culture](#) and your manager to provide an indication of start and end dates of any requested SPL.

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 WHH 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 manager or give you the entitlement to take the leave specified.

The most important aspect at this stage is to have an early discussion with your manager about your intentions.

### **3. Notice to Book Shared Parental Leave**

Thirdly, a [Notice to book leave](#) 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 8 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?**

You may submit up to three separate [Notice to book leave](#) requests.

#### **Will WHH require evidence of my eligibility?**

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

- the name and business address of your partner's employer (if 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 you 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 WHH requesting it.

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

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise your manager and [People and Culture](#) in writing at least 8 weeks before the date of any variation by submitting a new [Notice to book leave](#).

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 your manager and [People and 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, WHH is under no obligation to agree to vary or cancel the leave but will consider the request and decide whether it is reasonably practicable to grant it.

### **Can I withdraw my notice to 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/primary adopter) nor your partner has any entitlement to shared parental leave or pay,
- in the event of the death of your partner,
- If your notice was given before the birth, and you wish to withdraw your [Maternity/adoption curtailment notice](#) in the six weeks following the birth/placement of the child (only applicable to the mother/primary adopter). NB - you will be able to opt into Shared Parental Leave at a later date.

Please inform your manager and [People and Culture](#) in writing if you wish to withdraw a leave curtailment notice.

## **4.4 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 SPL.

Annual leave may only be taken before you start your SPL or at the end of your SPL. It is not possible to take annual leave whilst you are on SPL. Any annual leave accrued before SPL starts should be taken during that leave year.

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

- either before SPL starts (i.e. it is taken in the same annual leave year),
- or immediately on return from SPL, 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 SPL during the annual leave year in which you are due to return may be taken:

- either immediately on return from SPL, 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 SPL falls may be used in lieu of an equivalent amount of unpaid SPL.

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 date, 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**

Shared parental leave in touch (SPLIT) days allow you to do some limited work under the terms of your contract of service for WHH whilst you are on shared parental leave.

Any SPLIT days taken will not bring your shared parental leave to an end, and payment of ShPP will not be affected. Each parent will be entitled to up to 20 SPLIT days. For further information see [Section 7](#).

**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. See [Section 6](#) for more information.

**4.6 Returning to Work**

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

If you wish to consider the possibility of working part time on your return to work, please refer to the [Flexible Working Policy](#).

**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 provide 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 will immediately cease and you must notify your manager and [People and Culture](#).

## Section 5: Neonatal Care Leave and Pay

### 5.1 Neonatal Care Leave

Neonatal Care Leave (NCL) supports parents of babies who are admitted into neonatal care up to 28 days old, and who have a continuous stay in hospital of seven full days or longer.

#### Eligibility for neonatal care leave:

- Employees are entitled to this leave from the commencement of their employment.
- Parents who have shared or sole responsibility for a child are eligible. This includes if they are:
  - the mother or birth parent,
  - the father,
  - married to, the civil partner of or partner of the mother or birth parent, including same-sex partners,
  - adopting a child, including fostering to adopt,
  - intended parents via surrogacy.
- Each eligible parent is entitled to a separate amount of NCL, including parents who work for the same employer.
- An employee whose baby is receiving neonatal care is entitled to NCL in blocks of one week, for each week (seven consecutive full days) that the baby receives neonatal care, up to 12 weeks.
- If your baby is admitted to neonatal care (for a period of at least seven consecutive full days), discharged, and then readmitted to neonatal care (for a period of at least seven consecutive full days), providing that the second admittance occurs before 28 days of life, both instances will count towards NCL.
- NCL must be taken within the first 68 weeks of the baby's birth.
- Parents can take the same amount of NCL if more than one baby requires neonatal care (e.g. twins). The maximum leave will still be 12 weeks. NCL cannot be claimed twice.

#### How can Neonatal leave be taken?

The leave must be taken within 68 weeks of the birth. Parents are not eligible for NCL until their baby has been receiving care for seven days or more. Each week of leave is taken in arrears.

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

Parents who are not already on leave might need to take another form of leave for the first seven days. For example, time off for dependants, annual leave or special leave.

### **Adoption**

The first seven days of neonatal care need to start after the adoption placement date. Parents need to take the leave before the end of 68 weeks from the date the baby is placed with the adopter.

For overseas adoptions, the leave needs to be taken before the end of 68 weeks from the date the baby enters Great Britain.

### **Surrogacy**

Intended parents in a surrogacy will be eligible for NCL if they have applied for a parental order or intend to apply for a parental order within 6 months of the baby's birth.

Both intended parents are eligible for NCL. The first seven days will start from the date of birth. Parents need to take the leave before the end of 68 weeks from the date of birth.

### **Categories of Neonatal Care Leave:**

There are two categories of NCL depending on when the leave is taken, and these are referred to as Tier 1 or Tier 2 periods.

#### TIER 1

If NCL is taken while the baby is receiving neonatal care, or in the period up to seven days after they stop receiving such care, it can be taken in non-continuous blocks of a minimum of one week at a time.

This leave ends on the 7th day after the day your baby stops receiving neonatal care.

This tier is more likely for parents who are not entitled to or have exhausted their statutory leave (e.g., the child's father, mother's partner or, in adoption

cases, the parent not taking adoption leave).

## TIER 2

For parents already on maternity or adoption leave, NCL is most likely to fall into tier 2 as they will take their maternity or adoption leave first. The leave must be taken in one continuous block. There is no option to take more than one period of NCL in the tier 2 period.

### **If neonatal care leave interrupts other statutory leave:**

If parents take tier 1 NCL which interrupts another statutory leave, the NCL will end straight away. The NCL which has not been taken will be added to the end of the leave it interrupted. This will only be if it's still in the tier 1 period.

If the baby has not been receiving care for a week or more at the end of the interrupted leave, the leave period is now in tier 2. Any remaining NCL plus the interrupted leave must be taken together.

If notice has been given for tier 1 leave, no extra notice is needed for the remaining amount that will be used as tier 2.

### **The first seven days**

For the first seven days of neonatal care, a parent isn't entitled to neonatal leave. This could be taken as annual leave, or as special leave. Please refer to [WHH Special Leave policies](#) for further support and information.

## **5.2 Neonatal Care Leave Pay**

To be eligible for NCL pay, you must have been continuously employed for 26 weeks before the relevant week and must still be in employment in the week before the neonatal care starts. You must have earned at least £125 a week on average for 8 weeks before the relevant week.

You can find the relevant week in the appropriate section of this policy document for maternity, paternity, adoption and surrogacy leave.

If you do not meet the criteria, you could take some or all of this period as annual leave, or as special leave. Please refer to [WHH Special Leave policies](#) for further support and information.

## **5.3 Notification of Neonatal Leave and Pay**

You should notify your manager of your intention to take NCL and pay as soon

as you can.

For Tier 1 leave the notice must be given before you are due to start work on the first day of leave. This will be after the baby has already had seven consecutive days of neonatal care. Tier 1 leave notice does not have to be in writing.

For tier 1 leave pay, notice must be given within 28 days starting with the first day that the neonatal care pay is being claimed. This means you do not have to give notice for pay at the same time that you take leave. This might be helpful if are not sure how long neonatal care will be for.

You can choose to give notice for both pay and leave at the same time.

For tier 2 leave, if you are taking one week off, you need to tell your manager at least 15 days before the start date. This week would be after the baby has already had seven consecutive days of neonatal care. If you are taking two or more weeks leave, the employee must tell the employer 28 days before the leave starts. Tier 2 leave notice must be in writing.

For tier 2 leave pay, notice for one week's leave must be given at least 15 days before the first day. Pay notice for two weeks or more of leave must be given at least 28 days before the first day.

To take NCL, you must also notify your manager of the following:

- your name,
- the baby's date of birth,
- the date the baby started to receive neonatal care, or each date if the baby received neonatal care on two or more separate occasions,
- the date that the care ended if the baby is no longer receiving neonatal care,
- if applicable, the date of the baby's placement with the adopter or prospective adopter,
- if applicable, the date of the baby's entry into Great Britain to live with the overseas adopter,
- if it is the first time you are requesting NCL, a declaration that you meet the parental relationship criteria,
- that during the time the baby was in neonatal care, you have cared for or intend to care for the baby.

We understand that having a baby in neonatal care is an incredibly difficult time and you may prefer another member of your family or a friend to contact us on your behalf. We will be flexible in accommodating these arrangements.

Your manager will notify People and Culture to ensure that the leave is accurately recorded on HR Organiser.

## **5.4 Returning to work**

If NCL is an extension of your maternity, paternity, adoption or 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, and that babies who have received neonatal care can have ongoing medical needs requiring regular hospital appointments and check-ups. Please refer to [WHH Special Leave policies](#) for further support and information.

If you wish to consider changing or reducing your working hours, please refer to the [WHH Flexible Working policy](#).

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.

## Section 6: Unpaid Parental Leave

### 6.1 About Unpaid 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, for example to:

- spend more time with your children,
- look at new schools,
- settle children into new childcare arrangements,
- spend more time with family, such as visiting grandparents.

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

Unpaid parental leave will be subject to agreement with WHH 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 Unpaid Parental Leave?**

You are entitled to take unpaid parental leave from the first day of your employment with WHH if you have a child. The leave is available for each child up to their 18th 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?**

A maximum of 4 weeks of unpaid leave for each child can be taken in any 12 month rolling period.

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

Leave should be taken in blocks or multiples of one week (unless agreed otherwise with your manager). Parents who have a child with a disability and the child receives either the Disability Living Allowance or Personal Independence Payment can take parental leave in blocks of days rather than weeks.

#### **Notification to take unpaid parental leave**

You must give 21 days' notice before the intended start date. Please complete

a [Parental leave \(unpaid\) application form](#) to give written notification of your intention to take unpaid parental leave. Ensure you provide the date on which you intend this leave to start and the duration of the leave and send it to your manager and [People and Culture](#).

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

If you feel you have been unreasonably refused time off, you should raise this with the General Manager who will seek to resolve the situation.

Following the General Manager's involvement, if you feel this has not been resolved, you should contact [People and Culture](#) who will seek to investigate and resolve the situation.

## Section 7: Keeping in Touch (KIT) and Shared Parental Leave in Touch (SPLIT)

### 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 with WHH. Any KIT/SPLIT day taken will not bring your maternity, adoption or shared parental leave period to an end, and payment of any statutory pay 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 or shared parental leave (except in the case of maternity or adoption leave for the first two weeks directly after the child is born or placed).

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

#### 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 or 20 SPLIT days allowed. The number of hours that you attend work can be up to the maximum of the full time equivalent (8 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 WHH 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.

### **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 WHH. This may include attending a conference, undertaking training or a team event.

### **I have been asked to do some work for another employer, 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 or shared parental pay arrangements.

## **7.2 KIT/SPLIT Days 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 SMP, 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.

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.

**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 manager to agree and sign. Your manager should send this to People and Culture to process payment.

## **Section 8: Employees on Fixed-Term or On-Demand Contracts**

### **8.1 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 15th week before the expected week of childbirth?**

Where a fixed term contract ceases before the qualifying week (15th week before the expected week of birth), you will not be entitled to maternity pay from WHH 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 15th week before the expected week of childbirth?**

Where a fixed term contract ceases after the qualifying week (15th week before the expected week of birth), you will be entitled to statutory maternity pay from WHH. Your contract of employment will still end on the original end date.

Other rights (such as annual leave) do not accrue beyond the contract 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, you cannot return to WHH because of the expiry of a fixed-term contract.

However, 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.

Other rights (such as annual leave) do not accrue beyond the contract end date.

**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.

## **8.2 On Demand Contracts**

### **Will I receive maternity or adoption pay if I have an on-demand contract?**

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 WHH 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 the WHH workforce.

If you are a casual worker, you may be entitled to statutory maternity, adoption or paternity pay. For further information, please contact [People and Culture](#).

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