



Exeter College

MATERNITY, ADOPTION, PATERNITY & SHARED PARENTAL LEAVE POLICY

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All employees have the right not to suffer any detriment on the grounds of pregnancy, childbirth, or for taking (or seeking to take) maternity, adoption, paternity or shared parental leave, or because their employer believes that they are likely to take it. This right applies in relation to both an act and a failure to act. A dismissal for such reasons will be automatically unfair.

We comply with all statutory requirements and offer benefits which are in line with, or exceed, the statutory benefits scheme.

This policy is not contractual but sets out the way in which we plan to manage maternity, adoption, paternity and shared parental leave.

2. SCOPE OF THIS POLICY

This policy covers all employees, including those on part-time and/ or fixed-term contracts, who meet the eligibility requirements for statutory maternity, adoption, paternity or shared parental leave and pay.

3. AIMS OF THIS POLICY

This policy aims to set out our procedures for employees taking family leave, and aims to ensure that employees are aware of their entitlements.

An employee who has any questions about this policy or about any other aspect of their entitlements should contact the HR Officer.

4. DEFINITIONS**Maternity**

- AML: Additional Maternity Leave (the second 26 week period of leave)
- CML: Compulsory Maternity Leave (lasts for two weeks from the date of childbirth, and an employee may not work for her employer during this period)
- EWC: Expected Week of Childbirth (the week in which the baby is expected to be born - as stated on the MATB1 form)
- OML: Ordinary Maternity Leave (the first 26 weeks)
- SMP: Statutory Maternity Pay (paid to eligible employees for up to 39 consecutive weeks)

Adoption

- AAL: Additional Adoption Leave (the second 26 week period)
- Matching week: the week (beginning on a Sunday and ending on a Saturday) in which the employee is notified of having been matched with the child
- OAL: Ordinary Adoption Leave (the first 26 week period)
- SAP: Statutory Adoption Pay (paid to eligible employees for 39 weeks)

Paternity

- OPL: Ordinary Paternity Leave (two weeks)
- OSPP: Ordinary Statutory Paternity Pay (two weeks)
- SPP: Statutory Paternity Pay (paid to eligible employees for up to two weeks)

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Shared Parental Leave

- Qualifying relationship: a husband or civil partner of the pregnant woman; someone who is of a different sex or the same sex and who lives with the woman in an enduring family relationship but is not a relative of the woman; the father of the expected child; the parent of the expected child under the Human Fertilisation and Embryology Act 2008, or a potential applicant for a Parental Order under the Human Fertilisation and Embryology Act 2008 in respect of the expected child.
- SPL: Shared Parental Leave
- ShPP: Shared Parental Pay

5. MATERNITY LEAVE AND PAY

Maternity - time off for ante-natal care

Pregnant employees: are entitled to take reasonable amounts of paid time off during normal working hours to receive ante-natal care, although wherever possible appointments should be arranged at the start or end of the working day. Ante-natal care includes appointments with the GP, hospital clinics, parent-craft classes, and relaxation classes.

The employee should advise their Head of Department or line manager of any absence as far in advance of the appointment as possible (and normally at least one week in advance) and, following the first appointment, may be asked to produce an appointment card. Where there has been an urgent or unscheduled medical visit, the employee must provide their manager with an acceptable explanation as to why they could not provide advance notice. There will be no deduction of pay for attending authorised ante-natal appointments.

Employees receiving IVF treatment: will be entitled to paid time off for ante-natal care only after the fertilised embryo has been implanted. They are however encouraged to discuss any requirements for time off with their manager. Time off will normally be taken as unpaid leave, time off in lieu, holiday, or the time made up, but we will be sympathetic to any requests and seek to accommodate them.

Employees with a “qualifying relationship”: employees who have a "qualifying relationship" with a pregnant woman or her expected child, irrespective of their length of service or earnings, may request to take paid time off work to attend two ante-natal appointments, of up to 3 hours each, (including travelling and waiting time), to accompany the woman when she attends an ante-natal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse. In the event that further appointments are attended, these will normally be unpaid.

The employee should provide us with a signed declaration (this can be done via email) confirming that they have a qualifying relationship with a pregnant woman or her expected child; that the purpose of the time off is to accompany her to an appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse; and the date and time of the appointment. Time off will only be refused for good business reasons; however we ask that employees notify us of any proposed absence as far in advance of the appointment(s) as possible.

The above also applies to agency workers who have at least 12 weeks' qualifying service in the same job with the same hirer, and to those who are the partner of a primary adopter.

Immediately an employee notifies us of her pregnancy, a separate, individual risk assessment will be undertaken to ensure that all practicable measures are taken to prevent the risk of damage to the health or safety of the mother or her unborn child.

However, it remains the employee's responsibility not to put either their own health and safety, or that of their baby, at risk, and they must always consult their Head of Department or line manager before attempting any form of work which presents a risk. This is especially relevant with regards to lifting, carrying, or working from a height. Particular care should be taken to avoid lifting, particularly during the three months prior to the birth and the three months following your return to work after childbirth. If lifting is part of your job (for example boxes of files/ documents) you may wish to discuss alternative arrangements with your Head of Department or line manager.

An employee who has concerns about their health and safety should raise these with their Head of Department or line manager, or the HR Officer.

In addition, we request that employees who return to work and who are breastfeeding notify us of this in advance in order that suitable arrangements can be made to facilitate this.

Maternity - illness during pregnancy

Absence due to illness will be treated the same as any other sickness absence, in line with our Sickness Absence policy, unless it is pregnancy-related and occurs during the period starting four weeks before the EWC, in which case the maternity leave will automatically begin from this date.

Maternity – leave

All employees are entitled to 52 weeks' statutory maternity leave, irrespective of their length of service or the number of hours worked each week.

The first 26 weeks is known as "ordinary maternity leave" (OML); the second 26 weeks is known as "additional maternity leave" (AML).

If an employee becomes pregnant again during maternity leave, she has the right to further ordinary and additional maternity leave.

If an employee loses her baby, but meets all other eligibility conditions, she can still take maternity leave if the baby is either stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy.

Maternity – commencing maternity leave

Maternity leave may begin at any time after the start of the 11th week before the week in which the baby is due (the expected week of childbirth – 'EWC'). However, employees can continue working as long as they like before the baby is born, provided that they are still capable of doing the job.

If you change your mind about the date on which you want to start your leave, you must give us at least 28 days' notice of the proposed new start date.

If you are absent from work due to illness unrelated to your pregnancy, you can remain on sick leave right up to the date of the baby's birth, or until the date you have notified us that you wish your maternity leave to commence. However, your OML period will commence automatically and at once if you are absent from work "wholly or partly because of a pregnancy related illness" at any time after the beginning of the fourth week before your EWC.

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If you have your baby early, before your notified start date of maternity leave, you are required to notify us of the birth of your child no later than 21 days after the birth, or as soon as is reasonably practical. This will usually be done using a MATB2 form. Maternity leave will start automatically on the date of the child's birth.

Maternity - notification requirements

To exercise their right to take maternity leave, the employee must notify us of the following:

- their pregnancy;
- the expected date of the baby's birth;
- their intention to take maternity leave; and
- the date on which they intend this to start.

This notification should be in writing and should be provided no later than the end of the 15th week before the expected week of childbirth. However, it is good to tell the College as soon as possible so that we can consider any health and safety issues that may arise. The employee should subsequently also provide a form MAT B1, signed by the doctor or midwife, confirming their pregnancy.

We will write to the employee to confirm receipt of their notification within 28 days of receiving this, and to confirm the date on which their maternity leave will end. This will normally be 52 weeks from the intended start date of their leave, unless the employee requests an earlier return to work.

In exceptional circumstances notification can be given after the child is born, but as a general rule failure to serve notice at the relevant time will mean the loss of the right to take maternity leave.

Maternity - work and contact during the maternity leave period

Employees on maternity leave are encouraged to keep in touch with us, and we are entitled to make reasonable contact with them during their maternity leave.

Employees on maternity leave can also work for a few days without losing their right to maternity leave or a week's statutory pay, via "keeping in touch" or KIT days. These days are not limited solely to normal work, but can be used for training or other events, or to help ease an employee's return to work. The number of days is limited to ten, irrespective of the length of maternity leave taken by the employee. KIT days may be taken at any time during the maternity leave period (excluding the first two compulsory maternity leave weeks), and may be taken singly or in blocks.

KIT days do not extend the period of maternity leave, but simply allow you to do some work during your period of maternity leave should you wish to do so.

The employee and their manager should agree in advance what work will actually be done on KIT days. There is no obligation to work any KIT days and we are under no obligation to provide them.

Payment will be agreed with the employee, but it is suggested that if a woman attends for work, she is paid the equivalent of her normal hourly rate for the hours she works on the day in question. Therefore during the period that she is being paid at the rate of full pay (if she qualifies), no further payment would be due. It is suggested that if a woman works a KIT day in a week in which she is receiving SMP only, then her pay should be made up to the equivalent of full pay for the actual hours worked, over and above the amount received under SMP rules. She will continue to be paid her SMP for the remaining days in the week in which the work is done.

Once the employee has used her KIT days, a whole week of statutory maternity pay will then be forfeited for each week in which she works, even if only for a day. Any statutory maternity pay lost in this way will be lost at the lower rate first.

Note: employees who take Shared Parental Leave are also entitled to "SPLIT" days – see below.

Maternity - college maternity pay scheme

Employees will be entitled to take up to 26 weeks of maternity leave paid at full pay (i.e. normal basic weekly rate), followed by 13 weeks (if taken) of SMP; the remaining 13 weeks are unpaid. There is no minimum qualifying period of service.

In the event that an employee decides not to return to work after their maternity leave, or if they return after maternity leave and work less than three months before they leave, the College retains the right to reclaim all or part of the payments made under the College maternity pay scheme, minus any statutory element which the employee would be entitled to keep if they qualified for it. Eligible employees will be asked to sign to accept these terms.

Maternity - contractual benefits

Full holiday entitlement will continue to accrue throughout the period of maternity leave. Please consider and discuss with us how best to take your holiday entitlement and plan for the whole period. You may prefer to use your entitlement accrued to date before you go on maternity leave (allowing you to finish work earlier without financial penalty) and to carry over the remainder for when you return. Alternatively you may prefer to use up the holiday accrued during your maternity leave period before you return (i.e. immediately following your period of maternity leave) - this gives you a longer break and may also be easier to accommodate in terms of relief cover.

If you have notified us, prior to your maternity leave commencing, that you do not intend to return to work after your leave, any holiday entitlement outstanding will be paid in the relevant pay period in which your maternity leave ends.

Other non-pay contractual benefits (such as a company vehicle, life or private health insurance, etc) will continue to be provided during the full period of maternity leave. However, it should be noted that meals are only provided to eligible staff who are actually on duty at the College. You will not, therefore, be entitled to receive any financial compensation for meals not taken while absent from work.

The entire period of maternity leave will also be included when calculating the employee's length of service for the purposes of any contractual benefits.

Pension contributions will be paid during the period of paid maternity leave only (up to 39 weeks). The College's contribution will be based on the full pensionable pay the employee would receive if working. The employee's contribution will be based on the actual pay received during the period of maternity leave.

Maternity - returning from maternity leave

An employee returning to work after ordinary maternity leave has the right to return to the same job. The right to return following additional maternity leave is to the same job unless this is not reasonably practicable, but any alternative job must be both suitable and appropriate. The terms must be no less favourable than those which would have applied had the employee not been absent on maternity leave.

The first two weeks after the birth must not be worked. This is referred to as 'compulsory maternity leave' (CML). 0052.02

Employees who return to work at the end of their statutory maternity leave period do not need to notify us in advance of the date of return. However, in order to assist us with our planning, we do request they keep in touch with us and notify us of any changes in their intentions as soon as possible.

If an employee wishes to return to work before the end of her 52-week statutory maternity leave period she must give us 56 days' (eight weeks) advance written notice specifying the date on which they now wish to return. Failure to do so may mean that we postpone the employee's return until either the expiry of 56 days, or the end of the maternity leave period, whichever is sooner.

An employee who is unable to attend work at the end of her maternity leave due to sickness or injury should follow our normal arrangements for notifying sickness absence.

An employee who decides not to return to work at the end of her maternity leave is required to give full contractual notice.

Employees may also wish to refer to the College's policies relating to parental leave, flexible working, and time off for dependants, which may apply to them following their return to work.

Maternity - unused maternity leave

A mother may elect to end her maternity leave at any time after the compulsory leave period, and share the remainder of her maternity leave and pay with the father/partner. See "Shared Parental Leave" below.

Maternity - salary review

If a salary review is due during the period of maternity leave, the employee will normally be informed of any changes as they become applicable.

Maternity - childcare arrangements

The College strongly suggests that employees who are considering returning to work should start researching the different childcare options when they first become pregnant. Many childcare professionals are booked up well in advance and if you are not able to finalise your arrangements well ahead you may find that your chosen provider will not be able to look after your child. In any case, it is advisable to finalise your childcare arrangements well in advance of your return to work.

The College currently has a number of sponsored priorities for a place in a University nursery, which are available to members of the College. For more details of the scheme, please contact the HR Officer.

6. ADOPTION LEAVE AND PAY

Adoption - introduction

One adoptive parent (of either sex) may be entitled to take up to 52 weeks' adoption leave. This is made up of 26 weeks' Ordinary Adoption Leave ('OAL') and 26 weeks' Additional Adoption Leave ('AAL').

Adoption - pre-placement appointments

An employee who has a child placed with them for adoption will be allowed to take time off to attend adoption pre-placement appointments. Paid time off will be given to a primary/sole adopter for up to five

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appointments of up to 6.5 hours each to make contact and bond with the child. For joint adoptions,^{0052.02} only one adopter may take this paid time off; the other adopter may attend up to two unpaid appointments.

We ask that such employees give us as much notice as possible of these appointments, and provide evidence of the appointments.

Adoption – eligibility requirements

To qualify the employee must:

- be the adopter of a child aged up to 18 years
- have notified the adoption agency that they agree that the child should be placed with them, and agreed the date of placement.

Parents who are adopting the step-children of their partner will not be eligible for adoption leave or pay, but may be eligible for parental leave (normally unpaid).

Only one person may take adoption leave in respect of a child at any time: where a couple is adopting a child jointly, one may take adoption leave and the other may take statutory paternity and/or shared parental leave (see below).

The current rights to adoption leave are extended to individuals fostering a child under the 'Fostering for Adoption' scheme run by local authorities.

Adoption – leave

Statutory adoption leave lasts for up to 52 weeks. We will assume that you will take the full 52 weeks unless you tell us otherwise.

Adoption leave may begin on the actual date on which the child is placed with the employee, or it may start on a pre-determined date which falls within the period from 14 days before the child is placed until the expected date of the placement.

If an employee is adopting a child from abroad, the leave may start on either the date the child enters the UK or a pre-determined date no later than 28 days after the date the child enters the UK. Adoption leave can start on any day of the week.

Adoption - notification requirements

The employee must give us notice of:

1. their intention to take statutory adoption leave;
2. the date of placement; and
3. the date on which they wish to commence their leave. (For the adoption of a child based in the UK, this must be given within seven days of the date on which they are notified of having been matched with the child.)

Documentary evidence which shows the name and address of the adoption agency, the name and date of birth of the child, and date of notification of matching and the expected date of placement are also requested.

We will write to confirm our receipt of this notification within 28 days of receiving it, and to confirm the date on which the statutory adoption leave will end. (This will normally be 52 weeks from the intended start date.) 0052.02

The employee may vary the start date of the leave at a later date by giving us at least 28 days' notice (unless this is not reasonably practical).

Employees who are adopting a child from overseas should give written notice in three stages as follows:

1. They should inform us within 28 days of receiving official notification of the date on which they received official notification of the placement and the date the child is expected to enter the UK.
2. The employee must give 28 days' notice of the actual date they want the adoption leave to start. (For adoptions from abroad, this cannot be before the child enters the UK.) This date can be changed by giving at least 28 days' notice (or as soon as is reasonably practicable). We will write to confirm receipt of this notification within 28 days of receiving it.
3. The employee must tell us the date the child entered the UK within 28 days of the entry.

Adoption - work and contact during the adoption leave period

Employees on adoption leave are encouraged to keep in touch with us, and we are entitled to make reasonable contact with them during their maternity leave.

Those on adoption leave are also able to work for up to ten days without losing their right to adoption leave or a week's statutory pay, via "keeping in touch" or KIT days. See maternity section, above.

Adoption - college adoption pay scheme

Employees will normally be entitled to take up to 26 weeks of adoption leave on full pay (i.e. at their normal basic weekly rate), followed by 13 weeks of SAP. The remaining 13 weeks will be unpaid. There is no minimum qualifying length of service.

In the event that an employee decides not to return to work after their adoption leave, or if they return after adoption leave and work less than three months before they leave, the College retains the right to reclaim all or part of the payments made under the College adoption pay scheme, minus any statutory element which the employee would be entitled to keep if they qualified for it. Eligible employees will be asked to sign to accept these terms.

Adoption – contractual benefits

Full holiday entitlement will continue to accrue throughout the full period of adoption leave. Please consider and discuss with us how best to take your holiday entitlement and plan for the whole period. You may prefer to use your entitlement accrued to date before you go on adoption leave (allowing you to finish earlier without financial penalty) and to carry over the remainder for when you return. Alternatively you may prefer to use up the holiday accrued during your adoption leave period before you return (i.e. immediately following your period of adoption leave) - this gives you a longer break and may also be easier to accommodate in terms of relief cover.

If you have notified us, prior to your adoption leave commencing, that you do not intend to return to work after your leave, any holiday entitlement outstanding will be paid in the relevant pay period in which your adoption leave ends.

Other non-pay contractual benefits (such as a company vehicle, life or private health insurance, etc) will continue to be provided during the full period of adoption leave. However, it should be noted that meals are

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only provided to eligible staff who are actually on duty at the College. You will not, therefore, be entitled to receive any financial compensation for meals not taken while absent from work.

The entire period of adoption leave will be included when calculating the employee's length of service for the purposes of any contractual benefits.

Pension contributions will be paid during the period of paid adoption leave only (up to 39 weeks). The College's contributions will be based on the full pensionable pay the employee would receive if working. The employee's contribution will be based on the actual pay received during the period of adoption leave.

Adoption - salary review

If a salary review is due during the period of adoption leave, the employee will normally be informed of any changes as they become applicable.

Adoption – returning from adoption leave

An employee returning to work after ordinary adoption leave has the right to return to the same job. The right to return following additional adoption leave is to the same job unless this is not reasonably practicable, but any alternative job must be both suitable and appropriate. The terms must be no less favourable than those which would have applied had the employee not been absent on adoption leave.

If the employee intends to return to work at the end of the ordinary or additional adoption leave, they need do nothing further. However, we ask that employees keep the College informed of their plans to assist with planning and to facilitate their return. If however, the employee wishes to return to earlier than this, at least 56 days' (eight weeks) notice of the date of intended return must be given. If the employee fails to give the minimum 56 days' notice we may postpone their return until 56 days' notice has been given, provided that this is no later than the end of the additional adoption leave.

An employee who decides not to return to work at the end of their adoption leave is still required to give full contractual notice.

An employee who is unable to attend work at the end of their adoption leave due to sickness or injury should follow our normal arrangements for notifying sickness absence.

Employees may also wish to refer to the College's policies relating to parental leave, flexible working, and time off for dependants, which may apply to them following their return to work.

Adoption - unused adoption leave

An employee who adopts a child/children may elect to end their adoption leave at any time, and share the remainder of the adoption leave and pay with their partner. More information is provided in the section on "Shared Parental Leave" below.

Please note that an employee who returns from adoption leave early, in order to enable their partner to take the remainder of the leave, must give their permission for us to release any information confirming their return to our employment and the period of adoption leave and pay to their partner's employer, before we may do so. Such information will not be disclosed otherwise, which may result in delay in the partner's leave and/ or pay being authorised by their employer.

Introduction

Subject to meeting the eligibility requirements, employees are entitled to take up to two weeks' of paid paternity leave following the birth or adoption of their child, if they are the biological father of a child or its mother's partner (regardless of gender or marital status).

Paternity - time off for ante-natal care

Employees who are the biological father of a child, or who are the spouse/ partner of someone who is giving birth or adopting, are entitled to take time off during normal working hours to receive ante-natal care. The College's policy is that up to two such appointments may be attended on full pay, provided that each appointment does not exceed 3 hours. In the event that further appointments are attended, these will normally be unpaid.

Wherever possible appointments should be arranged at the start or end of the working day. Ante-natal care includes appointments with the GP, hospital clinics, parent-craft classes, and relaxation classes.

The provisions relating to attendance of such appointments are as set out in the section on maternity leave above.

Paternity – eligibility requirements

The entitlement to paternity leave and pay applies to employees who:

- have started work with the College before the expected week of childbirth/ placement for adoption, and before any period of leave begins;
- continue to be employed by the College at least until the date on which the child is born or adopted;
- are the natural or adoptive father (or are the mother's partner, regardless of gender or marital status) of a child born, or placed with them for adoption;
- can demonstrate that they have (or expect to have) responsibility for the child's upbringing; and
- intend to take the time off to look after the child.

Paternity - leave

Leave must be taken during the eight-week period beginning with the child's birth date (or placement with its new parents for adoption within the UK, or date of entry into the UK for overseas adoptions). It can be taken either as one single week's leave or two consecutive weeks' leave, but not as odd days. A week can start on any day, for example Tuesday – Monday inclusive.

In the case of adoption, where a child is adopted jointly, either of the adoptive parents may take the two-week period of ordinary paternity leave. The partner of an individual who is adopting will also be able to qualify for ordinary paternity leave and pay if they can demonstrate that they are to share responsibility for the child's upbringing.

Paternity – notification requirements

The employee must notify us of the date on which they intend to take ordinary paternity leave by the end of the 15th week before the mother's expected week of childbirth (EWC).

- that your partner is pregnant;
- the expected week of the birth;
- the length of the leave you have chosen to take (i.e. one week, or two weeks);
- the date on which you wish the leave to begin. (You may choose either to specify that the leave will begin on the date on which the child is born, or on a specified number of days after the child is born, or on a predetermined date); and
- confirmation that you meet the 'eligibility' criteria outlined above.

If you wish to change the start date, you may do so provided that you give at least 28 days' notice of this change.

For an employee who is adopting a child in the UK, notification must be within seven days of the date on which the adopter has been officially notified of having been matched with the child. An employee who is adopting a child from overseas should give written notice in three stages as follows:

1. Where the employee has 26 weeks' qualifying service, they should inform us within 28 days of receiving official notification of the date on which they received official notification of the placement and the date the child is expected to enter the UK. If the employee has less than 26 weeks' qualifying service, the notice should be given within 28 days of completing 26 weeks' service.
2. In all cases, the employee must give 28 days' notice of the actual date they want the paternity leave to start. (For adoptions from abroad, this cannot be before the child enters the UK.) This date can be changed by giving at least 28 days' notice (or as soon as is reasonably practicable). We will write to confirm receipt of this notification within 28 days of receiving it.
3. The employee must tell us the date the child entered the UK within 28 days of the entry.

Once the start date of the leave has been notified, employees may amend this, but must provide us with 28 days' notice of the new start date.

Paternity - college paternity pay scheme

Employees will normally be entitled to take up to 10 days of leave on full pay (i.e. normal basic weekly rate). There is no minimum qualifying period of service. In the event that you also meet the eligibility criteria for Statutory Paternity Pay, this will be incorporated into the full pay paid by the College; it is not paid in addition to full pay.

8. SHARED PARENTAL LEAVE

Shared parental leave – introduction

Mothers, or employees who are matched with a child for adoption, may be able to convert part of their statutory maternity/adoption leave and pay into "Shared Parental Leave" (SPL) and "Shared Parental Pay" (ShPP), provided that the eligibility requirements are satisfied.

It will be up to the mother or adopter to decide whether to continue their maternity/adoption leave or to opt to end this early and take Shared Parental Leave instead. Employees may choose to opt into Shared Parental Leave at any time during the first year after the birth/ adoption of the child, as long as there is still some untaken maternity/adoption leave left to share.

The parents may take time off together if they wish, or may take it in turns to have periods of leave. Their leave does not have to be taken in one continuous block each. Sensible forward planning is therefore essential to ensure leave and cover arrangements are effectively managed.

The entitlement to statutory maternity leave, statutory maternity pay, statutory adoption leave, statutory adoption pay, and to take KIT days remain.

Shared parental leave – SPL – eligibility

To be eligible for SPL, both individuals must meet the criteria published on the UK Government website:

Birth parents: <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-birth-parents>

Adopters: <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-adopters>

Shared parental leave – SPL – commencing leave

Birth: SPL may commence at any time following the mother's period of compulsory maternity leave (see above) subject to the required notice being given and the leave being agreed. The mother chooses to end their maternity leave early and to convert the untaken balance of SML (up to 50 weeks in total) and any unused maternity pay to SPL and ShPP. For more information, please see <https://www.gov.uk/shared-parental-leave-and-pay/when-you-can-start>

Adoption: Employees who are adopting, (or the parental order parent in a surrogacy arrangement) must take at least 2 weeks of adoption leave before it can be ended and converted into SPL. For more information, please see <https://www.gov.uk/shared-parental-leave-and-pay/when-you-can-start>

Births and adoption: SPL must be taken within 52 weeks of the child's birth/adoption. The father/ partner/ spouse can take SPL immediately following the birth/ placement of the child (provided that the mother/ primary adopter has given formal notice of the date on which they intend their maternity/ adoption leave to end), but may first wish to use any entitlement to paternity leave entitlement (as statutory paternity leave or pay may not be taken after any SPL or ShPP).

SPL can be taken by both parents separately or together, and it does not need to be taken in consecutive blocks.

There is a maximum of three blocks of leave (per parent). Each block must be a minimum of one week (which may start on any day of the week), and must be taken as complete weeks, unless we agree otherwise. A maximum of three notifications of leave or variations of planned leave (per parent) is therefore permitted unless we agree otherwise.

Shared parental leave – SPL – notification requirements

Notice to end maternity/adoption leave: the mother/adopter must give eight weeks' notice to end the entitlement to maternity/adoption leave early, which will then enable both parents to take advantage of the shared parental leave regime.

The notice can be for a date in the future (which will allow the other parent to take SPL while the birth parent or primary adopter is on maternity or adoption leave), and can be given before or after the birth/placement. If it is given after the birth, the notice is binding; if it is given before the birth, the mother may withdraw the notice up to six weeks after the birth.

If an employee has multiple jobs, with more than one employer, they must give notice to curtail their maternity/ adoption leave to each of their employers at the same time in order to create leave under the SPL provisions. An employee cannot take SPL if they have only brought forward the date on which their maternity/ adoption leave period ends with one of their employers (i.e. it is not possible to take maternity leave and SPL at the same time).

Where an employee (whether the mother or the partner) with multiple employers meets the qualifying criteria for SPL and/or ShPP **in their College employment**, they can take leave and pay under the SPL arrangements as normal (subject to the provisions above concerning curtailing maternity leave in all employment). If they also meet the criteria for SPL and/or ShPP from an employment elsewhere, they can take the leave and pay from that employer as well.

Declaration of entitlement: both partners must first of all sign a declaration that they intend to take shared parental leave (this is most easily done using the 'Shared Parental Leave Forms' available on the UK Government website: <https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay>) and must be done at least eight weeks before any shared parental leave may start). Further information is available from the HR Officer.

A copy of the child's birth certificate (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) and the name and address of the partner's employer must be provided within 14 days of any request to do so.

Leave request: an employee who is entitled to, and who intends to take, shared parental leave must then give a separate written notice at least eight weeks before the start of any proposed period of SPL. The notice can be given at the same time as the declaration above, or later.

Each employee is permitted to make three separate leave requests.

We will aim to respond promptly to a leave request.

Continuous leave: if the employee asks for a continuous period of leave, they will be entitled to take this on their chosen dates. The employee may take up to three continuous blocks of SPL.

Discontinuous leave: if the request is for discontinuous periods of leave, this is subject to a two-week discussion period during which we may agree, refuse, or propose alternative dates. Such requests will be carefully considered; however, if we cannot reach agreement on a requested pattern of leave, the employee must either take continuous leave starting on a date of their choice, or withdraw the request for leave (in which case it will not count towards their three permitted requests, provided that it is withdrawn within 15 calendar days after the initial request was submitted).

If the employee lets their discontinuous leave request become continuous leave, they have 19 days from the date their request was made to us to either:

- choose when this leave period will begin (however, the leave cannot start sooner than 8 weeks from the initial notified start date); or
- Let the continuous leave start when the discontinuous leave would have started.

Note that requests for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

Changing the leave: it is important to remember that each eligible parent has up to three times to either change the dates of booked SPL ('notice to vary leave'), or to book a block of SPL ('notice to take leave'). Each time the employee cancels or changes booked SPL, it counts as a notice to vary leave, unless we agree otherwise.

To change or cancel the dates of any SPL booked, the employee should give notice in line with relevant guidance. This also applies where, for example, the baby is born early or prematurely, or where either the child or a parent dies. For more information, see <https://www.acas.org.uk/shared-parental-leave-and-pay/taking-shared-parental-leave>.

Shared parental leave – SPL – work and contact during SPL

In addition to the usual 10 KIT days which employees can use during a period of maternity/ adoption leave, employees who take shared parental leave are eligible to take 20 Shared Parental Leave In Touch (SPLIT) days each, without this bringing their period of SPL to an end or affecting their ShPP.

SPLIT days may be taken at any time during the period of shared parental leave, subject to the employee and their manager agreeing work to be covered. There is no obligation to attend or to provide SPLIT days. Any SPLIT days worked will not extend the period of SPL. Employees on SPL are encouraged to keep in touch with us and we will continue to make reasonable contact with them during their period of leave.

Shared Parental Pay - College Shared Parental Pay

If the parents take shared parental leave, the balance of the untaken statutory maternity/ adoption pay (which would otherwise have been payable) may be converted into Shared Parental Pay (ShPP), which can be shared between the partners.

Employees will normally be entitled to the benefits of the College Shared Parental Pay (ShPP) scheme. There is no minimum qualifying period of service.

SPL and ShPP cannot commence until the end of the compulsory two-week maternity or adoption leave period, and are reduced by the amount of maternity/adoption leave and pay the mother has taken. **For example**, if the mother takes the initial 26 weeks as her maternity leave, the couple are then only entitled to 26 weeks of SPL to share in total, with 13 of those weeks paid in statutory payments and 13 weeks taken as unpaid leave.

Subject to how much maternity/ adoption leave has already been taken, and how leave and pay are shared between the parents, an employee may be entitled to (in chronological order of SPL):

- **up to 24 weeks' full pay (only in the first 26 weeks following the birth/ placement of the child);**
- **up to 13 weeks of statutory payments; and**
- **up to 13 weeks of unpaid leave**

If SPL is taken simultaneously by both parents, the entitlement to full pay is based on the number of weeks' leave taken by each parent (i.e. up to 12 weeks each), and will be applied from the start of any block of SPL.

For example:

If both parents go on SPL at the same time for a combined total of 24 weeks following the compulsory two-week maternity/adoption leave period (i.e. 12 weeks for the mother/primary adopter and 12 weeks for the second parent), the employee of the College (regardless of whether they are the mother or father/ primary adopter or secondary adopter, etc) will only be entitled to full pay for the initial 12 weeks of that period, as

their partner's leave of 12 weeks will count towards the **initial** 24 week period upon which the entitlement to full pay is based.

Where both parents are employees of the College, they would both be paid 12 weeks at their normal full rate of pay, which would add up to their maximum entitlement of 24 weeks of full pay.

In the event that an employee decides not to return to work after their period of SPL, or if they return after SPL and work less than three months before they leave, the College retains the right to reclaim all or part of the payments made under the College ShPP scheme, minus any statutory element which the employee would be entitled to keep if they qualified for it. Eligible employees will be asked to sign to accept these terms.

Shared parental leave – SPL – contractual benefits

During SPL, the employee's normal terms and conditions of employment are maintained, except those relating to pay. Employees remain entitled to all contractual benefits (such as pension contributions and annual leave). Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. The employee's contributions will be based on their actual pay, whilst our contributions will be based on the salary that the employee would have received had they not been taking SPL.

For more information, please refer to the relevant clause in the 'Maternity' section above.

Shared parental leave – SPL – returning to work

The employee is entitled to return to their original job if they have been absent for no more than 26 weeks in total (either as one block or in aggregate and including any time on maternity, paternity or adoption leave), and to return to a job that is similar and suitable if the absence is longer than 26 weeks.

An employee who wishes to return to work earlier or later than their expected return date should make a written request to do so, giving at least eight weeks' notice of the proposed date of return. This will count as one of the three permitted requests. If the employee has already used all three notifications to book/vary leave, then we will consider the request but are not obliged to accept it.

Shared parental leave – SPL – additional information

Because shared parental leave may involve more than one period of leave, and more than one employer, we encourage employees who intend to take such leave to plan early and to discuss their initial intentions with us on an informal basis as soon as possible. This will enable us to plan more effectively for this, to discuss what may/may not be practical and therefore may also prevent the employee from using one of their three requests for an arrangement that is unlikely to be accepted. We will always give full consideration to requests, but discontinuous periods of leave will be subject to us being able to arrange suitable cover for the absences.

9. FLEXIBLE WORKING

Employees who wish to change their working pattern or hours on their return from maternity/ adoption/ paternity/ shared parental leave should apply to do so in accordance with our flexible working policy.

Where possible, we will aim to grant such requests; however, this is subject to the overriding needs of the organisation at the time.

10. SURROGATE PARENTS

Any employee who has a child placed with them through surrogacy is not eligible for Statutory Maternity or Adoption Leave (any maternity rights fall to the birth mother).^{0052.02}

However, the employee will be eligible for unpaid parental leave once they have attained a Parental Order (for further details of parental leave, see our separate policy). Also, if the intended parent is the biological father of the surrogate child then he would be eligible for paternity leave (subject to meeting all other eligibility requirements set out above).

Surrogate parents who meet the criteria to apply for a Parental Order will be eligible for statutory adoption leave and pay and shared parental leave and pay if they meet the other qualifying criteria that apply to these forms of leave.

11. MONITORING AND REVIEW OF THIS POLICY

This policy will be reviewed regularly and will be updated to ensure compliance with statutory requirements. Any queries or comments regarding this policy should be addressed to the HR Officer.

RELATED POLICIES

We also have the following related policies:

- Equality and Diversity
- Flexible Working
- Health & Safety
- Parental leave
- Time off for dependents

This policy is non-contractual – it does not form part of your terms and conditions of employment.

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