



# Jesus College Oxford

## **PARENTAL AND OTHER FAMILY LEAVE POLICY: Maternity, adoption, paternity, parental, shared parental, and carer's leave policy and procedures**

### **POLICY STATEMENT**

1. Jesus College is keen to support and retain high performing employees, ensuring that they can balance the needs of their personal life alongside work.

### **PURPOSE AND SCOPE**

2. This policy and procedure sets out the steps to be followed for taking the following types of leave:
  - Maternity
  - Adoption
  - Paternity
  - Parental
  - Carer's
  - Shared Parental
3. It also sets out the expectations, benefits, and entitlements associated with each type of leave to ensure that employees and managers have a clear understanding of - and comply with – the relevant procedures, as well as Jesus College's expectations.
4. This policy applies to all employee of Jesus College.

### **PRINCIPLES**

5. The principles when considering leave requests under this policy are as follows:
  - requests will be considered in line with timing requirements set out under current statutory guidelines; and
  - decisions will be applied fairly and consistently across the College.

### **OUTCOMES**

6. The outcomes of this policy are that:
  - high performing employees are retained by Jesus College;
  - Jesus College values the diversity of its employees;
  - employees are assisted in achieving a home-work balance; and
  - Jesus College acts in compliance with relevant statutory requirements.



## MONITORING AND REVIEW

7. Human Resources will monitor the implementation of this policy.
8. A formal review of this policy will take place regularly unless there is a significant change in relevant legislation which triggers an early review.



## MATERNITY LEAVE AND PAY

### Glossary of Terms

#### Ordinary Maternity Leave and Additional Maternity Leave

- **Ordinary Maternity Leave (OML)** - This is the first period of 26 weeks maternity leave after the birth of the child.
- **Additional Maternity Leave - (AML)** - This is the second (last) period of 26 weeks leave following OML.

#### MATBI

A GP or midwife issues this after the 21<sup>st</sup> week of pregnancy

#### Compulsory Maternity Leave

A 2 week period known as Compulsory Maternity Leave which the employee is required to take immediately after the birth of a child, it is included in the OML period.

#### Expected Week of Childbirth (EWC)

This date is included on the MATBI certificate. Any length of service requirement must be met by the qualifying week, the 15th week before EWC.

#### Qualifying Week

The 'qualifying week' - the 15th week before the expected week of childbirth.

#### Statutory Maternity Pay (SMP)

An amount paid at flat rate set by the Government. To qualify for SMP the woman must: have been employed (with a valid employment contract) at the College for 26 weeks, continuing into the qualifying week; have average earnings above the National Insurance lower earnings limit; have provided the College the correct notice and proof of pregnancy.

### Maternity Procedures

#### 1. Leave and Pay Entitlements

- 1.1 All pregnant employees are entitled to 52 weeks statutory maternity leave, no matter how long they have worked for the College.
- 1.2 It is up to the employee how much maternity leave they take but the law requires that this is at least two weeks, this must be taken immediately following the birth of the child (compulsory maternity leave).
- 1.3 There are differences between maternity leave (to which all pregnant employees are entitled) and maternity pay (for which there is a qualifying period).

#### 1. Qualifying for Maternity Pay

- 2.1 In order to receive the College's contractual maternity pay, at the qualifying week the employee must be/have been:
  - employed by the College, with a contract of employment; and
  - have at least 26 weeks continuous service with the College, as an employee; and
  - provide the correct notification of intention to take leave (see 2.2); and
  - confirm their intention of returning to work, for at least three months, following the birth of the baby.



- 2.2 An employee must notify their line manager, in writing, no later than the 15th week before the Expected Week of Confinement/childbirth (EWC) or as soon as is reasonably practicable of:
- their pregnancy ;
  - the expected week of childbirth;
  - the date they intend to start maternity leave; and
  - provide the MATBI certificate from a registered medical practitioner or midwife.

- 2.3 If an employee wishes to change the date in which they intend to take maternity leave, they must notify their line manager at least 28 days before the new date.

## 2. Maternity Pay

- 3.1 Employees who meet the criteria in paragraph 2.1 are entitled to **College maternity pay** of:

- up to 26 weeks' leave on full pay (inclusive of SMP);
- up to 13 weeks' leave at SMP; followed by
- up to 13 weeks unpaid leave.

Total maternity leave = up to 52 weeks

- 3.2 If an employee does **not** qualify for College maternity pay they may be entitled to **statutory maternity leave and statutory maternity pay (SMP)** provided they meet the following criteria:

- they have a valid employment contract;
- they provide proof of pregnancy;
- they have worked for Jesus College continuously for at least 26 weeks up to the 'qualifying week' (15th week before the EWC); and
- they earn a statutory defined minimum amount each week (gross); and
- their average weekly earnings are not less than the lower earnings limit relevant for National Insurance purposes.

- 3.3 Women who are not entitled to SMP may be entitled to claim up to 39 weeks Maternity Allowance from the JobCentre Plus office, this will be dependent on statutory qualifying conditions based on recent earnings.

- 3.4 A woman who does not qualify for SMP or contractual pay but who wishes to take maternity leave must still provide a MATBI.

## 3. Return to Work

- 4.1 Employees who decide not to return to work or who resign within three months of their return to employment, will be required to repay to the College any maternity pay paid to them which is in excess of the statutory provision.

- 4.2 Employees who return to work at the end of their ordinary maternity leave are entitled to return to the same job, with the same terms and conditions, in which they were employed before.

- 4.3 Employees who return to work after a period of additional maternity leave are entitled to return to the same job in which they were employed before or, if that is not reasonably practicable, to another job which is both suitable and appropriate on terms no less favourable.



#### **4. Maternity Leave**

5.1 Maternity leave may start from the 11th week before the EWC. Maternity leave automatically starts if:

- the birth of the baby occurs before the intended start of maternity leave. In such circumstances maternity leave will then start on the day following the birth of the child;
- the employee is absent due to pregnancy-related illness at any time in the four weeks before the EWC. In such circumstances maternity leave will commence on the day following the first day of absence.

5.2 In the sad circumstances where a pregnancy ends in stillbirth during the first 24 weeks of pregnancy (defined as miscarriage) maternity Pay is not payable. In these circumstances any absence would be managed in line with the sickness absence policy. However, if this occurs after 24 weeks, the employee remains entitled to full maternity leave and pay. The College's employee assistance programme can provide support to staff during this difficult time.

#### **5. Annual Leave/Pension**

6.1 Employees should endeavour to use all of their accrued annual leave before maternity leave begins, if this is not possible this must be agreed with their manager before maternity leave begins.

6.2 Annual leave entitlement will continue to accrue at the normal rate during paid maternity leave (College or SMP). Before coming back to work accrued annual leave should be taken.

6.3 Pension rights will accrue in the usual way during paid maternity leave (College or SMP).

#### **6. Sickness absence during or following pregnancy**

7.1 If an employee is absent from work before the start of maternity leave, due to illness unrelated to pregnancy, the usual College sickness absence procedures will apply.

7.2 Periods of pregnancy-related sick absence that occur before maternity leave commences will be paid according to the employee's remaining sick pay entitlement but will be disregarded for the purpose of sickness absence monitoring and management action.

#### **7. Health and Safety at Work**

8.1 The College is required to protect the health and safety of all employees, including new and expectant mothers. The management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees, including new and expectant mothers, and to do what is reasonably practical to control these risks.

8.2 The College is required to carry out risk assessments paying particular attention to risks that could affect the health and safety of the new or expectant mother or her child. Once the College has been informed by the employee of their pregnancy, a risk assessment should be carried out by their line manager.

8.3 In some cases where the line manager feels further advice is required, the Colleges' Health and Safety Officer may be contacted.

#### **8. Time off for antenatal appointments**

9.1 All pregnant employees are entitled to paid time off to attend antenatal appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor. The entitlement applies regardless of the employee's hours of work or length of service. Time off for antenatal appointments is paid at the employee's normal rate of pay. Where it is possible to do so these appointments should be made at the beginning



or end of the working day.

- 9.2 Antenatal care includes not only medical examinations but also maternity related relaxation classes and parent craft classes.
- 9.3 Employees are expected to provide notification of antenatal appointments to their line manager once the appointment is confirmed.
- 9.4 With the exception of the very first antenatal appointment, the College is entitled to ask the employee for evidence of the appointments and on request, the employee must show an appointment card or other documents showing the appointment.
- 9.5 Fathers and partners of pregnant women are entitled to take unpaid time off to accompany their partners to up to two antenatal appointments. Any additional time off that might be required should be requested as annual leave in the normal way. This provision also applies to parents whose child will be born through a surrogacy arrangement and where they meet the requirements for, and intend to apply for, a parental order for this child.

## **9. Contact during Maternity Leave (Keeping in Touch (KIT) days**

- 10.1 It is important that the employee and line manager maintain contact during the maternity leave period. The employee must keep their manager informed of any relevant and important information, such as the proposed return to work dates.
- 10.2 By mutual agreement, the employee may work for up to 10 days' during the maternity leave period (but not during the compulsory maternity leave period) without losing statutory payments for that week, or ending their entitlement to leave.

For this purpose any work carried out on any day is deemed to constitute 'a day's work'. Any days' work done under this provision will not have the effect of extending the total duration of the maternity leave period.

Payment in respect of these 'keeping in touch' days will be agreed beforehand.

## **10. Notification of change of return to work dates**

- 11.1 Unless otherwise notified, the date on which the employee returns to work will normally be the first working day 52 weeks after her maternity leave began.
- 11.2 If the employee wishes to return to work before the end of her full maternity leave period, she must provide the college at least eight weeks' notice of her return to work. This notice requirement applies throughout the whole period of leave. This period is the minimum the College is entitled to expect, but the line manager may, at their discretion, accept less notice.
- 11.3 An employee who has notified the college that she wishes to return to work before the end of the 52 weeks' is entitled to change her mind. However, she should give the College at least eight weeks' notice before the earlier date.
- 11.4 An employee who does not wish to return to work after their maternity leave must give her manager the notice of termination required by her contract of employment. Employees who decide not to return to work or who resign within three months of their return to employment, will be required to repay to the College any maternity pay paid to them, which is in excess of the statutory provision.



## **11. Changing hours of work**

- 12.1 At the end of maternity leave, employees who wish to request a temporary change to their working hours/pattern, must submit a request to their line manager at least eight weeks before their expected return to work date.
- 12.2 The College will also consider the opportunity for employees to return to their normal working hours on a phased basis. Accrued annual leave may be used to facilitate such request. This phased return will be an agreed regular timetable of hours and does not allow for an employee to amend their hours from week to week.
- 12.3 If an employee wishes to amend their working hours/pattern permanently, they would need to apply under the Colleges' flexible working request policy. The College will consider the requests, subject to operational requirements.



## ADOPTION LEAVE

### 1. Adoption Leave and Pay Entitlements

- 1.1 Adoption leave mirrors maternity leave provisions in many respects. Adoption leave rights also apply to partnerships of the same sex, so references to one gender should also be taken to mean either gender.
- 1.2 The term “matched” is when the adopting parents are formally notified by an approved adoption agency that they have a child for adoption. The adoption agency will provide a Matching Certificate.
- 1.3 The Matching Week is the week when adopting parents will be placed with a child.

### 2. Ordinary Adoption Leave and Additional Adoption Leave

- 2.1 There are two types of Adoption Leave:
  - **Ordinary Adoption Leave (OAL)** - Ordinary Adoption Leave is granted to a qualifying employee for a maximum of 26 weeks following the placement of a child.
  - **Additional Adoption Leave - (AAL)** - This is the second period of 26 weeks leave following AAL.

### 3. Qualifying for Adoption Leave/Pay

- 3.1 An employee is eligible for adoption **leave** if:
  - they have been newly matched with a child for adoption by an approved adoption agency; and
  - given the correct notice for the leave.
- 3.2 An employee is eligible for adoption **pay** if:
  - they qualify for adoption leave; and
  - have been continuously employed at Jesus College for at least 26 weeks in the week they are notified that they have been matched for adoption.

### 4. Disruption to the Adoptive Placement

- 4.1 In the unfortunate circumstances where there is a disruption to the adoptive placement, the entitlement to statutory adoption pay expires 8 weeks after any of the following events:
  - The child is not placed;
  - The child stops living with the adopter;
  - The child dies.
- 4.2 Entitlement to statutory adoption pay will cease immediately if: the employee works in any week in which statutory pay is payable during the leave period (with the exception of KIT days); the employee is taken into custody; and/or if the employee becomes entitled to statutory sick pay.

### 5. Dual Approved Prospective Adopters

- 5.1 The Children and Families Act 2014 contains a provision which requires local authorities who are looking after a child, for whom they are considering adoption, to place them with local authority foster parents who are also approved prospective adopters, on a fostering basis.
- 5.2 Dual approved prospective adopters may be eligible for adoption leave and pay where they have agreed to have a child placed with them in accordance with section 22C of the Children Act 1989, with a view to them adopting that child. To be eligible for adoption leave as a dual approved prospective adopter an employee must:





- be a local authority foster parent who has been approved as suitable to adopt the child/children you initially foster;
- have been notified by the local authority of its decision to place a child with them, in accordance with section 22C of the Children Act;
- have notified the local authority that they have agreed to the placement (initially) fostering and the date it will take place;
- give the correct notice to the College (must be given within 7 days of you being notified by the local authority or as soon as practicable).

## **6. Notification procedures**

- 6.1 Employees must inform their manager within seven days of being notified by their adoption agency that they have been matched with a child for adoption. They should send a completed Adoption notification form to their manager along with a matching Certificate from the adoption agency. This notice must specify the date that the child is expected to be placed and the date that they would like the adoption leave to start. The manager will forward this to Human Resources.
- 6.2 If an employee wishes to change their request date of adoption leave, they must give 28 days' notice in writing to their line manager.
- 6.3 Members of staff who give notice in writing of their intention to return to their previous work in College after their adoption leave and who have been continuously employed by the College for a minimum period of 12 months before the matching date are entitled to **College adoption pay** of:
- 26 weeks' leave on full pay; and
  - 13 weeks on half pay (on the assumption half pay is not lower than SAP); and
  - up to 13 weeks on SAP.

## **7. Return to Work**

- 7.1 Employees who decide not to return to work or who resign within three months of their return to employment, will be required to repay to the College any adoption pay paid to them, which is in excess of the statutory provision.
- 1.1 Employees who return to work at the end of their ordinary adoption leave are entitled to return to the same job, with the same terms and conditions, in which they were employed before.
- 1.2 Employees who return to work after a period of additional adoption leave are entitled to return to the same job in which they were employed before or, if that is not reasonably practicable, to another job which is both suitable and appropriate on terms no less favourable.

## **2. Annual Leave/Pension**

- 2.1 Employees should endeavour to use all of their accrued annual leave before adoption leave begins, if this is not possible this must be agreed with their manager before adoption leave begins.
- 2.2 Annual leave entitlement will continue to accrue at the normal rate during paid adoption leave. Before coming back to work accrued annual leave should be taken.
- 2.3 Pension rights will accrue in the usual way during paid adoption leave.



### **3. Time off for adoption appointments**

- 3.1 The main adopter is entitled to take paid time off for up to five adoption appointments. The secondary adopter will also be entitled to take unpaid time off for up to two appointments. The entitlement applies regardless of the employee's hours of work or length of service. Time off for adoption appointments is paid at the employee's normal rate of pay. Where it is possible to do so these appointments should be made at the beginning or end of the working day.
- 3.2 Employees are expected to provide notification of adoption appointments to their line manager once the appointment is confirmed.
- 3.3 With the exception of the very first appointment, the College is entitled to ask the employee for evidence of the appointments and on request, the employee must show an appointment card or other documents showing the appointment.

### **4. Contact during Adoption Leave (see Keeping in Touch in maternity)**

- 4.1 It is important that the employee and line manager maintain contact during the adoption leave period. The employee must keep their manager informed of any relevant and important information, such as the proposed return to work dates.

### **5. Changing hours of work**

- 5.1 At the end of adoption leave, employees who wish to request a temporary change to their working hours/pattern, must submit a request to their line manager at least eight weeks before their expected return to work date.
- 5.2 The College will also consider the opportunity for employees to return to their normal working hours on a phased basis. Accrued annual leave may be used to facilitate such request. This phased return will be an agreed regular timetable of hours and does not allow for an employee to amend their hours from week to week.
- 5.3 If an employee wishes to amend their working hours/pattern permanently, they would need to apply under the Colleges' flexible working request policy. The College will consider the requests, subject to operational requirements.



## PATERNITY LEAVE POLICY AND PROCEDURES

### 1. Terminology

- 1.1. The procedures set out below apply to any employee who meets the eligibility criteria set out in this document; these are regardless of gender or marital status. For simplicity in part this guidance refers to 'father' and 'paternity'.

### 2. Paternity Leave

- 2.1. Paternity Leave is for a maximum of **two weeks** to be taken within 52 weeks following the birth, or adoption placement, of a child. For the purposes of calculation, a week is the same number of days/hours that the employee normally works in a week.
- 2.2. Subject to the above, you can choose to begin your leave:
- on the date on which the child is born/placed with the adopter;
  - from a specified chosen number of days after the date of the child's birth/placement (whether this is earlier or later than expected); or
  - from a specified predetermined date which is later than the first day of the expected week of the child's birth/expected date of placement.
- 2.3. Leave can start on any day of the week, and you can choose to take:
- one week of leave
  - two consecutive weeks of leave, or
  - two non-consecutive single weeks of leave
- 2.4. During paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to paternity leave.
- 2.5. Where possible, you should book and take your annual leave entitlement in the current holiday year. However, if you are unable to take all of your statutory minimum entitlement to annual leave because you were on paternity leave, you are entitled to carry over untaken annual leave into the following leave year.

### 3. Time off for antenatal appointments

- 3.1. Employees have the right to accompany their partner to a maximum of two antenatal appointments (a maximum of 6.5 hours per appointment) made on the advice of a registered medical practitioner, registered midwife or registered health visitor. The entitlement applies regardless of the employee's hours of work or length of service. Time off for antenatal appointments is unpaid. Where it is possible to do so these appointments should be made at the beginning or end of the working day.
- 3.2. Employees may be asked to provide a declaration stating the date and time of the appointment and that you qualify for the time off in terms of your relationship with the mother of the child or the child. To be eligible you must:
- Father of the child; or
  - The husband, civil partner, or partner of the mother.

### 4. Eligibility

- 4.1. To be eligible for the College's Paternity Leave, the employee must:
- have been employed continuously by the College for a period of at least 26 weeks by the end of the 15th week before the expected week of the child's birth or, in the case of an adopted child, for at least 26 weeks leading into the week in which the adopter is notified of being matched with a child; and



- have a contract of employment with the College which covers the entire period of the leave; and
  - be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person, whether of a different sex or the same sex, who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle);
  - have, or expect to have, responsibility for the child's upbringing.
- 4.2. Only one period of leave is available even if more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.
5. **Notification requirements**
- 5.1. Birth - Notice of entitlement
- First, you must give us notice of your entitlement to take paternity leave in or before the 15th week before the expected week of the child's birth. The notice must specify the expected week of birth and must include a signed declaration that:
- you are either the father of the child or married to or the partner of the child's mother, but not the child's father;
  - if you are the father, that you have or expect to have responsibility for the upbringing of the child; and
  - if you are the mother's husband or partner but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.
- 5.2. Birth - Notice of leave
- 5.2.1. Then, once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, of:
- when you want your leave to start and
  - the length of leave you want to take.
- 5.2.2. You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's mother.
- 5.2.3. If you want to take leave starting on the date of birth, you need to give us the notice of leave at least 28 days before the first day of the expected week of the child's birth.
- 5.2.4. If you want to start your leave a number of days after the birth rather than giving an actual date, you need to give us the notice of leave at least 28 days before the day that falls that number of days after the first day of the expected week of birth. For example, if you want to start paternity leave 4 days after the birth of the child, you need to give us the notice of leave 28 days before the 4th day after the first day of the expected week of childbirth.
- 5.2.5. If you want your leave to start on a predetermined date after the first day of the expected week of the child's birth, you need to give us the notice of leave at least 28 days before that predetermined date.
- 5.2.6. Where it is not reasonably practicable for you to give notice as set out below, it should be given as soon as is reasonably practicable.



### 5.3. Adoption - Notice of entitlement

5.3.1. First, you must give us notice of your entitlement to take paternity leave no more than seven days after the date on which you were notified of having been matched with a child. The notice must specify:

- the date on which you were notified of having been matched with the child,
- the date on which the child is expected to be placed with you or, where the child has already been placed for adoption, the date of placement.

You must also give us a signed declaration that:

- you are either married to or the partner of the child's adopter; and
- you have, or expect to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child.

### 5.4. Adoption - Notice of leave

5.4.1. Once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, no more than seven days after the date on which you were notified of having been matched with a child of:

- when you want your leave to start, and
- the length of leave you want to take.

5.4.2. You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's adopter.

### 5.5. Changing your mind about dates of leave – birth and adoption

5.5.1. You may change your mind about the date on which you want your leave to start or end, or cancel the period of leave chosen, providing you notify us in writing. The notice must be given by whichever is the earlier of at least 28 days before the original date of leave or the new date of leave, unless this is not reasonably practicable. If you give us notice to vary a period of paternity leave, you must also give us a signed declaration as to the purpose of the absence.

### 5.6. Required changes to dates of leave – birth and adoption

5.6.1. If you have chosen to start a period of paternity leave on a particular predetermined date, and the child has not been born/is not placed with the adopter on or before that date, you must change the date you want paternity leave to start and give us notice of the new date. This notice must contain a signed declaration as to the purpose of the absence.

### 5.7. Telling us the date of birth/placement

5.7.1. You must give us a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed, if the date of placement was not provided in the notice of intention to take paternity leave.

## 6. **Paternity pay**

6.1. You may be entitled to Statutory Paternity Pay (SPP) if you meet the eligibility criteria.

### 6.2. Eligibility

6.2.1. You will qualify for SPP if you meet the following criteria:

- you have been continuously employed with us for at least 26 weeks' continuing into the 15th week before the week the baby is due/the week in which you were notified of having been matched with a child and remain employed by us at the date of birth/placement.
- your average weekly earnings are not less than the lower earnings limit relevant for National Insurance purposes.
- you have the prescribed relationship with the child and the mother/adopter.



- you intend at the start of the paternity pay period to care for the child or support the mother.

### 6.3. Length of Pay Period

- 6.3.1. The paternity pay period is a maximum of 2 weeks to be payable for the duration of your paternity leave.

### 6.4. Amount of Payment

- 6.4.1. Payment will be made at the standard rate for the duration of paternity leave. The current rate for Statutory Paternity Pay can be found on the government website: <https://www.gov.uk/employers-paternity-pay-leave>. If you have any queries about this, you should contact Human Resources.

## 7. Documentation

- 7.1. The employee may be asked to provide a copy of the child's birth certificate/adoption notification.

## 8. Return to work

- 8.1. Employees who return to work following an isolated period of paternity leave; or a period of parental leave of no more than four weeks, are entitled to return to the same job, with the same terms and conditions, in which they were employed before the absence.

- 8.2. In addition, seniority, pension and similar rights should be as they would have been had the absence not occurred, and other terms and conditions should not be less favourable than those which would have applied had the absence not occurred.

- 8.3. Employees who return to work after a period of additional paternity leave, are entitled to return to the same job in which they were employed before or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances on terms no less favourable.

## 9. If the baby dies

- 9.1. Employees still qualify for paternity leave and pay if the baby is either:
- stillborn from 24 weeks of pregnancy;
  - born alive at any point in the pregnancy but later dies.

## 10. Contact during Paternity Leave

- 10.1. It is important that the employee and line manager maintain contact during the paternity leave period. The employee must keep their manager informed of any relevant and important information, such as the proposed return to work dates.



## **PARENTAL LEAVE POLICY AND PROCEDURES** (separate to Shared Parental Leave)

### **6. Parental leave**

6.1 Parental leave allows employees to take **unpaid** leave from work for up to 18 weeks, up to the child's eighteenth birthday, to spend time to care for, or make arrangements, for the welfare of their child. Examples of parental leave include:

- taking time to settle a child into a new nursery or when starting school;
- managing a change or temporary breakdown in childcare arrangements;
- accompanying children on school trips.

1.2 Parental leave can only be taken in blocks of one or two weeks, to a maximum of 4 weeks, in one year. The year is calculated on a rolling year basis from the first day of parental leave taken by the employee.

1.3 The employee's terms and conditions remain unchanged during parental leave with the exception that unpaid leave is not counted as reckonable service for pension purposes.

### **7. Qualifying for Parental Leave**

2.1 Employees are eligible to apply for parental leave if they:

- have been continuously employed at Jesus College for one year or more
- have or expect to have responsibility for a child because they:
  - are the parent of a child up to the age of 18 years;
  - have adopted a child (under the age of 18 years);
  - have acquired formal, legal parental responsibility for the child up to the age of 18 years old.

2.2. The right to statutory parental leave is an individual right so both parents are entitled to statutory parental leave for each child. However, parental leave does not "renew itself" when people change jobs. An employee applying for such leave will be asked to declare how much parental leave they have already taken in other organisations, prior to joining the College.

### **8. Notification procedures**

3.1 Employees should apply for parental leave with as much notice as possible and not less than 21 days in advance of the time they would like to take off work.

3.2 Other than in the event of an emergency, applications for parental leave will be considered in the same way as other leave applications, with due regard for operational requirements and business needs. The College may postpone a request for parental leave if the leave would in the College's view unduly disrupt the operations of the College. If it is necessary to postpone the date upon which the leave is taken your line manager will write to you within seven days of receipt of your request setting out reasons as to why the leave has been postponed.

We will not postpone parental leave in respect of a father wanting leave immediately after the birth of a child, or for individuals who require leave immediately after the date that an adoptive placement takes place, as long as the appropriate notice requirements are given.

The College may ask for evidence to support your request for the parental leave.



## SHARED PARENTAL LEAVE (SPL) AND SHARED PARENTAL PAY (ShPP) PROCEDURES

### 1. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)

- 1.1 The SPL and ShPP statutory schemes enable eligible parents, if they so wish, to share a period of leave and pay in the 52 weeks immediately following the birth or adoption of their child.
- 1.2 It is available to both parents who share the main caring responsibility of the child. It can only be used by the mother/primary adopter and one of the following:
- the biological father;
  - the mother's husband or partner (including same sex relationships) or civil partner;
  - the primary adopter's spouse or partner (including same sex relationships) or civil partner.

### 2. Entitlement

- 2.1 Eligible members of staff may be entitled to share a maximum of 50 weeks SPL. The amount of SPL that can be taken by both parents depends on the portion of maternity/adoption leave entitlement still available once the mother/primary adopter has curtailed their maternity/adoption pay and leave entitlements.
- 2.2 The mother must compulsorily take two weeks maternity leave from the day of the birth of the child before they are able to end their maternity leave. In the case of adoption, the main adopter can take SPL after taking at least two weeks of adoption leave.
- 2.3 Eligible parents may take leave at the same time or can take leave separately.
- 2.4 SPL can be taken in either a single continuous block or in smaller amounts of complete weeks up to three separate blocks. Leave must be taken in minimum one week blocks.
- 2.5 Eligible members of staff may also be entitled to share up to 37 weeks ShPP. Pay is split as follows:
- Up to 24 weeks' paid at the full rate of the employee's normal pay (only in the first 26 weeks following the birth/placement of the child);
  - Up to 13 weeks paid at the statutory rate of pay; and
  - Up to 13 weeks of unpaid leave
- 2.6 SPL pay will be paid in accordance with the point at which, in the above timeline, the leave is taken.
- 2.7 In the case of a multiple birth or the adoption of more than one child, the parents are entitled to the same benefits as if they were having one child.
- 2.8 SPL is only available during the first year of birth or placement for adoption. Any SPL not taken within the twelve-month period will be lost.
- 2.9 Repayment of Occupational Shared Parental Pay:  
In the event that a member of staff fails to return to work after a period of shared parental leave, or returns to work but fails to continue in employment for at least 3 months, the College will normally require the member of staff concerned to repay the non-statutory element of the maternity pay received.





### 3. Eligibility

- 3.1 SPL is only available to 'employees'. It is not available to casual and agency workers or self-employed contractors.
- 3.2 Each parent must qualify separately (ie in their own right) for SPL. Both parents must share the main responsibility for the care of the child and they must provide the necessary statutory notices.
- 3.3 To be eligible for Statutory Shared Parental Pay a member of staff or their partner must be:
- Have, or expect to have responsibility for caring for the child;
  - Have ended their entitlement, returned to work or given notice to reduce their maternity / adoption leave or pay / allowance e.g. take less weeks than entitled

And meet the following:

#### Continuity of Employment Test

- Members of staff must have at least 26 weeks continuous service at the end of the 15th week before the child's due date (or at the week in which an adopter was notified of having been matched with a child for adoption) and still be in employment in the first week of each period of shared parental leave to be taken
  - A member of staff's partner must have worked at least 26 weeks in the 66 weeks leading up to the child's due date/ matching date for adoption and have earned above the maternity allowance threshold in any 13 weeks of the 66 weeks
  - In addition to the above, to be eligible for Statutory Shared Parental Pay, the mother/adopter must have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the qualifying week, the 15th week before the expected birth/adoption.
- 3.4 There may be occasions where only one parent is eligible for SPL and ShPP. For example, a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify. Where only one parent is entitled to SPL, the leave cannot be shared between them.

### 4. Process

- 4.1 Employees who wish to take SPL and who meet the eligibility criteria are required to give **three separate notices**:
- A notice to curtail maternity/adoption leave (if the employee is the mother or primary adopter)
  - A notice of entitlement to SPL and ShPP
  - A notice to 'book' any period(s) of SPL.
- 4.2 The College encourages individuals to have early discussions with their department about their leave arrangements in order to help with departmental planning.

### 5. Maternity/ Adoption Leave Curtailment Notice

- 5.1 If the employee is the mother or primary adopter, they must provide the College at least eight weeks' written notice to end their maternity/adoption leave before they or their partner can take SPL. This is the 'curtailment notice'. Notice can be given before or after the child's birth or placement but the leave cannot end until at least two weeks after.
- 5.2 The curtailment notice is binding and cannot usually be revoked. The employee may only revoke a curtailment notice if the maternity or adoption leave has not yet ended and one of the following applies:



- the employee realises that neither they or the other parent are in fact eligible for SPL or ShPP, in which case they may revoke the curtailment notice in writing up to eight weeks after it was given;
- if the curtailment notice was given before giving birth or the placement of the child, then the employee may revoke it in writing up to eight weeks after it was given, or up to six weeks after the birth or placement, whichever is later; or
- if the other parent has died.

5.3 Once an employee has revoked their curtailment notice they will be unable to opt back into the SPL scheme, unless they revoked it in one of the circumstances described above.

## 6. Notice of entitlement

### 6.1 Birth

6.1.1 If the mother is an employee of Jesus College, they must provide written notice of entitlement to SPL and ShPP no less than eight weeks before the proposed start date of the leave, using our notification form.

6.1.2 If the mother's partner is the employee of the College similar information must be provided no later than eight weeks before the proposed start date of SPL.

6.1.3 The College may request a copy of the child's birth certificate within 14 days of receive the notice from the employee. The employee will have 14 days to respond to the request, with either a copy where the child has been born or an agreement to provide the certificate after birth.

6.1.4 The notice of entitlement to SPL and ShPP is non-binding. It can be revoked or amended, along as notice is given within the correct time frame.

### 6.2 Adopter

6.2.1 If the primary adopter is an employee of Jesus College, they must provide written notice of entitlement to SPL and ShPP no less than either weeks before the proposed start date of the leave, using our notification form.

6.2.2 If the primary adopter's partner is the employee of the College, similar information must be provided no later than eight weeks before the proposed start date of SPL.

## 7. Booking Shared Parental Leave

7.1 The employee must give written notice to book a period of SPL, which specifies the start and end dates of the leave. The notice must be given at least eight weeks before the proposed start date.

7.2 Leave can be requested as one continuous block or in discontinuous blocks; i.e. split into shorter periods in which the individual returns to work in between.

### 7.3 Notice periods

7.3.1 Up to a maximum of three notices (inclusive of any changes) to book leave can be made by each parent individually. This includes the first notice to book the leave. This means that parents can request or vary blocks of leave on three separate occasions, but must be within the first year of the child's birth or placement for adoption. If an individual wishes to take discontinuous leave in multiple blocks, with periods to return to work in between, this must be done in one single notice.

7.3.2 The employee will need to discuss proposals with their line manager and/or Human Resources and any changes to the agreed patterns of leave may only take place where mutual agreement between the College and employee is achieved.



7.2.3 Where an employee intends to book leave in discontinuous blocks, they should discuss this with their line manager prior to submitting any notice to book leave.

7.3.4 The notice to book leave is binding, unless it is later ascertained that one of both the parents do not qualify for SPL. However if the mother or primary adopter gives their notice before the birth or placement, they have the right to require a change in the leave arrangements up to six weeks after the child's placement.

7.3.5 If an employee wishes to cancel or change a period of leave, the College must be notified in writing at least eight weeks before the start date of the leave. Employees do not need to give eight weeks' notice if they are changing the dates because their child was born earlier than the EWC, where they wanted to start the SPL a certain length of time after birth. In such cases employees should notify the College in writing as soon as possible.

7.3.6 The College reserves the right to refuse periods of leave requests. When a period of leave is requested, the outcome from the College will either be agreement to the request, a proposal of an alternative date or refusal of the request.

## **8. Contact during Shared Parental Leave**

8.1 It is important that the employee and line manager maintain contact during the leave period. The employee must keep their manager informed of any relevant and important information.

## **9. Return to Work**

9.1 Employees who return to work following a combined period of leave (any combination of SPL/Maternity/Paternity/Adoption) that totals 26 weeks or less, have the right to return to the same job in which they were employed before they went on leave.

9.2 Employees who return to work following a period of combined leave that exceeds 26 weeks or SPL was taken consecutively with more than four weeks of unpaid parental leave, the employee will normally return to the same job in which they were employed before or, if that is not reasonably practicable, to another job which is both suitable and appropriate on terms no less favourable.

## **10. Changing hours of work**

10.1 At the end of SPL, employees who wish to request a temporary change to their working hours/pattern, must submit a request to their line manager at least eight weeks before their expected return to work date.

10.2 The College will also consider the opportunity for employees to return to their normal working hours on a phased basis. Accrued annual leave may be used to facilitate such request. This phased return will be an agreed regular timetable of hours and does not allow for an employee to amend their hours from week to week.

10.3 If an employee wishes to amend their working hours/pattern permanently, they would need to apply under the Colleges' flexible working request policy. The College will consider the requests, subject to operational requirements.

## **11. Annual Leave / Pension**

11.1 Employees should endeavour to use all of their accrued annual leave before maternity leave begins, if this is not possible this must be agreed with their manager before maternity leave begins.

11.2 Annual leave entitlement will continue to accrue at the normal rate during paid shared parental leave. Before coming back to work accrued annual leave should be taken.



- 11.3 Pension rights will accrue in the usual way during paid shared parental leave. When the employee is on zero pay, no contributions are payable by either them or the College. If, when an employee returns to work, they would like to make up the pensions contributions that they did not pay because of reduced or zero pay during a period of SPL, the employee may do so.



## CARER'S LEAVE POLICY

### 1. Introduction

1.1. Employees with caring responsibilities have a statutory right to take unpaid statutory carer's leave from day one of their employment. This policy sets out the College's stance on employees taking time off for this purpose whilst ensuring the College's operations are not unduly affected. The term 'dependant' for these purposes is prescribed in law and replicated in this policy. Employees will not be subject to detriment for taking carer's leave.

### 2. Entitlement

2.1. You are entitled to take one working week unpaid of carer's leave per rolling 12-month period to provide care or arrange care for a dependant with a long-term care need. When you make a request, we will look back over the previous 12 months from the final (or only) day of leave that you have requested to determine your exact entitlement at that time.

2.2. You can request to take your entitlement in a continuous block or separate occurrences, but each occurrence must be at least one half of your working day.

2.3. For these purposes, a week is based on the number of days you normally work in a week. If your normal working time varies from week to week, or if you are not contracted to work in every week of the year, a week is your average working time in a week taken over the previous 12 months.

2.4. A dependant is defined as a:

- spouse or civil partner;
- child;
- parent;
- person who lives in the same household but is not a tenant, lodger, boarder or employee;
- person who reasonably relies on you to provide or arrange care. This could be, for example, an elderly neighbour.

2.5. A dependant has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- they have a disability for the purposes of the Equality Act 2010; or
- they require care for a reason connected with old age.

2.6. The College recognises that people other than those listed above in relation to whom the statutory right applies may depend on you for assistance. Requests for time off in relation to these people should be made to your line manager, but these will be considered separately to requests for statutory carer's leave.



2.7. You are not required to provide evidence of your eligibility in relation to a request for carer's leave.

2.8. Employees who request or take time off under this policy for reasons other than those for which the statutory right to carer's leave is intended may be subject to investigation and subsequent disciplinary proceedings.

### 3. **Pay for time off**

3.1. Time off for carer's leave is unpaid.

### 4. **Requests for carers' leave**

4.1. A request for carer's leave must be made in writing (please let your Line Manager know if you require any assistance with this) and must specify:

- that you are entitled to take carer's leave in terms of the person to be cared for;
- that you will take leave in order to provide or arrange care for that person;
- that you have not exceeded your entitlement; and
- the days on which you want to take leave and if the leave relates to part of a day, specify this fact.

4.2. The length of notice to be given is double the amount of time that you want to take off as carer's leave in that instance, or three days, whichever is longer.

### 5. **Postponing carer's leave**

5.1. The College may decide to postpone your request for carer's leave for up to one month, if we reasonably consider that the operation of our business would be unduly disrupted if you took carer's leave at the time you have asked for. We will try to avoid postponement wherever possible.

5.2. The College will consult with you before determining a new date for you to take the carer's leave requested. The new period of carer's leave will be for the same length of time as the original request.

5.3. The College will confirm to you in writing the reason for the postponement and the new agreed date of leave, no later than whichever is earlier out of: seven days after you gave the request to the College, and the earliest day, or part day, of the leave originally requested.

### 6. **OTHER POLICIES**

6.1. You have a statutory right to take a reasonable amount of time off work to deal with emergencies involving your dependants. If you need time off in an emergency to care for a dependant, you should read our time off for dependants policy.

6.2. Your entitlement to time off on the loss of a child are set out in our policy on parental bereavement leave, including details of eligibility, pay during time off and other support available.



6.3. If you wish to make a request for parental leave to care for a child, you should read the Parental Leave Policy above.



## PARENTAL BEREAVEMENT LEAVE

### 1. Introduction

1.1. The purpose of this policy is to set out the Company's stance on employee entitlements to parental bereavement leave. The Company acknowledges that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life. This policy explains rights to time off, pay during time off, and other support offered.

### 2. Eligibility

2.1. Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take parental bereavement leave if you fall into any one of the following categories:

- A 'natural' parent;
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing;
- A 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child;
- An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt;
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made;
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day-to-day responsibility for the child, subject to exceptions. This category includes guardians and foster parents, but does not include paid carers;
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

2.2. In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

### 3. Taking leave

3.1. A total of two weeks may be taken as parental bereavement leave and you may choose to take leave as:

- A single block of one week;
- A single block of two weeks;
- Two separate blocks of one week.

3.2. Leave must be taken in whole weeks and can start on any day of the week. It may be taken at any time in the 56-week period following the death.

3.3. If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take the full entitlement to maternity and paternity leave, provided you were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave.





Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

3.4. Where more than one child dies or is stillborn, you are entitled to two weeks of parental bereavement leave in relation to each child.

#### 4. Notification requirements

4.1. If leave is to be taken within the first 56 days of the death, no advance notification is needed. You should contact your line manager in the first instance, ideally by telephone or email, by the time you were due to start work on the day you wish leave to begin. If it is not possible to let us know before the leave begins, please let us know as soon as is reasonably practicable after it starts, giving the date of the death, the date on which leave will start, and whether one or two weeks is to be taken.

4.2. If leave is to be taken after the first 56 days have passed since the death, one weeks' notice is required. You should contact your line manager by telephone or email at least one week before you wish leave to start giving the date of the death, the date on which leave will start, and whether one or two weeks is to be taken.

#### 5. Cancelling or changing dates of leave

5.1. You can cancel a period of leave that you have already told us about, as long as the period of leave has not already started. If your leave was due to start within the first 56 days of the death and you want to cancel it, you simply need to let us know, by your normal start time on the day that leave was due to start, that you no longer wish to take it. You are then free to re-arrange the leave.

5.2. If your leave was due to start once the first 56 days since the death has passed and you want to cancel it, you should let us know no later than one week prior to the intended start date.

5.3. You can also change the start date of leave by following the corresponding notice requirements above.

#### 6. Payment during leave

6.1. You will qualify for statutory parental bereavement pay during leave if you meet the following criteria:

- You have been continuously employed with us for at least 26 weeks by the week prior to the week in which the child dies;
- Your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes;
- You are still employed by us on the date the child dies.

6.2. Payment will be made at the rate set by the Government each year or 90% of your average weekly earnings (whichever is lower).



6.3. In order to receive statutory parental bereavement pay, you must provide us with notice including the following information within 28 days, or as soon as is reasonably practicable, of the first day of parental bereavement leave:

- The child's name;
- The date of the death or stillbirth;
- A declaration that you fall into the one of the categories listed under 'Eligibility' above.

## 7. **Returning to work**

7.1. Upon your return to work, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence unless:

- The period of leave you have taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc. in relation to the same child, and
- It is not reasonably practicable for you to return to the same job.

7.2. On your first day back to work, your line manager will set time aside to hold an informal meeting with you to discuss any arrangements regarding your return to work and any additional support we may be able to offer you.

## 8. **Employee Assistance Programme**

8.1. We would like to remind you that you have access to a 24-hour telephone counselling service, and we would like to encourage you to use it if you feel like you would like to talk to someone about your loss. The service can be accessed by calling 0800 0474097.

8.2. As part of our Employee Assistance Programme, you also have access to an online wellbeing tool, Wisdom AI, which you can use to find fast answers to any wellbeing questions you have. You can access Wisdom AI at any time via the Health Assured portal. The link in the menu bar will take you directly to the Wisdom AI homepage, where you can ask your question. More details of this service are available from the Human Resources team.