



## MATERNITY, PATERNITY, ADOPTION, PARENTAL AND OTHER FAMILY LEAVE

### Procedures - 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 leave after the birth of the child.
- **Additional Maternity Leave - (AML)** - This is the second period of 26 weeks leave following OML.

##### 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 MATB1 certificate, issued by a GP or Midwife. Any length of service requirement must be met in the 15th week before EWC.

#### 1. Leave and Pay Entitlements

- 1.1 An employee must notify their line manager, in writing, no later than the 15th week before the Expected Week of Confinement (EWC) or as soon as is reasonably practicable of: the date they intend to start maternity leave; and the number of weeks of maternity leave they intend to take; and provide the MATB1 certificate

Human Resources will confirm, in writing, the proposed dates and explain the entitlements and obligations.

#### 2. Maternity Pay

- 2.1 Employees who give notice in writing of their intention to return to their previous work in College after their maternity leave and who have been continuously employed by the College for a minimum period of 12 months before the EWC are entitled to **College maternity pay** of:

- eight weeks' leave on full pay, including Statutory Maternity Pay (SMP);
- 16 weeks on half pay (if half pay is not lower than SMP); and
- up to 15 weeks on SMP.

A further 13 weeks leave, without pay, can be taken.

- 2.2 If an employee does not qualify for College maternity pay they are entitled to **statutory maternity leave and SMP** provided they meet the following criteria:

- there is a valid employment contract;

- prove of pregnancy is provided;
- 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).

### **3. Return to work**

3.1 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. Maternity Leave**

4.1 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. 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 4 weeks before the EWC.

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

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.

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.

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

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

6.1 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.

6.2 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.

## Procedures – Paternity Leave

### 1. Paternity Leave and Pay Entitlements

1.1 There are two types of paternity leave: Ordinary Paternity Leave and Additional Paternity Leave.

### 2. Ordinary Paternity Leave (OPL)

2.1 OPL is granted to a qualifying employee for a maximum of two weeks following the birth or placement of a child for adoption as long as they:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner (including same sex relationships)
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child
- give the correct notice.

2.2 Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

### 3. Additional Paternity Leave (APL)

3.1 To qualify for APL an employee must meet the criteria for OPL.

3.2 APL is for a maximum of 26 weeks. Leave can be taken from 20 weeks after the child is born, but it must have finished by the child's first birthday.

3.3 For APL and pay to be taken the child's mother or adopter, must have started working again and any relevant payment must have stopped, with at least two weeks of the 39 week payment period remaining. The employee must intend to care for the child during the Additional Statutory Paternity Pay period.

3.4 Jesus College offer an enhanced provision as will the maternity provision, therefore 4 weeks of APL will be paid at half pay (if half pay is not lower than SMP).

### 4. Notification/Timing

4.1 The College must receive notice in writing at least eight weeks before the start of the leave. This must include:

- the expected date of the birth or date of notified of being matched for adoption
- the start date of the Additional Paternity leave and pay
- relationship to the mother and confirmation that the leave being requested is to care for the child

4.1 Paternity leave cannot start until the birth of the baby.

## Procedures – Parental Leave

### 1. Parental leave

1.1 Parental leave allows employees to take **unpaid** leave from work for up to 18 weeks, up to the child's fifth 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.

### 2. 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 no older than 5 years old;
  - have adopted a child (until the fifth anniversary of the adoption or until the child's 18<sup>th</sup> birthday, whichever occurs sooner);
  - have acquired formal, legal parental responsibility for the child no older than 5 years old; or
  - have responsibility for a child who is entitled to disability allowance and is under 18 years old.

2.2. The entitlement to parental leave is in relation to each child and 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.

### 3. Notification procedures

3.1 Employees should apply for parental leave with as much notice as possible and not less than 21 days in advance.

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.

## Procedure - 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

- 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
  - they 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.
- 3.2 Employees who decide not to return to work, for whatever reason, or who resign within three months of their return to employment, will be required to repay to the College any additional adoption pay paid to them, which is in excess of the necessary statutory requirement.

### 4. Notification procedures

- 4.1. Employees must inform their manager within 7 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. The manager will forward this to Human Resources.
- 4.2 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:
  - eight weeks' leave on full pay; and
  - 16 weeks on half pay (on the assumption half pay is not lower than SAP); and
  - up to 15 weeks on SAP.

## Procedures – Time off for Dependants

### 1. Time off for dependants

1.1 Employees may take a reasonable amount of **unpaid** time off work to deal with emergencies or to make arrangements for long term care for dependants.

### 2. Criteria and Notification

2.1 There is no length of service requirement.

2.2 Time off for dependants is for emergency needs and is not available to cover childcare or other caring needs that are planned or expected.

2.3 The reasonableness of an employee's request to take time off will usually involve consideration of factors such as, but not restricted to:

- whether and how often the problem has occurred before;
- whether there is another way of resolving the problem;
- the College's operational requirements and business needs.

2.4 The College is entitled to decline a request for unpaid leave for dependants if it considers that the request is not reasonable.