Family Leave Arrangements

- Maternity Leave and Pay
- Partner (‘Paternity’) Leave and Pay
- Keeping in Touch Days
- Compassionate Leave
- Surrogacy
- Adoption Leave and Pay
- Shared Parental Leave
- Parental Leave
- Time off for dependants
- Leave for fertility treatment (IVF and IUI)

https://intranet.birmingham.ac.uk/parentscarers
Scope and Purpose

These guidelines set out the arrangements, criteria and process for applying for the following types of family leave:

- Maternity Leave and Pay
- Partner ('Paternity') Leave and Pay – births
- Adoption Leave and Pay (including surrogacy)
- Partner ('Paternity) Leave and Pay - adoptions
- Shared Parental Leave
- Keeping in Touch (KIT) Days/Shared Parental Leave in Touch (SPLIT) days
- Leave for fertility treatment (IVF and IUI)
- Parental Leave
- University Compassionate Leave
- Time off for Dependents

This document is supplemented by FAQs on the Parents and Carers intranet. It is recommended that you read both this guidance and the FAQs: https://intranet.birmingham.ac.uk/parentscarers

This information will be periodically updated by Human Resources to reflect any changes to statutory arrangements or University practices, and is correct as of October 2016.

Booking your leave and further information

If you are planning on taking maternity leave, adoption leave or shared parental leave please contact HR Services via the HR Service Portal to arrange a meeting or telephone 0121 415 8425 (internal extension 58425).

Partner ('paternity') leave, KIT/SPLIT, leave for fertility treatment, parental leave, compassionate leave and time off for dependants can be arranged directly with your line manager.

Associated documents and guidance

Parents and Carers Intranet – FAQs on maternity, paternity, shared parental leave, returning to work, childcare vouchers, University nurseries etc
Guidance on managing Pregnancy, Maternity and Adoption Leave for Academic Staff – including remission of duties on return
Career Break Scheme – how to apply for unpaid leave of between 3 and 12 months
Buying Additional Leave – buy up to 10 days additional leave a year
Maternity Leave and Pay

Where a female member of staff is expecting a baby, the following arrangements will apply:

<table>
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<tr>
<th>All female staff</th>
<th>52 weeks Statutory Maternity Leave</th>
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<tbody>
<tr>
<td><strong>Female staff who qualify for Statutory Maternity Pay</strong></td>
<td>39 weeks at Statutory Maternity Pay rates</td>
</tr>
<tr>
<td><strong>Female staff who qualify for University Maternity Pay</strong></td>
<td>18 weeks at full pay</td>
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**Statutory Maternity Leave**

1. All female staff are entitled to take up to 52 weeks Statutory Maternity Leave regardless of their length of service. The leave will be unpaid unless the staff member is entitled to Statutory Maternity Pay or University Maternity Pay, as outlined in paragraphs 7–13 below.

2. Statutory Maternity Leave can begin at any time from the start of the 11th week before the expected week of childbirth (EWC) up to the day childbirth occurs. Staff are required by law to take two weeks compulsory leave immediately following childbirth.

3. If you wish to take Statutory Maternity Leave you must notify the University of your intention by the end of the 15th week before your EWC. To give notice, you should contact and arrange an appointment with HR Services (contact details are in the introduction to this document). HR Services can advise you of your leave and pay entitlements.

4. If you wish to change the start of your Statutory Maternity Leave, you must give the University (via HR Services) 28 days’ notice of this change. In the case of staff wishing to return earlier than agreed, notice should be given at least eight weeks before the new return date. For staff returning later than agreed, notice should be given eight weeks before their original return date. Where staff wish to return earlier than originally agreed, and eight weeks' notice of this isn't given, the University may postpone the return by up to eight weeks from the date notice is given, subject to this not exceeding the 52 weeks of statutory maternity leave.

5. If you wish to change your return-to-work date, you must give the University (via HR Services) eight weeks’ notice of this change. In the case of staff wishing to return earlier than agreed, notice should be given at least eight weeks before the new return date. For staff returning later than agreed, notice should be given eight weeks before their original return date. Where staff wish to return earlier than originally agreed, and eight weeks' notice of this isn't given, the University may postpone the return by up to eight weeks from the date notice is given, subject to this not exceeding the 52 weeks of statutory maternity leave.

6. If a staff member is on pregnancy-related sick leave, Statutory Maternity Leave will begin automatically from the start of the fourth week before her EWC, or the start of the pregnancy-related sickness, whichever is later. If childbirth is earlier than expected, and occurs before the agreed start date for Statutory Maternity Leave, maternity leave will begin then.
Statutory Maternity Pay

7. A female staff member is eligible for Statutory Maternity Pay (SMP) during Statutory Maternity Leave if she:
   - has been continuously employed by the University for 26 weeks by the end of the 15th week before her EWC; and
   - pays National Insurance contributions on her earnings.

8. If you are not entitled to receive SMP, you may be entitled to receive Maternity Allowance from your local Social Security Office or Jobcentre Plus, and will be given an SMP1 form by the HR Services team.

9. SMP is paid for the first 39 weeks of the 52 week Statutory Maternity Leave period. The value of SMP is:
   - 90% of the staff member’s average weekly earnings for the first 6 weeks; and
   - A lower, flat weekly rate determined each April by the Department of Work and Pensions for 33 weeks, (or 90% of her average weekly earnings if that amount is lower than the flat weekly rate).

10. The remaining 13 weeks of Statutory Maternity Leave are unpaid.

University Maternity Pay (UMP)

11. Pregnant staff who have at least one year’s continuous service prior to their EWC, and who agree to return to work for three months following their chosen leave period are entitled to University Maternity Pay (UMP).

12. UMP is paid for the first 18 weeks of Statutory Maternity Leave at full pay. This is followed by 21 weeks at the lower SMP rate where staff qualify for SMP, (see paragraphs 7-8 above). The remaining 13 weeks of Statutory Maternity Leave are unpaid. The 18 weeks at full pay are inclusive of any Statutory Maternity Pay you may be entitled to.

13. The provisions of the UMP Scheme are based on a continuing contract of employment. Should the member of staff not return to work for at least three months following the end of their leave period, the University reserves the right to recover any payments of University Maternity Pay that are in excess of the Statutory Maternity Pay entitlement.

14. Where staff have one year’s continuous service prior to their EWC, but are employed on a fixed term contract with an end date that falls during their maternity leave, or within 3 months of their return from maternity leave, the 3 month return rule will not be applied. In these cases, staff will receive either the full 18 weeks UMP or UMP up to their contract end date, if the end date occurs during those 18 weeks.

Terms and Conditions during Statutory Maternity Leave

15. Staff who take Statutory Maternity Leave have a statutory right to return to work at the end of that leave period, subject to their contract enabling them to do so.
16. Where a staff member returns from Statutory Maternity Leave (including any approved unpaid leave following on from that leave period), their employment will be regarded as having been continuous through the leave period.

17. Statutory Maternity Leave will not be counted against the staff member’s entitlement to sick leave.

18. Holiday entitlement will continue to accrue during Statutory Maternity Leave.

19. If you suffer a still birth past the 24th week of pregnancy, or if your baby dies after being born, you will still be granted your full Statutory Maternity Leave and pay entitlement. If you suffer a miscarriage before 24 weeks, you will be able to take a period of sick leave as per your normal contractual arrangements as directed by your doctor.

**Time off for antenatal appointments**

20. Pregnant staff are entitled to paid time off for antenatal care. Their partner has the right to unpaid time off to attend up to 2 antenatal appointments.
Partner (Paternity) Leave and Pay on the birth of a child

1. The partner of a woman who is due to give birth is eligible for two weeks Statutory Paternity Leave (hereafter referred to as ‘partner leave’) where the following conditions are met:

   - They are the biological father of the baby and/or are the mother’s spouse, partner or civil partner and have, or expect to have, responsibility for the upbringing of the child with the mother; and
   - They have at least 26 weeks continuous service by the end of the 15th week before the Expected Week of Childbirth (EWC).

   In the case of partner leave for adoptions, please refer to ‘Partner (Paternity) Leave on the adoption of a child’, below.

2. Partner Leave is paid at the rate of two weeks at full pay.

3. Partner Leave must be taken as a continuous period of two full weeks (or a continuous period of one full week, if the staff member does not wish to take the full two weeks). This applies regardless of working hours or working patterns. Leave cannot be taken as two separate weeks or as odd days, and staff will be paid at their normal rate of pay for the two-week (or one-week) period. Staff of all genders may take Partner Leave.

4. Staff are required to inform their line manager in writing of their intention to take Partner Leave by the end of the 15th week before the EWC. If this is not practicable, you must inform your line manager as soon as possible. The written notification should include:

   - The expected date of the baby’s birth
   - How much leave you wish to take (see paragraph 3, above)
   - The date you want your leave to begin (see below)

5. Partner Leave can begin any day from the expected birth date of the baby, provided leave is completed within 56 days of the birth.

6. Staff can change their mind about the date on which they want their Partner Leave to start provided that they give the University 28 days’ notice of this, (whichever is the earliest of 28 days before the original start date, or 28 days before the new date). If this is not practicable, notice should be given as soon as is possible.

Terms and Conditions during Partner Leave on the birth of a child

7. Staff who take Partner Leave have a statutory right to return to work at the end of that leave period, subject to their contract enabling them to do so.

8. Where a staff member returns from Partner Leave (including any approved unpaid leave following on from that leave period), their employment will be regarded as having been continuous through the leave.

9. Partner Leave will not be counted against the staff member’s entitlement to sick leave.
10. Holiday entitlement will continue to accrue during Partner Leave.

11. If you and your partner suffer a still birth after 24 weeks, or if your baby dies after being born, you are entitled to take your full 2 weeks Partner Leave and pay. If you and your partner suffer a miscarriage before 24 weeks, you can take a period of Compassionate Leave (see below) or you may be able to take a period of sick leave as per your normal contractual arrangements as directed by your doctor.

**Time off for antenatal appointments**

12. The partner of a pregnant woman has the right to unpaid time off to go to 2 antenatal appointments.
Adoption Leave and Pay

Where a member of staff is the sole or joint adopter of a child, the following arrangements will apply for adoption leave and pay. These arrangements also apply in cases of:

- Dual approved prospective adopters (sometimes referred to as ‘fostering for adoption’), where a child has been placed in accordance with section 22C of the Children Act 1989 with a view to them adopting that child; and

- Staff becoming parents through surrogacy, where the staff member is eligible for and intends to apply for a Parental Order or Adoption Order, making them the legal parents of the child.

<table>
<thead>
<tr>
<th>Statutory Adoption Leave</th>
<th>52 weeks Statutory Adoption Leave</th>
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<tbody>
<tr>
<td>Staff who qualify for Statutory Adoption Pay</td>
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<tr>
<td>Staff who qualify for University Adoption Pay</td>
<td>18 weeks at full pay</td>
</tr>
</tbody>
</table>

Statutory Adoption Leave

1. Only one member of a couple jointly adopting may take Statutory Adoption Leave, mirroring arrangements on the birth of a child where only one partner takes maternity leave, (although partners of any gender may take Adoption Leave). This rule applies regardless of whether one or both members of the couple are employed by the University. The other member of the couple may be entitled to take Statutory Paternity Leave (Partner Leave) on the adoption of a child, (as below).

2. Members of staff who are the sole or main adopter of a child are entitled to 52 weeks Statutory Adoption Leave where they have been newly matched with a child by a UK adoption agency or have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad. In the case of surrogacy, staff must have or intend to apply for, a Parental Order or Adoption Order making them the legal parent of the child in order to qualify for Statutory Adoption Leave.

3. Staff are not eligible for Statutory Adoption Leave or Pay where a child is not newly matched, or where official notification is not received. For example, when a step-parent is adopting a partner’s children.

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1 ‘Official notification’ is written notification, issued by or on behalf of the relevant domestic authority (usually the Department for Health), that the authority either is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority. In either case, the notification certificate confirms that the staff member is eligible to adopt and has been approved as being a suitable adoptive parent.
4. Where staff meet the criteria in paragraph 2, they are eligible for 52 weeks Statutory Adoption Leave. 39 weeks of this leave is paid. Depending on length of service and NI contributions, pay is at either Statutory Adoption Pay rates, or at a mix of University Adoption Pay rates and Statutory Adoption Pay rates, as set out below.

**Statutory Adoption Pay**

5. Staff on Statutory Adoption Leave and who pay National Insurance contributions on their earnings are entitled to Statutory Adoption Pay (SAP). SAP is payable for the first 39 weeks of the 52 week Statutory Adoption Leave period and is paid at 90% of the staff member’s average weekly earnings for the first 6 weeks. This is followed by 33 weeks at a lower, flat weekly rate determined each April by the Department of Work and Pensions, (or 90% of average weekly earnings if that amount is lower than the flat weekly rate). The remaining 13 weeks of Statutory Adoption leave are unpaid.

6. Staff who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SAP, but may be able to claim Income Support while on Adoption Leave. Further information on this is available from Jobcentre Plus or Social Security offices.

**University Adoption Pay**

7. Staff who have at least one year’s continuous service, and who agree to return to work for three months following their adoption leave period are entitled to University Adoption Pay (UAP). In the case of UK adoptions, the one year’s continuous service must be completed prior to the week the staff member is newly matched with a child. In the case of overseas adoptions, it must be completed by the time they have received official notification of their eligibility to adopt, or by the date they wish their adoption leave to begin. In the case of surrogacy, staff must have one year’s continuous service prior to the surrogate’s expected week of childbirth.

8. UAP is paid at full pay for the first 18 weeks of Statutory Adoption Leave. This is followed by 21 weeks at Statutory Adoption Pay rates (where staff qualify for Statutory Adoption Pay – see paragraphs 5–6 above). The remaining 13 weeks of Statutory Adoption Leave are unpaid. The 18 weeks at full pay is inclusive of any Statutory Adoption Pay the staff member may be entitled to.

9. Only one member of a couple adopting may take UAP. The other member of the couple, if they are a University employee, may be entitled to Partner (Paternity) Leave and Pay on the adoption of a child, as outlined below.

10. The provisions of the UAP Scheme are based on a continuing contract of employment. Should the member of staff fail to return to work for at least three months following the end of their leave period, the University reserves the right to recover any payments of University Adoption Pay in excess of the Statutory Adoption Pay entitlement.

11. Where staff have one year’s continuous service prior to their EWC, but are employed on a fixed term contract with an end date that falls during their adoption leave, or within 3
months of their return from adoption leave, the 3 month return rule will not be applied. In these cases, staff will receive either the full 18 weeks UAP or UAP up to their contract end date, if the end date occurs during those 18 weeks.

Applying for Adoption Leave and Pay – UK Adoptions

12. In the case of UK adoptions, staff need to inform the University of their intention to take Statutory Adoption Leave within seven days of being notified by their adoption agency that they have been ‘newly matched’ with a child, or as soon as is reasonably practicable if this deadline cannot be met. To give notice, you should contact and arrange an appointment with the HR Services team (contact details are in the introduction to this document). The HR Services team will need to see the newly matched documentation and can also advise on any adoption pay (statutory or University) that you are entitled to.

13. Statutory Adoption Leave can start up to 14 days before the expected date of placement and no later than the date of placement.

14. If you wish to alter the start date of your Statutory Adoption Leave, you must give the University 28 days’ notice of this (whichever is earliest of 28 days before the original start date or 28 days before the new date). If this is not practicable, notice should be given as soon as is reasonably possible.

15. If you wish to alter your return-to-work date, you must give the University eight weeks’ notice of this. In the case of staff wishing to return earlier than agreed, notice should be given eight weeks before the new return date. For staff returning later than agreed, it should be given eight weeks before their original return date. In the case of staff wishing to return early, if eight weeks’ notice isn’t given, the University may postpone the return by up to eight weeks from the date notice is given of the change, subject to this not exceeding the 52 weeks of Statutory Adoption Leave.

16. If the child’s placement ends during the Statutory Adoption Leave period, the adopter will be able to continue their Statutory Adoption Leave, and receive any pay they are entitled to, for up to eight weeks after the end of the placement.

Applying for Adoption Leave and Pay – Overseas Adoptions

17. In the case of overseas adoptions, staff need to inform the University of their intention to take Statutory Adoption Leave within 28 days of receiving official notification of their approval as an adoptive parent, (see footnote 1 for an explanation of ‘official notification’), or as soon as is practicable if this deadline cannot be met. To give notice, you should contact and arrange an appointment with HR Services (contact details are in the introduction to this document). HR Services will need to know:

- The date on which you received official notification that you have been approved as an adoptive parent; and
- The date the child is expected to arrive in the UK (usually evidenced by a copy of their airline ticket).
- And, if you are able to provide this information at this stage, the date you wish the Statutory Adoption Leave to begin and end (see paragraph 20 below).
18. If you are unable to provide information about the start date and duration of leave at this stage, you should do so, in writing, at least 28 days before you wish the leave to begin, or as soon as is reasonably practicable where this deadline cannot be met.

19. Statutory Adoption Leave for overseas adoptions can begin from when the child enters the UK to up to 28 days after this date.

20. Staff can change their mind about the date on which they want their Statutory Adoption Leave to start, provided that they give the University (via HR Services) 28 days’ notice of this (whichever is the earlier of 28 days before the original start date, or 28 days before the new date). If this is not practicable, notice should be given as soon as is reasonably practicable.

21. If you wish to alter your return-to-work date, you must give the University (via HR Services) eight weeks’ notice of this. In the case of staff wishing to return earlier than agreed, notice should be given eight weeks before the new return date. For staff returning later than agreed, it should be given eight weeks before their original return date. In the case of staff wishing to return early, if eight weeks’ notice isn’t given, the University may postpone the return by up to eight weeks from the date notice is given of the change, subject to this not exceeding the 52 weeks of Statutory Adoption Leave.

Applying for Adoption Leave and Pay – Surrogacy

22. In the case of surrogacy, staff need to inform the University (via HR Services) of their intention to take Statutory Adoption Leave by the 15th week before the expected week of birth. To give notice, you should contact and arrange an appointment with HR Services (contact details are in the introduction to this document). HR Services will need to see evidence that you have applied for/intend to apply for a Parental Order or Adoption Order, and can also advise on any adoption pay (statutory or University) that you are entitled to.

23. Statutory Adoption Leave for surrogacy can begin from the expected day or birth or actual day of birth.

24. Staff can change their mind about the date on which they want their Statutory Adoption Leave to start, provided that they give the University (via HR Services) 28 days’ notice of this (whichever is the earlier of 28 days before the original start date, or 28 days before the new date). If this is not practicable, notice should be given as soon as is reasonably practicable.

25. If you wish to alter your return-to-work date, you must give the University (via HR Services) eight weeks’ notice of this. In the case of staff wishing to return earlier than agreed, notice should be given eight weeks before the new return date. For staff returning later than agreed, it should be given eight weeks before their original return date. In the case of staff wishing to return early, if eight weeks’ notice isn’t given, the University may postpone the return by up to eight weeks from the date notice is given of the change, subject to this not exceeding the 52 weeks of Statutory Adoption Leave.
Terms and Conditions during Statutory Adoption Leave

26. Staff who take Statutory Adoption Leave have a statutory right to return to work at the end of that leave period, subject to their contract enabling them to do so.

27. Where a staff member returns from Statutory Adoption Leave (including any approved unpaid leave following on from that leave period), their employment will be regarded as having been continuous through the leave.

28. Statutory Adoption Leave will not be counted against the staff member’s entitlement to sick leave.

29. Holiday entitlement will continue to accrue during Statutory Adoption Leave.

Time off for adoption and antenatal appointments

30. Between being newly matched and the date that the child joins the family, single adopters are entitled to paid time off to attend up to 5 adoption appointments. In the case of joint adoptions, one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments during this period. Their partner is entitled to unpaid time off to attend up to 2 adoption appointments during the same period.

31. In the case of surrogacy, the prospective parents are entitled to take unpaid leave to accompany the surrogate mother on up to 2 of her antenatal appointments.

Partner (Paternity) Leave and Pay on the adoption of a child

1. The partner of a person who is adopting a child is eligible for two weeks Statutory Paternity Leave (henceforth referred to as ‘partner leave’) where the following conditions are met:

   - They are married to or are the partner or civil partner of the person adopting the child, and have, or expect to have, responsibility for the upbringing of the child with the adopter; and:

     - In the case of UK adoptions, they have completed at least 26 weeks continuous service by the end of the week in which the adopter is notified of having been newly matched with the child; or

     - In the case of overseas adoptions, they have completed at least 26 weeks continuous service by the end of the week in which the adopter receives official notification\(^2\) they are eligible to adopt; or they have completed at least 26 weeks continuous service by the date they wish their paternity leave to begin.

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\(^2\)‘Official notification’ is written notification, issued by or on behalf of the relevant domestic authority (usually the Department for Health), that the authority either is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that...
• In surrogacy arrangements, where staff will become parents via a Parental Order or Adoption Order, making them the legal parents of the child, the staff member must have completed at least 26 weeks continuous service by the end of the 15th week before the expected week of childbirth.

2. Staff are not eligible for Partner Leave outside of these circumstances, such as when a step-parent is adopting a partner’s children.

3. Partner Leave is paid at the University Partner (Paternity) Pay rate of two weeks at full pay.

4. Partner Leave must be taken as a continuous period of two full weeks (or a continuous period of one full week, if the staff member does not wish to take the full two weeks). This applies regardless of working hours or working patterns. Leave cannot be taken as two separate weeks or as odd days and staff will be paid at their normal rate of pay for the two-week (or one-week) period. Staff of all genders may take Partner Leave. The process for taking Partner Leave (adoptions) is outlined below.

UK Adoptions

5. In the case of UK adoptions, staff are required to inform their line manager, in writing, of their intention to take Partner Leave, within seven days of the main adopter being notified by their adoption agency that they have been ‘newly matched’ with a child. If this is not practicable, you must inform your line manager as soon as it is reasonably practicable. The written notification should include:

• How much leave you wish to take (see paragraph 5, above)
• The date you want the leave to begin (see paragraph 7 below)
• The date the main adopter was notified they had been newly matched with a child
• The date the child is expected to be placed for adoption

6. Partner leave and pay can begin any day from the date of the placement, provided the leave period is completed within 56 days of the placement date.

7. Staff can change their mind about the date on which they want their Partner Leave to start, provided that they give the University 28 days notice of this (whichever is the earliest of 28 days before the original start date, or 28 days before the new date). If this is not practicable, notice should be given as soon as is reasonably practicable.

Overseas Adoption

8. In the case of an overseas adoptions, staff are required to give their line manager written notice of their intention to take Partner Leave and pay within 28 days of the main adopter receiving official notification of their approval as an adoptive parent, (see footnote 2 for an authority. In either case, the notification certificate confirms that the main adopter is eligible to adopt and has been approved as being a suitable adoptive parent.
explanation of ‘official notification’). If this is not practicable, you must inform your line manager as soon as it is reasonably practicable. The written notification should include:

- The date on which the main adopter received official notification they have been approved as an adoptive parent
- The date the child is expected to arrive in the UK

And, if you are able to provide this information at this stage:

- How much leave you wish to take (see paragraph 5, above)
- The date you want the leave to begin (see paragraphs 10 and 11 below)

9. If you are unable to provide information about the start date and duration of your Partner Leave at this stage, you should do so, in writing, at least 28 days before you wish the Partner Leave and pay to begin, or as soon as is reasonably practicable where this deadline cannot be met.

10. Partner Leave and pay for overseas adoption can begin from the date the child enters the UK, or any date after this provided the leave period is completed within 56 days of the child entering the UK.

11. Staff can change their mind about the date on which they want their Partner Leave and pay to start provided that they give the University 28 days’ notice of this (whichever is the earliest of 28 days before the original start date, or 28 days before the new date). If this is not practicable, notice should be given as soon as is reasonably practicable.

**Surrogacy**

13. In cases of surrogacy, staff are required to inform their line manager in writing of their intention to take Partner Leave by the end of the 15th week before the EWC. If this is not practicable, you must inform your line manager as soon as possible. The written notification should include:

- The expected date of the baby’s birth
- How much leave you wish to take (see paragraph 5, above)
- The date you want your leave to begin (see paragraph 14 below)

14. Partner Leave can begin any day from the expected birth date of the baby, provided leave is completed within 56 days of the birth.

15. Staff can change their mind about the date on which they want their Partner Leave to start provided that they give the University 28 days’ notice of this, (whichever is the earliest of 28 days before the original start date, or 28 days before the new date). If this is not practicable, notice should be given as soon as is possible.

**Terms and Conditions during Partner Leave on the adoption of a child**

16. Staff who take Partner Leave have a statutory right to return to work at the end of that leave period, subject to their contract enabling them to do so.
17. Where a staff member returns from Partner Leave (including any approved unpaid leave following on from that leave period), their employment will be regarded as having been continuous through the leave.

18. Partner Leave will not be counted against the staff member’s entitlement to sick leave.

19. Holiday entitlement will continue to accrue during partner leave.

**Time off for adoption and antenatal appointments**

20. Between being newly matched and the date that the child joins the family, the partner of the main adopter is entitled to unpaid time off to attend up to 2 adoption appointments during the same period.

21. In the case of surrogacy, the prospective parents are entitled to take unpaid leave to accompany the surrogate mother on up to 2 of her antenatal appointments.
Shared Parental Leave and Pay (births and adoptions)

We recommend that you also review the SPL FAQs at: https://intranet.birmingham.ac.uk/parents/spl

1. Shared Parental Leave provides additional flexibility for parents, by enabling them to share one partner’s maternity/adoption leave as Shared Parental Leave (SPL). The arrangements also apply to staff who are dual approved adopters (fostering for adoption) and staff who become parents through surrogacy.

2. Where a mother or adopter has been entitled to Statutory Maternity or Adoption Leave - and both they and their partner meet the criteria set out in point 5 below - they can curtail that leave (and any maternity/adoption pay) and have the remaining leave converted into SPL. SPL can then be shared between them and their partner. SPL can begin any time after the first 2 weeks of maternity/adoption leave, giving couples up to 50 weeks of SPL to share.

3. SPL must be taken in complete weeks and be completed 52 weeks after the child’s birth/placement for adoption, i.e. the point when the original maternity/adoption leave would have ended. The total amount of maternity/adoption leave and SPL taken by both partners cannot exceed 52 weeks. SPL is in addition to Partner (‘Paternity’) Leave and may follow on from it.

4. SPL arrangements can be continuous or discontinuous:

a) **Continuous SPL**: the mother/adopter gives notice to curtail their maternity/adoption leave. The remainder of the leave is converted into SPL, which they can then share with their partner. For example, a mother gives notice to end her maternity leave at 20 weeks and the remaining 32 weeks are converted into SPL. With these 32 weeks she could:
   - Return to work after ending her maternity leave at 20 weeks, with her partner taking all or some of the remaining 32 weeks as SPL
   - Remain on leave (i.e. SPL) and share this with her partner. For example, in addition to the 20 weeks maternity leave she has taken, she could choose to take a further 20 weeks SPL and her partner 12 weeks SPL*

b) **Discontinuous SPL**: the mother/adopter gives notice to end their maternity/adoption leave and the remainder of the leave is converted to SPL, which they then share with their partner. Instead of taking SPL as a continuous block, the mother/adopter and/or their partner choose to alternate between periods of work and periods of SPL. In this scenario, up to 3 discontinuous blocks of SPL can be requested. However, unlike continuous SPL, discontinuous SPL is not an automatic right and is subject to the approval of the staff member’s line manager.

* Please note that SPL can run concurrently with maternity/adoption leave and the mother/adopter does not have to return to work for their partner’s SPL to begin. E.g. in the worked examples above, the partner could ‘draw down’ and take their SPL entitlement whilst the mother/adopter is still on maternity/adoption leave, provided
that the mother/adopter has given notice to curtail maternity/adoption leave at a future date. Equally, both partners can be on SPL at the same time.

Eligibility criteria for Shared Parental Leave

5. All of the following criteria must be met to qualify for SPL:

a) To trigger the right to SPL for one or both parents, the mother/adopter must:
   i. be entitled to maternity/adoption leave; or to statutory maternity/adoption pay or
      maternity allowance (if not eligible for maternity /adoption leave)
   ii. have given notice to their employer that they intend to curtail their
      maternity/adoption leave and pay (see points 12 to 14 below)

b) A parent\(^3\) who intends to take SPL must:
   i. have worked continuously for their employer for at least 26 weeks at the end of
      the 15\(^{th}\) week before the expected week of childbirth/matching date and still be
      working for the employer at the start of each period of SPL (‘continuity of
      employment test’)
   ii. share the primary responsibility for the child with the other parent at the time of
      the birth or placement for adoption
   iii. give the correct notice, including a declaration that their partner meets the
      employment and income requirements (see points 12 to 14 below)

c) The partner of the parent\(^4\) taking SPL must:
   i. in the 66 weeks leading up to the expected week of childbirth/matching date, have
      worked for at least 26 weeks and earned an average of at least the maternity
      allowance threshold a week in any 13 weeks of those 26 (‘employment and
      earnings test’)

6. The two partners who will be sharing the SPL need not work for the same employer: one
   may be employed by the University and the other by another employer or self-employed
   (providing they meet the employment and earnings test).

7. SPL can only be taken by the mother/primary adopter and their partner. The partner
   must be the child’s father or the person who, at the time of birth/placement for adoption,
   is the spouse, civil partner or partner of the child’s mother/primary adopter and shares
   primary responsibility for the child with them. SPL cannot be taken by other family
   members, such as grandparents, or other family associates.

\(^3\) ‘Parent’ in this scenario can refer to the mother/adopter, if they intend to take SPL, and to their
   partner if they intend to take SPL. If both the mother/adopter and their partner intend to take SPL, both
   must meet these criteria.

\(^4\) ‘Partner of the parent’ in this scenario can refer to the mother/adopter or their partner, depending on
   who is taking SPL. If both the mother/adopter and their partner intend to take SPL, both must meet
   this criterion.
Shared Parental Leave Pay

8. SPL is paid at a flat statutory weekly rate for the first 37 weeks, less any weeks of paid maternity/adoption leave that the mother/adopter takes, (i.e. 39 weeks paid leave, less the 2 weeks of paid maternity/adoption leave that the mother/adopter must take by law and less any further paid maternity/adoption leave they have taken).

9. If the mother/adopter curtails their leave before 39 weeks (i.e. the statutory paid maternity/adoption leave period), the remainder of the 39 weeks paid leave is converted into paid SPL leave. This is paid at the flat statutory SPL weekly rate, which is equivalent to the lower weekly rate of Statutory Maternity Pay. Please note that the 90% of earnings statutory pay rate that applies to the first 6 weeks of maternity and adoption leave does not apply to SPL, regardless of when it is taken. The remaining weeks of maternity/adoption/SPL (weeks 40-52) are unpaid.

<table>
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<tr>
<th>Comparison of SPL, Maternity and Adoption Pay</th>
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<tr>
<td><strong>Statutory Maternity/Adoption Pay</strong></td>
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<td><strong>University Maternity/Adoption Pay</strong></td>
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<tr>
<td><strong>Statutory SPL Pay</strong></td>
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</tbody>
</table>

10. To qualify for SPL pay, an employee must meet the criteria for SPL in point 5 above and also have earned above the Lower Earnings Limit in the 8 weeks leading up to the 15th week before the baby is due and still be employed by that same employer at the start of the SPL.

11. The amount of paid maternity/adoption leave and SPL taken both partners cannot in total exceed 39 weeks, i.e. the initial 2 weeks of maternity/adoption leave + 37 weeks of paid maternity/adoption/SPL.

12. Where mothers/adopters qualify for University Maternity/Adoption Pay, it is recommended that they do not curtail their maternity/adoption leave until 18 weeks to gain the full benefit of this enhanced pay. If the mother/adopter wishes to return to work during these 18 weeks, they can make use of up to 10 Keeping in Touch (KIT) days without ending their maternity leave. Please see the section on KIT days below for more information on this and the FAQs at [https://intranet.birmingham.ac.uk/parents/spl](https://intranet.birmingham.ac.uk/parents/spl). Provided that the eligibility criteria in point 5 is met, their partner can also take SPL during these 18 weeks.
Giving notice and booking SPL

13. Staff wishing to take SPL must book an appointment with HR Services and provide them with at least eight weeks' written notice (i.e. eight weeks before the start of the proposed SPL) of their entitlement and intention to take SPL, by completing the relevant application form available at https://intranet.birmingham.ac.uk/parents/spl

14. Before providing notice to HR, staff wishing to take discontinuous SPL (see point 4b above) must have the written agreement of their line manager for the dates they wish to take SPL/be in work.

15. Staff may give written notice to request a variation (including cancellation) of the agreed period of SPL on giving at least eight weeks’ notice. Any new start date cannot be sooner than eight weeks after the variation request. Staff may give a combined total of up to three period of leave notices or notices to request a variation, excluding any notices:
   i. requesting a discontinuous period of SPL on or before the 15th day after the notice was given unless the employee and employer have agreed to periods of leave;
   ii. given as a result of the child being born earlier or later than the expected week of childbirth; or
   iii. given in response to the employer’s request that the member of staff vary a period of leave.

Shared Parental Leave In Touch (SPLIT) Days

16. Staff on SPL can make use of up to 20 SPLIT days to attend a work-related activity. Please see the section below on KIT and SPLIT days for further information.

Terms and Conditions during Shared Parental Leave

13. Staff who take SPL have a statutory right to return to work at the end of that leave period, subject to their contract enabling them to do so.

14. Where a staff member returns from SPL (including any approved leave following on from that leave period), their employment will be regarded as having been continuous through the leave.

15. SPL will not be counted against the staff member’s entitlement to sick leave.

16. Holiday entitlement will continue to accrue during SPL.

17. In the context of a member of staff who has received University maternity/adoption pay and the requirement to return to work for at least three months following maternity/adoption leave, this rule will also apply in the case of any SPL they may take. E.g. all periods of SPL must be completed and the staff member must have returned to work for 3 months to meet the University maternity/adoption pay requirements.
Keeping in Touch (KIT) Days and Shared Parental Leave in Touch (SPLIT) Days

1. Staff on Statutory Maternity Leave and Statutory Adoption Leave can make use of up to 10 ‘Keeping in Touch’ (KIT) days, and staff on Statutory Shared Parental Leave up to 20 ‘Shared Parental Leave in Touch’ (SPLIT) days. These are days when the staff member undertakes work, training or any other work-related activity whilst on maternity, adoption or shared parental leave. KIT/SPLIT days are agreed between the staff member and their line manager and there is no obligation for either party to agree to the undertaking of such days.

2. KIT/SPLIT days can have a number of benefits for staff and their departments. For example:
   - Important projects can benefit from the staff member’s skills, knowledge and experience
   - Training and development can continue during leave
   - Staff can stay on top of workplace developments

3. It is good practice for staff on maternity/adoption/SPL leave to be offered the opportunity to attend events such as team away days and to partake in key development opportunities that occur during their leave period. Using KIT/SPLIT days towards the end of the leave period as a way of re-familiarising staff with the workplace can also be helpful. However, taking KIT/SPLIT days remains optional. There is no obligation for either the staff member or their line manager to agree to a KIT/SPLIT day, and a staff member has the right to turn down a KIT/SPLIT day without suffering any detriment.

4. The following arrangements apply to KIT/SPLIT days:
   - KIT/SPLITs must be mutually agreed between the member of staff and their line manager. They may be agreed before maternity/adoption/SPL leave begins or during the course of the leave.
   - A maximum of 10 KIT days can be taken whilst on maternity/adoption leave and a maximum of 20 SPLIT days whilst on SPL (e.g. a person taking both maternity leave and SPL could potentially take up to 30 KIT/SPLIT days in total).
   - A single KIT/SPLIT day is any day where work is undertaken, e.g. if only one hour of work is undertaken this will still count as one KIT/SPLIT day.
   - Where KIT/SPLIT days are taken, normal rates of pay will apply pro-rata to the hours worked, less any maternity/adoption pay paid to the staff member that week.
   - KIT/SPLIT days cannot take place during the two weeks following childbirth.
   - When a KIT/SPLIT day is taken, a KIT/SPLIT form should be completed by the staff member’s line manager and forwarded to the Payroll Manager, Finance. Copies of the form are available on the here or on request from HR Services.
Leave for fertility treatment (IVF and IUI)

1. The University recognises the physical and emotional stress of undergoing fertility treatment and understands the impact this can have on staff.

2. Initial investigations and testing for fertility problems for staff of all genders will be treated in the same way as any other GP/hospital appointments. Where a female staff member is undergoing a course of IVF or Intrauterine Insemination (IUI) treatment, she will be entitled to 5 days paid leave ('leave for fertility treatment') in any 12 month period (pro-rata for part-time employees), for the purpose of receiving and recovering from IVF/IUI treatment.

3. If the member of staff exhausts this leave, discussions between the individual and their manager should take place to establish if alternative arrangements, such as annual leave, compassionate leave or flexible working, would be the most appropriate alternative.

4. Staff who would like to take time off work to support a partner undergoing fertility treatment will need to take this as annual leave. If the employee is themselves required to attend a medical appointment that is fertility-related, this will be treated in the same way as for other doctor/hospital appointments.

Parental Leave

1. Staff who have completed one year’s continuous service have a statutory entitlement to take up to 18 weeks unpaid Parental Leave in respect of each of their children. Leave must be taken by the child’s 18th birthday. The purpose of the leave must be to look after the child or to make arrangements for their welfare, (for example, to settle a child into a new nursery). Parental leave can be taken by staff of all genders.

2. Parental Leave must be taken in blocks or multiples of weeks, not single days. The exception to this is for the parents of a disabled child, who may take leave in blocks or multiples of one day. In all cases, a maximum of four weeks Parental Leave can be taken in respect of an individual child in any 12 month period. Part-time staff have a pro-rata entitlement to Parental Leave, so a ‘week’s leave’ for somebody working three days a week will be three days.

3. Staff must give their line manager 21 days written notification of their intention to take Parental Leave. This should include:
   - the date on which they wish to begin Parental Leave; and
   - the date on which their Parental Leave will end (see paragraph 2, above).

4. Whilst staff are entitled to Parental Leave, the dates for the leave must be approved by their line manager. Managers have the right to negotiate alternative dates and postpone the leave for up to six months, if it is considered that taking leave at the requested time would be ‘unduly disruptive’ to the operation of business. For example, it may not always be possible to accommodate Parental Leave if the dates requested are at:
• at peak periods; or
• at the same time as other staff members have requested leave

5. If leave needs to be postponed, the University will consult with the staff member about alternative dates when the same period of leave can be taken, and will confirm this in writing within seven days of the request.

6. If staff wish to make a long-term change to their working hours to accommodate their caring responsibilities (whether for children or adults), this may be accommodated under the Flexible Working Guidelines. Copies of the guidelines are available at [here](#) or on request from HR Services.
University Compassionate Leave

1. Heads of School/Budget Centre have discretion to grant Compassionate Leave for a period not normally exceeding five continuous working days at any one time. This leave may be paid at the discretion of the Head.

2. Compassionate Leave may be appropriate in circumstances not covered by other types of leave, such as annual leave or sick leave. There may be some cross-over between the circumstances in which Heads grant Compassionate Leave and the circumstances in which the statutory right to Time off for Dependents applies (see below). However, Heads have the discretion to grant Compassionate Leave in a potentially wider range of circumstances than those listed in relation to the statutory right to Time off for Dependents.

3. Staff wishing to take Compassionate Leave should make a request to their Head of School/Budget Centre as soon as is reasonably practicable.

Time off for Dependents

1. All staff have the statutory right to take a ‘reasonable amount’ of unpaid time off to deal with a sudden or unexpected emergency involving a dependant, as stated under the Employment Act 1996.

2. Under this legislation, a 'dependant' is defined as a spouse, civil partner, child or parent of the staff member, or someone who lives in the same household, such as a partner or another relative, (it does not include tenants or lodgers). In cases of illness or injury, or where care arrangements break down, it also includes someone who relies on the staff member for assistance, e.g. an elderly neighbour.

3. A ‘sudden or unexpected emergency’ is defined under the legislation as the following circumstances:
   - A dependant falls ill or has been injured or assaulted
   - A dependant gives birth
   - To make longer term care arrangements for a dependant who is ill or injured (e.g. making arrangements to employ a temporary carer)
   - To deal with the death of a dependant (e.g. to make funeral arrangements or to attend a funeral)
   - To deal with an unexpected disruption or breakdown of care arrangements for a dependant (e.g. a child minder is unexpectedly absent)
   - To deal with an unexpected incident involving the staff member’s child during school hours

4. These circumstances would also be covered under Compassionate Leave, as detailed in the previous section.
5. Under the statutory arrangements, the staff member is entitled to take a ‘reasonable amount’ of time off in these circumstances. The statutory right to time off does not apply unless the staff member advises the University of the reason for the absence and how long they expect to be away from work, as soon as is reasonably practicable.

6. Subject to the provisions above, Staff may also apply to take annual leave or to make the time up in order to avoid taking unpaid leave. This can only be done if the member of staff explicitly requests this in their original request for leave.

7. If staff wish to make a long-term change to their working hours to accommodate their caring responsibilities (whether for children or adults), this may be accommodated under the University’s Flexible Working Guidelines. Copies of the guidelines are available at [here](#) or on request from HR Services.

8. If mothers wish to make temporary arrangements to their working pattern to enable them to continue to breastfeed on their return to work, this may also be accommodated under the Flexible Working Guidelines, available as above.