



## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**

### **FAMILY RELATED LEAVE POLICY**

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Owner of Policy	Human Resources
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## **1. Introduction**

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The Trust is committed to embracing opportunities that give our staff who are parents or prospective parents greater choice in the way they can balance the demands of their personal lives with the demands of their working lives in a way that is mutually beneficial. We recognise that parenthood brings additional responsibilities and we want you as a parent to be able to consider the best arrangements to prepare for the birth and subsequent care for your child.

Family Related Leave Policy includes maternity leave, adoption leave, paternity leave, parental leave, shared parental leave and dependant leave. It incorporates all relevant employment legislation and is underpinned by the Trust's core values and commitment to equality and diversity.

Unless stated otherwise in your contract of employment, this policy does not form part of your contract of employment and may be amended from time to time. It supersedes all similar policies, procedures and guidance.

## **2. Scope**

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The Family Related Leave Policy applies to all Birmingham City University Academies Trust (BCUAT) Employees.

## **3. Principles**

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- Requests for family related leave that are not made in accordance with the notification requirements will be given reasonable consideration but may not be granted.
- You will continue to receive and accrue your usual contractual benefits (except remuneration) while you are on leave covered within this policy.
- While you are away from the Trust you will remain on circulation lists and continue to receive updates on important Trust developments.
- You have the right to return to work on terms and conditions no less favourable than those that would have been applied if you had not been absent.
- The Trust will aim to ensure that your absence does not cause you any long term disadvantage in relation to your learning and development needs.
- You will not be treated less favourably or suffer any detriment for taking or requesting leave covered in this policy.

## 4. Roles and Responsibilities

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The roles and responsibilities set out below include but are not limited to the following:

### *Trust Board*

- Fully support the implementation of the policy throughout the organisation including the release of staff to assist with/participate in any part of the procedures.

### *Line Managers*

- Implementing the policy consistently
- Discuss family related leave plans with team members at the earliest opportunity
- Responding to requests for leave covered in this policy in a timely manner
- Making reasonable decisions that fulfil our statutory responsibilities whilst taking account of organisational and service needs
- Not putting staff under pressure to cancel or change notification of leave under this policy
- Carrying out any risk assessments in respect of pregnant employees
- Keeping records of leave taken and providing relevant information to Human Resources as required
- Keeping Human Resources informed where necessary

### *All staff*

- Complying with the rules relating to notification and provision of evidence of your eligibility to take family related leave
- Where possible discussing potential family related leave requests with your manager at soon as is reasonably practicable

### *Human Resources Department*

- Providing advice to managers on all aspects of the application of the policy
- Ensuring supporting information is made available to staff on parent related leave
- Monitoring and reviewing the effectiveness of the policy

## 5. Maternity

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### 5.1 Notification

When you receive medical confirmation that you are pregnant you must notify your line manager in writing of i) the fact that you are pregnant ii) the expected week of childbirth (EWC) and iii) the date on which you want or expect to begin maternity leave. When you are issued with your medical certificate (MATB1) which confirms your pregnancy you must send this to Human Resources.

### 5.2 Ordinary and Additional Maternity Leave and Pay

You are entitled to take 26 weeks' Ordinary Maternity Leave (OMP) and a further 26 weeks' Additional Maternity Leave (AML) irrespective of your length of service or the number of hours worked each week provided you comply with notification requirements. You will also be entitled to 39 weeks' Statutory Maternity Pay if you

- Give the correct notice

- Provide proof of the pregnancy
- Have worked continuously for the Trust for at least 26 weeks up to the 15<sup>th</sup> week before the week in which the child is due.

Statutory Maternity Pay is a standard weekly rate set by the Government each new tax year (or ninety per cent of your normal weekly earnings if this is lower). To be eligible for SMP you must have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the 15<sup>th</sup> week before the expected week of the birth.

### **5.3 Occupational Maternity Leave and Pay**

If you have worked continuously for the Trust for at least one year by the week in which your child is due, you will be entitled to take up to 63 weeks Occupational Maternity Leave (OML) (which incorporates the statutory maternity leave). However, you can only take a maximum of 52 weeks' OML from the week in which your child is born. If you wish to start your maternity leave before the child is born you may do so. The earliest you can start your maternity leave is 11 weeks before the week in which the child is due. You do not have to take all your maternity leave but you must take two weeks' leave immediately after the birth of the child.

The Trust pays Occupational Maternity Pay (OMP) for up to 24 weeks of which the first 8 weeks will be paid at full pay (inclusive of Statutory Maternity Pay) and 16 weeks paid at half pay inclusive of Statutory Maternity Pay. Statutory Maternity Pay will continue for a further 15 weeks after the OMP has finished. Once your statutory and occupational maternity pay is finished, you will be unpaid for the duration of your maternity leave. Although your contract will continue during your maternity leave, the Trust will cease to make any contributions to your pension scheme while you are unpaid. If you wish to continue making contributions yourself, you should contact your pension provider.

### **5.4 Ante-Natal appointments**

You may take reasonable paid time off to attend classes or appointments related to your pregnancy in cases where the appointment has been advised by a midwife, health visitor or registered medical practitioner. Other than for the first appointment, if requested to do so you must be prepared to produce an appointment card.

Unpaid time off work to attend up to two antenatal appointments with the pregnant woman can be taken if you meet the following criteria

- You are the husband or civil partner;
- You are living with the pregnant woman in an enduring relationship
- You are the expected child's father
- You are one of a same sex couple who is treated as the child's other parent or
- You are the potential applicant of a parental order in respect of an expected child of surrogacy

## **5.5 Starting Maternity Leave**

You can choose to start your maternity leave at any time after the 11<sup>th</sup> week before the week in which your child is due. You will receive written confirmation from Human Resources of the terms of your maternity leave and the date on which you are expected back to work. If you wish to change the start date of your maternity leave you may do so, provided you notify your line manager in writing (copied to HR) at least 28 days before the new date. If you give birth before your maternity leave has started, your maternity leave period will begin on the day that follows childbirth. If you are absent from work for a pregnancy related reason after the start of the 4<sup>th</sup> week before your child is due your line manager will usually require you to start your maternity leave on the first day after your absence. If you suffer a still birth after 24 weeks of pregnancy you retain the right to take maternity leave.

## **5.6 Keeping in touch (KIT) days**

You are entitled to attend work for up to 10 days during your maternity leave e.g. for training or for meetings. The Trust is under no obligation to provide KIT days and you are under no obligation to work these days. Your manager will advise you if the opportunity for such days arise.

## **5.7 Salary reviews**

If a salary review occurs during your period of absence you will be notified of your reviewed salary at this time. Your maternity pay will be re-calculated to take account of any salary increase occurring between your original statutory/occupational pay calculation period and the end of your maternity leave period.

## **5.8 Return to work**

You cannot return to work in the two weeks immediately after the birth of your child. When you do return, you will have the right to return to your own job (after Ordinary Maternity Leave or to a suitable alternative one if this is not practicable after your Additional Maternity Leave). If you are put at risk of redundancy while you are pregnant or on maternity leave you will be given priority consideration for any suitable alternative job that may arise within the Trust. If you decide to end your maternity leave early e.g. to take Shared Parental Leave or to return to work, you must give your line manager at least 8 weeks' notice in writing. If you fail to give the required notice the Trust may postpone your return to work or the start date of your shared parental leave until full notice has been given.

## **5.9 Leaving the Trust**

If you decide to leave the Trust either during or following your maternity leave you should notify your line manager in accordance with the terms of your contract of employment. The Trust reserves the right to reclaim payment for any period of Occupational Maternity Leave paid at half pay if you do not return to work for 16 weeks following your maternity leave.

## **6. Adoption Leave**

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### **6.1 Eligibility**

You have the right to adoption leave if you give the correct notice and

- Are newly matched with a child for adoption by an approved adoption agency
- Are single or one member of a couple jointly adopting
- Are a foster parent who is a prospective adopter and have had a child placed with you under a local authority fostering for adoption scheme; or
- Are in receipt of or in the process of applying for a parental order.

### **6.2 Notification**

When you receive confirmation that you are adopting a child you must notify your line manager within seven days of i) the date you expect the child to be placed with you and ii) the date you want or expect to begin Adoption Leave. You must provide a 'matching certificate' from an approved adoption agency as confirmation of your match to a child. You will receive written confirmation from Human Resources of the terms of your Adoption Leave and the date on which you are expected back to work if you take your full entitlement to adoption leave.

### **6.3 Statutory Ordinary and Additional Adoption leave**

You are entitled to take up to 26 weeks' Ordinary Additional Leave followed immediately by a further 26 weeks' Additional Adoption Leave irrespective of your length of service or the number of hours worked each week. This gives you a maximum of 52 weeks leave in total. Only one period of leave is available even if you are adopting more than one child.

If the child's placement ends during adoption leave, (e.g. because you have been notified that a placement will not occur or the child is returned to the adoption agency), you will be able to take up to eight weeks' adoption leave after the end of the placement.

### **6.4 Occupational Adoption Leave and Pay**

If you have worked continuously for the Trust for at least one year by the week in which you were notified by an approved adoption agency of a match with a child, you may be entitled to receive up to 52 weeks' Occupational Adoption Leave (which incorporates the statutory provisions shown above). The Trust pays Occupational Adoption Pay (OAP) for up to 24 weeks of which the 8 weeks will be paid at full pay (inclusive of Statutory Adoption Pay) and 16 weeks at half pay inclusive of Statutory Adoption Pay. Statutory Adoption Pay will continue for a further 15 weeks after the OMP has finished. Once your paid (statutory and occupational) adoption leave is finished, you will be unpaid. Although your contract will continue during your adoption leave, the Trust will cease to make any contributions to your pension scheme while you are unpaid. If you wish to continue making contributions yourself, you should contact your pension provider.

## **6.5 Adoption appointments**

If you are the main adopter, you can take paid time off for up to five adoption appointments. If you are the second adopter, you will be entitled to take unpaid time for two appointments. If you have applied for (or intend to apply for) a parental order in a surrogacy situation you have the right to unpaid time off to attend up to two ante-natal appointments with the birth mother.

## **6.6 Starting Adoption leave**

You can start your adoption leave from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement.

## **6.7 Keeping in touch (KIT) days**

You are entitled to work for up to 10 days during your adoption leave without this affecting your eligibility to adoption pay. For example, these days could be for training or to attend meetings. The Trust is under no obligation to provide KIT days and you are under no obligation to work these days. Your manager will advise you if the opportunity for such days arise.

## **6.8 Salary reviews**

If a salary review occurs during your period of absence you will be notified of your reviewed salary at this time. Your adoption pay will be re-calculated to take account of any salary increase occurring between your original statutory/occupational pay calculation period and the end of your adoption leave period.

## **6.9 Return to work**

You have the right to return to your own job following Ordinary Adoption Leave or to a suitable alternative one if this is not practicable after your Additional Adoption Leave. If you are put at risk of redundancy while you are on adoption leave you will be given priority consideration for any suitable alternative job that may arise within the Trust.

If you decide to end your adoption leave early e.g. to take Shared Parental Leave or to return to work, you must give your line manager at least 8 weeks' notice in writing. If you fail to give the required notice the Trust may postpone your return to work or the start date of your Shared Parental Leave until full notice has been given.

## **6.10 Leaving the Trust**

If you decide to leave the Trust either during or following your adoption leave you should notify your line manager in accordance with the terms of your contract of employment. The Trust reserves the right to reclaim payment for any period of Occupational Adoption Leave paid at half pay if you do not return to work or remain at work for 16 weeks following your Occupational Adoption Leave.

## **7. Paternity Leave**

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### **7.1 Paternity Leave**

You have the right to Statutory Paternity leave of one or two weeks if you have given the correct notice period and you

- Are the father of the child, or husband or partner of the mother (including same sex partner).
- Have at least 26 weeks' continuous employment with the Trust by the end of the 15<sup>th</sup> week before the expected week of childbirth or, for adoption paternity leave, by the end of the week in which you are notified of a match.
- Have, or expect to have responsibility for the upbringing of the child if you are the father or expect to have the main responsibility for the upbringing of the child if you are the mother's husband or partner but not the child's father.

### **7.2 Notification**

You must notify your line manager in writing of your intention to take Paternity Leave by completing Form SC3 available on the HMRC website and giving a copy of this to your line manager on or before the 15<sup>th</sup> week before the week the child is expected (or by the end of the week in which you were notified of a match). You must also notify your manager in writing as soon as is reasonably practicable of the date on which the child was born (or matched in the case of adoption). If you wish to change the date on which you start your Paternity Leave, you must give your line manager at least 28 days' written notice.

### **7.3 Ante-natal**

You are entitled to unpaid time off work to attend up to two appointments to attend ante-natal appointments. The Trust reserves the right to request evidence of these appointments.

### **7.4 Starting Paternity Leave**

You can choose to take either one week or two consecutive weeks Paternity Leave (not occasional days or separate weeks). You cannot start your leave before the child's birth or adoption. If the child is born earlier than expected you must take paternity leave within 56 days of that date or within 56 days of the child's actual date of birth. You can only take one period of leave, even if more than one child is born as a result of the same pregnancy or you adopt more than one child.

### **7.5 Return to Work**

You would normally be entitled to return to the same job you held before your Paternity Leave or a suitable alternative. If you have combined your Paternity Leave with a period of Shared Parental Leave of more than four weeks and it is not reasonably practicable for you to return to the same job, the Trust will offer you a suitable alternative job.



## **8. Parental Leave**

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### **8.1 Eligibility**

You must be the parent (natural, adoptive or have legal parental responsibility) of a child and have at least one year's continuous service with the Trust by the date on which your leave is to start.

### **8.2 Entitlement**

You are entitled to 18 weeks unpaid time off work for Parental Leave for each child up to their 18<sup>th</sup> birthday. Reasons for taking parental leave will typically include

- Spending time with the child in early years
- Accompanying the child during a stay in hospital
- Settling a child into new child care arrangements
- Enabling the family to spend more time together.

Leave must be taken in blocks of one week up to a maximum of four weeks each year for each child. If your child qualifies for a disability living allowance you may take the leave as single days or several days at a time.

### **8.3 Notification**

If you wish to take Parental Leave you must notify your line manager in writing at least 21 days in advance of the proposed start and end date. Your manager may wish to see evidence that shows i) your responsibility or expected responsibility for the child for whom you wish to take Parental Leave and ii) Your child's date of birth,( or in the case of a child who was placed with you for adoption, the date on which the placement began). If your entitlement depends on whether the child is entitled to disability living allowance (i.e. you wish to take parental leave for a period of less than one week), the child's entitlement to that allowance.

### **8.4 Consideration of requests**

Wherever possible, the Trust will approve requests for Parental Leave for the dates requested. However, if your line manager considers your absence will unduly disrupt operational services your Parental Leave can be postponed up to six months but it cannot end after the child's eighteenth birthday. In any event, your line manager may wish to discuss your request with you.

### **8.5 Return to work**

You have the right to return to the same job or (if more than four weeks' leave is taken in one block combined with other leave) to a suitable alternative job.

## **9. Shared Parental Leave**

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Shared parental leave enables both parents (natural or adoptive) to take paid time off work in order to care for their child during the first year of the child's life or within one year of adoption. If you wish to take Shared Parental Leave and you meet the eligibility requirements you will need to decide with the other parent who takes what leave and when and each of you must notify your line manager of your intended leave dates.

### **9.1 Eligibility**

In order to be eligible for Shared Parental Leave you must

- Be the parent or the main adopter of the child or the partner of the mother or main adopter
- Have (or share with the other parent) the main responsibility for the care of the child
- Have at least 26 weeks' continuous service with the Trust at the end of the 15<sup>th</sup> week before the expected week of childbirth or at the week in which the main adopter was notified as having been matched for adoption with the child; and
- Still be in continuous employment until the week before any Shared Parental Leave is taken.

In addition, during the 66 weeks before the child is due (or the week you are matched with your adopted child) the other parent must have been working (employed or self-employed) for at least 26 weeks (either consecutively or not) and meet the earnings threshold set by the Government each year for at least 13 of those 66 weeks. See paragraph 9.3 below.

### **9.2 Entitlement**

You are entitled to Shared Parental Leave only after you or the other parent bring a period of maternity or adoption leave and pay to an end early. Any Statutory Maternity or Adoption Leave remaining out of the original entitlement can be converted into Shared Parental Leave. This will give you the ability to

- Take the Shared Parental Leave all in one go, or to request the leave in different blocks and return to work in between those blocks.
- Take the remaining Statutory Maternity or Adoption Pay as Shared Parental Pay.

### **9.3 Statutory Shared Parental Pay**

If you are the mother and you qualified for Statutory Maternity Pay, you will be entitled to receive Shared Parental Pay. If your partner qualified for Statutory Paternity Pay, he or she will be entitled to Statutory Shared Parental Pay.

Statutory Shared Parental Pay is a standard weekly rate set by the Government each new tax year (or ninety per cent of your normal weekly earnings if this is lower). If you wish to claim Statutory Shared Parental Pay you must have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the 15<sup>th</sup> week before the expected week of the birth of the child or the week in which the main adopter was notified as having been matched for adoption with the child.

#### **9.4 Notification of initial period of Shared Parental Leave**

If you intend to take Shared Parental Leave for the first time you must notify your line manager in writing at least eight weeks before the start date of the first period of leave. The notification must include

- The date on which maternity/adoption leave and pay is to end
- The date on which you want to start your period of Shared Parental Leave

This notice is usually binding unless

- Neither parent is entitled to Shared Parental Leave or Shared Parental Pay
- If you gave notice to stop maternity or adoption leave before the birth and you notified your line manager of your intention to cancel it within six weeks of the birth; or
- If the other parent dies

#### **9.5 Additional periods of Shared Parental Leave and Pay**

In addition to the initial notification for Shared Parental Leave (9.4 above) you are entitled to submit a further two requests for specific periods of Shared Parental Leave. Each notice must be given at least eight weeks before the start of the period of leave and can refer to a single continuous period of leave or a number of blocks of leave over a defined period of time. Notification must also include the dates on which Shared Parental Pay will be claimed, if applicable.

#### **9.6 Authorisation**

If you submit a request for a continuous period of leave you will be entitled to take that period of leave and your manager will confirm this to you in writing. However, if you request a number of blocks of leave your line manager may need to discuss the request with you to determine whether such an arrangement can be accommodated. If it cannot be accommodated, your line manager may be able to agree an alternative pattern of leave or may ultimately refuse the request.

In the event that your request for Shared Parental Leave is refused, your line manager will inform you of the reasons for the decision.

If no agreement is reached within two weeks of your request leave being submitted, you can

- Take the discontinuous periods of leave requested in one continuous block beginning on the original start date.
- Take the continuous block starting on a new date, as long as the new date is later than the original start date and you notify your line manager within five days of the two week period referred to above.
- Withdraw the request at any time up to the 15<sup>th</sup> day after it was originally made. If your request is withdrawn in these circumstances it will not count as one of your three requests.

#### **9.7 Varying a period of Shared Parental Leave**

If you wish to vary a period of leave you can do so in the following ways

- Vary the period at least eight weeks before the original start date and the new start date.
- Vary or cancel the amount of leave requested at least eight weeks before the original start date.
- Request that a single period of leave becomes a discontinuous period of leave or vice versa.

A variation will count as one of your three periods of leave notices unless

- It is made as a result of the child being born earlier or later than the expected week of childbirth or the date on which the main adopter was notified of a match.
- The Trust has requested the variation.

## **9.8 Evidence requirements**

The Trust reserves the right to request a copy of the child's birth certificate and the name and address of the other parent's employer.

In the case of adoption the Trust may also request the name and address of the adoption agency together with evidence of the date that the main adopter was notified of having been matched for adoption with the child and the date on which the adoption agency expects to place the child.

Requests for evidence will be made within 10 working days of receiving your notification of entitlement and intention to take Shared Parental Leave or shared Parental Pay (or within 10 working days of the birth of the child if our request was made before the child was born). You must provide the required evidence within 10 working days of the request (or within 10 working days of the birth of the child if our request was made before the child was born). If a birth certificate has not yet been issued, you must sign a declaration stating that fact along with the date and location of the child's birth. If the other parent has no employer, this must also be declared.

## **9.9 Keeping in Touch days (KIT)**

During your Shared Parental Leave, you are entitled to up to 20 KIT days which may be used if you are asked to attend work (for example to attend training or meetings) during your leave. Using the KIT days will not have the effect of extending your Shared Parental Leave period. If you do attend work, you will be paid your normal rate of pay inclusive of any shared parental leave pay entitlement.

You are under no obligation to work during Shared Parental Leave and the Trust is under no obligation to offer work. You should note that the 20 KIT days available during Shared Parental Leave are in addition to the 10 KIT days available during maternity and adoption leave.

## **9.10 Return to work**

You have a right to return to work following a period of Shared Parental Leave on terms and conditions no less favourable than those that would have applied if you had not been absent. If you wish to return early from Shared Parental Leave or extend the period of your Shared Parental Leave you must inform your line manager in writing at least eight weeks before both the original end date and the new end date.

If you return to work immediately after a period of Shared Parental Leave which (together with any statutory maternity/adoption leave you may have taken to care for the same child) was 26 weeks or less, you have the right to return to work in the same job that you left.

If you return to work from a period of Shared Parental Leave which (together with any maternity/adoption leave you may have taken to care for the same child) was more than 26 weeks you will normally be entitled to return to the job in which you were employed before your absence. If that is not reasonably practicable then you will return to another job which is both suitable and appropriate in the circumstances.

## **10. Dependant Leave**

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If you have to leave work to deal with a sudden and unforeseen emergency to attend to your children or other dependants living within your family household you will be entitled to reasonable unpaid time off to deal with the situation. A dependant may be:

- Husband
- Wife
- Your partner
- Child
- Parent
- Anyone living in your household as a member of the family (exceptions include an employee, tenant, lodger)
- Anyone who reasonably relies on you either for assistance or to make care arrangements in the event of illness or injury

There is no set amount of time off allowed for you to deal with sudden and unforeseen emergencies involving a dependant, however the Trust would expect that for most cases one or two days should be sufficient to deal with the problem. (Information on compassionate leave is available in the Special Leave of Absence Policy).

If you wish to take dependant leave you must telephone your line manager as soon as possible to explain what has happened and to discuss how much time off you may need. The Trust will seek to accommodate reasonable requests for Dependant Leave. However, if your line manager considers you are taking too much time off or taking time off too frequently to deal with emergencies you may be required to use your annual leave (where relevant). If your frequent requests for Dependant Leave are causing operational difficulties, your line manager will discuss this with you.

## **11. Reference Documents**

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Appendix A: Summary of all Family Related Leave

## Appendix A

### Summary of all Family Related Leave

Type of Leave	Statutory leave	Statutory Pay	Occupational leave	Occupational Pay
Maternity Leave	Up to 52 weeks	Up to 39 weeks	Up to 63 weeks (11 before birth and max 52 after)	Up to 24 weeks (8 full and 16 half)
Adoption Leave	Up to 52 weeks	Up to 39 weeks	Up to 52 weeks	Up to 24 weeks (8 full and 16 half)
Paternity Leave	Up to 2 weeks	Up to 2 weeks	None	None
Parental Leave	Up to 18 weeks (until child is 18)	None	None	None
Shared Parental Leave	Whatever statutory leave leftover from untaken maternity or adoption leave	Whatever statutory pay is left over from untaken maternity or adoption leave	None	None
Dependant Leave	Reasonable	Unpaid	None	None