

Corporate Ref.	HRM/5.1
Level	Three
Senior Responsible Officer	Director of HR/OD
Version	V1.7
EIA	28/03/2024
Approved by	SMT
Approved date	25/06/2024
Superseded version	V1.6
Review date	Feb 2027

Family Friendly Policy and Procedure

1. PURPOSE AND SCOPE	3
2. POLICY	3
3. KEY DEFINITIONS / ABBREVIATIONS.....	3
4. RESPONSIBILITIES	5
5. PROCEDURES	5
5.1 MATERNITY PROCEDURE	5
5.1.1 RISK ASSESSMENT	5
5.1.2 MATERNITY ENTITLEMENTS MEETING	5
5.1.3 ANTENATAL CARE	6
5.1.4 ENTITLEMENT TO STATUTORY MATERNITY LEAVE (SML).....	6
5.1.5 NOTIFYING THE COLLEGE OF YOUR PREGNANCY	6
5.1.6 STARTING MATERNITY LEAVE	6
5.1.7 KEEPING IN TOUCH (KIT) DAYS	7
5.1.8 STATUTORY MATERNITY PAY (SMP)	7
5.1.9 OCCUPATIONAL MATERNITY PAY (OMP).....	8
5.1.10 RETURN TO WORK.....	8
5.1.11 ANNUAL LEAVE AND PUBLIC HOLIDAYS	9
5.1.12 PENSION – SCOTTISH TEACHERS SUPERANNUATION SCHEME (STSS).....	9
5.1.13 PENSION PROVISIONS LOTHIAN PENSION FUND (LPF)	9
5.1.14 SICKNESS AND SICK PAY	10
5.2. ADOPTION	10
5.2.1 ADVISING EMPLOYER OF ADOPTION.....	10
5.2.2 ADOPTION ENTITLEMENTS MEETING	10
5.2.3 PRE-ADOPTION APPOINTMENTS.....	10
5.2.4 ENTITLEMENT TO STATUTORY ADOPTION LEAVE (SAL)	11
5.2.5 NOTIFYING THE COLLEGE OF YOUR ADOPTION	11
5.2.6 STARTING ADOPTION	11
5.2.7 KEEPING IN TOUCH (KIT) DAYS	12
5.2.8 STATUTORY ADOPTION PAY (SAP).....	12
5.2.9 OCCUPATIONAL ADOPTION PAY (OAP)	13
5.2.10 RETURN TO WORK, ANNUAL LEAVE, PENSIONS (SPPA & LPF) & SICKNESS ..	13
5.3 SHARED PARENTAL LEAVE (SPL) GUIDANCE	13
5.3.1 SUMMARY OF SPL	13

5.3.2 ELIGIBILITY FOR SPL.....	14
5.3.3 ENTITLEMENT TO PAY	14
5.3.4 NOTIFICATION OF TAKING LEAVE	15
5.3.5 WITHDRAWING FROM SHARED PARENTAL LEAVE	15
5.3.6 SPL KEEPING IN TOUCH (SPLIT) DAYS.....	15
5.3.7 RETURNING TO WORK, ANNUAL LEAVE, PENSIONS (STSS & LPF) AND SICKNESS	16
5.4 PATERNITY LEAVE	16
5.4.1 SUMMARY OF PATERNITY LEAVE	16
5.4.2 NOTIFYING THE COLLEGE OF PATERNITY LEAVE	16
5.5 LEAVE FOR FERTILITY TREATMENT	17
5.6 PARENTAL BEREAVEMENT LEAVE	17
5.7 PARENTAL LEAVE (UNPAID)	18
5.7.1 ENTITLEMENT TO PARENTAL LEAVE (UNPAID).....	18
5.7.2 NOTIFYING THE COLLEGE OF YOUR PARENTAL LEAVE	18
5.7.3 RETURN TO WORK	18
6. ASSURANCE	19
7. Appendix 1 – Keeping in Touch (KIT) Days Application Form.....	20

Version Control

Version	Author	Date	Changes
1.4	HR Projects and Systems Manager	03/10/2023	Rebranded, job titles/terminology updated, updated in line with changed UK govt guidance on shared parental leave.
1.5	Information Manager	09/04/2023	Added EIA date.
1.6	HR Projects & Systems Manager	17/07/2024	Added KIT Days form as Appendix 1 and amended clauses 5.1.1, 5.1.7 & 5.2.7 to reflect current practice.
1.7	Director of HR/OD	09/10/2024	5.1.1. Sentence added: PEEP included in the risk assessment for pregnant employees, where this is appropriate. 5.4.1 Updated.

1. PURPOSE AND SCOPE

- 1.1 The College is committed to supporting employees during the life changing event of welcoming a new child into their family. The College encourages employees to have a balance between their work and family commitments, given this ensures we have a more supportive, effective and efficient workplace.
- 1.2 The terms of this policy, and the supporting procedure, aim to ensure that all employees (who meet the eligibility criteria), are aware and understand their statutory and occupational leave and pay entitlements.
- 1.3 This policy complies with current legislation and aims to follow best practice.

2. POLICY

- 2.1 The College aims to support employees, wherever possible, to utilise their maternity, adoption and parental entitlements in the way that works best for them and their family.
- 2.2 All employees (regardless of employment status or hours worked), are entitled to the same pro-rata leave and pay benefits as full-time employees.
- 2.3 The College, where appropriate, will ensure that employees are made aware of the relevant entitlements to support their family situation, including entitlements for fathers, partners and secondary adopters.
- 2.4 The College will ensure a risk assessment is carried out in relation to a pregnant employee's work situation.
- 2.5 The College will support all key users and stakeholders in the effective use of this policy and procedure.

3. KEY DEFINITIONS / ABBREVIATIONS

- 3.1 **Partner**
Partner refers to someone you are married to, a civil partner or someone you live with as if you were married/civil partners.
- 3.2 **Expected Week of Confinement (EWC)**
The week, beginning on the Sunday in which it is expected that the baby will be born. To work out the 15th week before the EWC, find the Sunday before the due date (unless the baby is due on a Sunday, in which case use the due date), and count back 15 weeks.
- 3.3 **Statutory Maternity Leave (SML)**
A pregnant employee is entitled to 52 weeks statutory maternity leave (SML), regardless of her length of service. This is made up of 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML).

3.4 Compulsory Maternity Leave

Legislation prohibits you from returning to work during the two-week period immediately after the birth of your child. This is part of the statutory maternity leave period, not additional to it.

3.5 Statutory Adoption Leave (SAL)

The primary adopter has the right to 52 weeks of statutory adoption leave, if they meet certain eligibility criteria. This is made up of 26 weeks of ordinary adoption leave followed by 26 weeks of additional adoption leave.

3.6 Surrogacy Arrangement

Employees who are in a surrogacy arrangement are entitled to statutory adoption leave, if they meet the qualifying requirements, and intend to apply for a 'parental order' under the Human Embryology and Fertilisation Act 2008. They may also choose to share part of their statutory adoption leave with their partner.

3.7 Shared Parental Leave (SPL)

A pregnant employee or an adoptive parent may choose to share part of their statutory maternity or adoption leave with their partner. Parents can choose as to how they share SML or SAL, either taking it in turns or taking time off together.

3.8 Paternity Leave

Leave to enable employees to support their partner around the time of their child's birth or, in the case of adoption, the child's placement. This leave gives them time to spend with their partner and get to know their new child.

3.9 Parental Leave (Unpaid)

Parental Leave gives parents of children under 18 years the right to take one or more periods of leave (unpaid), to look after their child or make arrangements for their child's welfare. This can be up to 18 weeks leave before their child's 18th birthday, with a maximum of four weeks (unpaid) leave per year.

3.10 Parental Bereavement Leave

Bereaved parents (or other primary care givers) will be entitled to two weeks' paid leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy.

3.11 Statutory Pay – SMP, SAP, SPP & ShPP

Statutory maternity (SMP), adoption (SAP), paternity (SPP) and shared parental (ShPP), pay is the minimum payment that the College must pay qualifying employees while on maternity, adoption, paternity or shared parental leave.

3.12 Occupational Pay - OMP, OAP, OPP

Occupational maternity (OMP), adoption (OAP) and paternity (OPP) pay are inclusive of the statutory payments mentioned in 3.11, and is above the minimum legal requirement, at an amount decided by the College and set out in this policy and procedure.

4. RESPONSIBILITIES

- 4.1** The Senior Management Team (SMT) are responsible for approving this policy and procedure.
- 4.2** The Director of HR and OD is responsible for the monitoring, application, reviewing and drafting of this policy and procedure.
- 4.3** All managers and key users (in particular payroll), are responsible for the consistent application of this policy and procedure.
- 4.4** All employees are responsible for ensuring that they are aware of their responsibilities/obligations under this operational policy and procedure.

5. PROCEDURES

5.1 MATERNITY PROCEDURE

5.1.1 RISK ASSESSMENT

You should advise your line manager as soon as possible that you are pregnant, as this will enable a risk assessment to be undertaken.

The risk assessment will be undertaken by your manager, with support from the Health and Safety team where relevant. They will assess your working environment and make any required recommendations, with regards to reasonable adjustments. This may include a PEEP (Personal Emergency Evacuation Plan), where necessary. You should discuss these with your manager and ensure any actions are followed up.

If the risk assessment identifies that you are in a role which poses a risk to your health or to the health of your unborn baby, appropriate action will be taken immediately. This may require a change(s) to your working conditions, or if this is not possible you may be offered a suitable alternative role for the duration of your pregnancy. However, if there is no suitable alternative role available we reserve the right to suspend you on full pay until you are no longer at risk.

If you have any other health and safety concerns during your pregnancy you should contact the Health and Safety Manager.

5.1.2 MATERNITY ENTITLEMENTS MEETING

A member of the HR team will arrange to meet with your line manager and you, to provide details of your entitlement to:

- SML, including giving appropriate notice;
- give up part of your SML to share as SPL (if you wish to do so);
- time off for antenatal appointments;
- benefits during SML, including leave and pensions;
- return to work and the process for requesting flexible working.

5.1.3 ANTENATAL CARE

Pregnant employees are entitled to take paid time off work during normal working hours to receive antenatal care.

Antenatal care includes (but is not limited to) appointments with your GP/Medical Practitioner, hospital clinics and antenatal classes. You may be asked to provide documentation confirming any antenatal appointments.

Fathers and partners of pregnant women are entitled to unpaid time off to attend two antenatal appointments.

5.1.4 ENTITLEMENT TO STATUTORY MATERNITY LEAVE (SML)

A pregnant employee has the right to a maximum of 52 weeks SML (comprising of 26 weeks OML and 26 weeks AML).

All your contractual terms (for example holidays and benefits) continue during SML, with the exception of your normal salary.

5.1.5 NOTIFYING THE COLLEGE OF YOUR PREGNANCY

You must formally notify your line manager and HR, in writing (including email), no later than the end of the **15th week** before the expected week of confinement (EWC), stating:

- You are pregnant;
- The week in which your child is due (EWC);
- The date you want your maternity leave to start.

At around 20 weeks, you will receive your MatB1 Form from your midwife/GP/Medical Practitioner. You should send this (original form) to Human Resources, who will forward this form onto Payroll.

When Human Resources are aware of your intended start date for SML we will write to you to confirm your maternity entitlements (as discussed at your maternity entitlements meeting), including the date on which your SML will end.

Should your actual SML commence on a date different to which you intended, due to being triggered by a pregnancy-related absence or premature childbirth, we will write to you again to confirm the date on which your SML will now end.

5.1.6 STARTING MATERNITY LEAVE

You can choose to start your maternity leave at any time after the **11th week** before your EWC.

If you wish to change the date on which you want to start your maternity leave you must notify your manager and Human Resources, in writing, at least 28 days before your new start date.

If you are absent from work wholly or partly due to your pregnancy at any time after the **4th week** before your EWC, then your maternity leave will automatically start on the day after your first day of absence.

If you give birth before your SML has started your SML will begin on the day after childbirth. You must notify Human Resources, in writing (including email), of the date of childbirth as soon as is reasonably practicable.

The definition of childbirth is the birth of a child either living or dead after 24 weeks of pregnancy. If you suffer a stillbirth after this time you have the right to maternity leave.

5.1.7 KEEPING IN TOUCH (KIT) DAYS

Reasonable contact between you and your manager during SML is encouraged, particularly to keep you informed of changes/developments at work which may affect you and/or to discuss plans for your return to work. The nature of this contact should normally be agreed between you and your manager prior to you starting maternity leave.

You will remain on the circulation lists via your College email account for all staff communications and internal announcements. If you wish to access your College email account while you are on leave, you can access your work email in the normal manner via the remote desktop service. Alternatively, you can request for your line manager to forward on particular College communications to you. Please discuss with your manager the types of communications you would like to receive prior to commencing leave.

If you would like to receive College vacancies while on maternity leave, you should log onto the College's recruitment page and set up a vacancy alert prior to commencing maternity leave.

You may, by agreement with your manager, work up to 10 days during maternity leave. These are keeping in touch (KIT) days, which are different to reasonable contact that your manager may have with you. KIT days are days which you would carry out work for which you would be paid at your normal/average daily salary without affecting your eligibility to receive SMP. These days could be for training, attending meetings or carrying out other work duties as agreed with your manager. This work may only take place with the express agreement of you and your manager.

5.1.8 STATUTORY MATERNITY PAY (SMP)

To receive SMP you must satisfy the following conditions:

- have completed 26 weeks continuous service with the College (or other body as detailed in the Local Government Modification Order (1999), as amended) by the end of the 15th week before the EWC;
- your average weekly earnings must be in excess of the lower earnings limit for the purpose of National Insurance Contributions.

- complied with the notification procedures and timescales outlined in section 5.1.5.

If you do not qualify for SMP you may be eligible to claim Maternity Allowance from the Benefits Agency.

5.1.9 OCCUPATIONAL MATERNITY PAY (OMP)

Occupational maternity pay is inclusive of SMP. To receive OMP you must meet the criteria for SMP outlined above and have completed 26 weeks continuous service with the College or other body (as detailed in the Local Government Modification Order (1999), as amended) by the end of the 15th week before the EWC

Occupational maternity pay consists of:

- 13 weeks x Full/Average Pay
- 26 weeks x at the prevailing rate of SMP (or 90% of their average weekly earnings if this is less than SMP rate)

You will not be entitled to receive SMP for any time in the maternity pay period that you are in legal custody or living out-with the European Economic Area.

5.1.10 RETURN TO WORK

The College will assume that you intend to return to work and to take your full entitlement to 52 weeks Statutory Maternity Leave unless notified otherwise.

If you wish to return to work before this date then you must provide a minimum of **six weeks'** notice, in writing, in advance of the date that you wish to return to work.

You have the right to return to the same role, on terms and conditions no less favourable than those which would have applied, had you not been pregnant after ordinary maternity leave (26 weeks), or to a suitable alternative role if this is not practicable after more than 26 weeks of statutory maternity leave.

We will seek to avoid you being put into a position of potential redundancy while on maternity leave. In accordance with statutory requirements, where redundancy is unavoidable, you will be given first consideration for any suitable alternative employment that may arise.

You do not have to return to work under the same working arrangements as those prior to your period of maternity leave providing that mutual agreement is reached for a return on a reduced hours basis. Requests should be made through the College's Flexible Working Policy and Procedure.

Prior to your return to work you may be invited to attend an informal meeting with your manager and/or HR in order to discuss any important points relating to your return to work.

These may include:

- updating you on developments at work, including any necessary and unavoidable changes to your work;
- considering any retraining needs which may have arisen;
- providing you with the opportunity of indicating whether you wish to request flexible working.

If you decide not to return to work at the end of your period of maternity leave, then you must notify HR in writing. This notification will be regarded as a resignation and your employment will end by way of the normal resignation process.

5.1.11 ANNUAL LEAVE AND PUBLIC HOLIDAYS

Annual leave and public holidays are accrued during statutory maternity leave.

Leave accrued during your period of maternity leave may be taken prior to returning to work with the agreement of your manager.

Accrued statutory annual leave should be taken and will not be paid in lieu.

5.1.12 PENSION – SCOTTISH TEACHERS SUPERANNUATION SCHEME (STSS)

Lecturing staff who are members of the STSS Scheme, will continue to make Superannuation contributions during paid maternity leave, even if they do not intend to return to work.

During unpaid maternity leave, you can decide whether you wish the unpaid period to count towards your reckonable service in relation to your pension. To do this, you have to contact the Scottish Public Pensions Agency and ask to be sent a CON21 application. If you decide to pay contributions through the unpaid period of maternity leave then you will be required to pay your own contributions, and the College would be responsible for paying the employer's contributions. Contributions are based on your salary prior to going on maternity leave.

If contributions are not paid during the unpaid part of maternity leave, the unpaid period of leave will constitute a break in service for pension purposes.

5.1.13 PENSION PROVISIONS LOTHIAN PENSION FUND (LPF)

Employees who are members of LPF will continue to make pension contributions during paid maternity leave, even if they do not intend to return to work.

During unpaid maternity leave, you can decide whether you wish the unpaid period to count towards your reckonable service in relation to your pension. To do this, you are required to apply online and complete the form 'paying for a break in service' (obtainable from www.lpf.gov.uk). This form should then be printed off, signed and sent to HR, who will forward the form to Payroll for processing.

On your return to work you should contact Payroll to make arrangements to pay outstanding pension contributions. The time period over which backdated

payments can be made is negotiable. You only have to pay your own contributions, and the College would be responsible for paying the employer's contributions (if you elect to cover the break in service within 30 days of returning to work).

If contributions are not paid during the unpaid part of maternity leave, the unpaid period of leave will constitute a break in service for pension purposes.

5.1.14 SICKNESS AND SICK PAY

If you are unable to return to work at the end of your maternity leave period due to illness, then the normal rules on sick leave will apply.

5.2. ADOPTION

5.2.1 ADVISING EMPLOYER OF ADOPTION

You should advise Human Resources that you intend to take statutory adoption leave within seven days of being notified of a match by the adoption agency, unless this is not reasonably practicable.

You must provide the following details in writing:

- Your intention to take statutory adoption leave;
- When the child is expected to be placed with you;
- When you would like your SAL/SAP period to commence.

5.2.2 ADOPTION ENTITLEMENTS MEETING

A member of the HR team will arrange to meet with you to advise you of your adoption entitlement to:

- SAL, including giving appropriate notice;
- give up part of your SAL to share as SPL (if you wish to do so)
- time off for pre-adoption appointments;
- benefits during SAL, including leave and pensions;
- return to work and the process for requesting flexible working.

5.2.3 PRE-ADOPTION APPOINTMENTS

Employees that are adopting are entitled to time off for adoption appointments to either have contact with the child, or for another purpose connected to the adoption.

The lead adopter is entitled to up to five paid adoption appointments.

You may be required to provide documentation confirming adoption appointments.

The secondary adopter is entitled to up to two unpaid adoption appointments.

5.2.4 ENTITLEMENT TO STATUTORY ADOPTION LEAVE (SAL)

An employee adopting a child (subject to meeting eligibility criteria below) has the right to a maximum of 52 weeks Statutory Adoption Leave (comprising of 26 weeks OAL and 26 weeks AAL);

All your contractual terms (for example holidays and benefits) continue during SAL, with the exception of your normal salary.

Only one period of SAL is permitted for each placement regardless of how many children are placed at that time, e.g. brothers and sisters, as part of the same arrangement.

SAL shall not be granted in circumstances where the child is already living as a family member, e.g. where a spouse/partner of a natural parent adopts their partner's child (or children).

If, for some reason, the placement is not successful and ends after your SAL period has begun, you will be allowed to continue your SAL for a maximum of eight weeks after the end of the week the placement ends, or until the end of the maximum period, if that is sooner.

Employees in a surrogacy arrangement are entitled to take SAL if they meet the qualifying requirements outlined above and intend to apply for a parental order under the Human Embryology and Fertilisation Act 2008.

5.2.5 NOTIFYING THE COLLEGE OF YOUR ADOPTION

You must formally notify the College, in writing, of:

- Your intention to take SAL;
- When the child is expected to be placed with you;
- When you would like your SAL/SAP period to commence.

You must provide the College with documentary evidence of the placement for adoption in the form of a matching certificate. You should send your matching certificate (original form) to HR.

You can change your mind over when you would like to commence your SAL provided that you give at least 28 days' notice of the change (unless this is not reasonably practicable).

The College will respond to your notification of adoption leave plans within 28 days of receipt, outlining the date when you are expected to return to work if you take your full entitlement.

5.2.6 STARTING ADOPTION

You can choose to start your adoption leave on any day of the week, from either:

- a) The actual date of the child's placement, or

- b) A predetermined date no more than 14 days before the expected date of placement.

You must take adoption leave in periods of complete weeks.

If you have properly notified the College of the date you wish to start your adoption leave then you must notify your manager and HR of a variation to the start of your adoption leave at least 28 days before the new date.

If you commence your SAL before the child is placed, you need to be sure that the placement is going ahead. If it is delayed once you have started your adoption leave, you cannot stop your leave and start it again at a later date.

5.2.7 KEEPING IN TOUCH (KIT) DAYS

Reasonable contact between you and your manager during SAL is encouraged, particularly to keep you informed of changes/developments at work which may affect you and/or to discuss plans for your return to work. The nature of this contact should normally be agreed between you and your manager prior to you starting adoption leave.

You will remain on the circulation lists via your College email account for all staff communications and internal announcements. If you wish to access your College email account while you are on leave, you can access your work email in the normal manner via the remote desktop service. Alternatively, you can request for your line manager to forward on particular College communications to you. Please discuss with your manager the types of communications you would like to receive prior to commencing leave.

If you would like to receive College vacancies while on maternity leave, you should log onto the College's recruitment page and set up a vacancy alert prior to commencing maternity leave.

You may, by agreement with your manager, work up to 10 days during adoption leave. These are keeping in touch (KIT) days which are different to reasonable contact that your manager may have with you. KIT days are days which you would carry out work for which you would be paid at your normal/average daily salary without affecting your eligibility to receive SAP. These days could be for training, attending meetings or carrying out other work duties as agreed with your manager. This work may only take place with the express agreement of you and your manager.

5.2.8 STATUTORY ADOPTION PAY (SAP)

To receive SAP you must satisfy the following conditions:

- have completed 26 weeks continuous service with the College (or other body as detailed in the Local Government Modification Order (1999), as amended) by the date they are matched with the child;

- In the eight weeks prior to the notification of placement you must be in excess of the lower earnings limit for the purpose of National Insurance Contributions;
- Complied with the notification procedures and timescales outlined in section 5.2.5.

If you are not entitled to SAP you should talk to your adoption agency about the financial support available to you in these circumstances. You may also be eligible for Income Support.

5.2.9 OCCUPATIONAL ADOPTION PAY (OAP)

Occupational Adoption Pay is inclusive of SAP. To receive OMP you must meet the criteria for SAP outlined above and also satisfy the following conditions and have completed 26 weeks continuous service with the College or other body (as detailed in the Local Government Modification Order (1999), as amended) by the date they are matched with the child.

Occupational Adoption Pay consists of:

- 13 weeks x Full/Average Pay
- 26 weeks x at the prevailing rate of SMP (or 90% of their average weekly earnings if this is less than SMP rate).

You will not be entitled to receive SAP for any time in the adoption pay period that you are in legal custody or living out-with the European Economic Area.

5.2.10 RETURN TO WORK, ANNUAL LEAVE, PENSIONS (SPPA & LPF) & SICKNESS

These terms are the same as those outlined for maternity as under sections 5.1.10, 5.1.11, 5.1.12, 5.1.13 and 5.1.14. Please refer to these sections for equivalent terms for adoption.

5.3 SHARED PARENTAL LEAVE (SPL) GUIDANCE

5.3.1 SUMMARY OF SPL

Eligible employees can opt to take Shared Parental Leave (SPL) when they (or their partner) end their maternity or adoption leave and pay early. The remaining leave will be available as SPL. The remaining pay may be available as ShPP.

SPL allows the mother/adopter and their partner to share the maternity/adoption leave.

The leave can be split in a 'continuous' way. This means that one partner takes a period of leave, and then the other partner takes the remainder of the leave. Alternatively, the leave can be 'discontinuous'. This means that one partner takes some leave, then the other, and then the first partner takes some more leave, etc. Parents can choose how much of the SPL each of them will take. It could also mean that the two partners take some leave at the same time.

The leave taken by the two partners when added together must not total more than 52 weeks. Leave must be taken in minimum units of one week. Employees can take SPL in up to 3 separate blocks of leave. SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

The employee can also request to split a block of leave into shorter periods of at least a week e.g. you could request to work every other week during a 12 week block so using a total of 6 weeks of SPL. However, the College does not have to agree to a request to split a block of leave into shorter periods.

5.3.2 ELIGIBILITY FOR SPL

To be eligible to take SPL you must:

- be eligible to take statutory adoption leave (SAL) or SML, or be entitled to statutory maternity pay (SMP), statutory adoption pay (SAP) or maternity allowance (MA);
- share responsibility for raising the child with one of the following:
 - their husband, wife, civil partner or joint adopter
 - the child's other parent
 - their partner (if they live with them)

As well as these requirements there is a 'continuity test' which is applied to determine eligibility:

- One parent of the two who are applying to take SPL must have worked for the same employer for at least 26 weeks by the 'qualifying week*', or the week they are matched with a child for adoption in the UK. The parent must still be employed while they take SPL.

*'Qualifying week' is the 15th week before the baby is due.

- The other parent must have worked for 26 weeks in the 66 weeks leading up to the date that the baby is due/placed and must have earned above the maternity allowance threshold in 13 of those 66 weeks.

If only one parent is eligible then both parents cannot share the leave.

5.3.3 ENTITLEMENT TO PAY

Shared Parental Pay (ShPP) is identical to SMP and SAP. The amount is paid to whichever partner is taking the leave. As with SMP and SAP, it is only payable for 39 weeks, even though the total leave can be up to 52 weeks.

To be eligible for Shared Parental Pay (ShPP) the parent must pass the continuity test and have earned an average of the lower earnings limit or more for the **eight weeks'** prior to the **15th week** before the EWC/week that the adopter is notified of the placement.

5.3.4 NOTIFICATION OF TAKING LEAVE

You are required to give the College at least **eight weeks'** notice that you intend to take SPL. As long as there is some outstanding SML or SAL you can opt to take SPL at any time before the baby's first birthday or within one year of adoption.

If you are eligible and give the correct notice the College cannot refuse your request for a block of leave.

You cannot make more than three requests for a block of leave.

If you are intending to take SPL you must give the following information to the College when giving notice of your intention:

- your partner's name, and confirmation that you are sharing childcare responsibility for this child;
- a declaration that your partner meets the employment and income requirements which allows you to start SPL and ShPP (if you are eligible).

Once the information above has been given to the College it can choose to ask for the following information (Note: The request must be made within 14 days of receiving the notice):

- a copy of the child's birth certificate;
- the name and address of your partner's employer.

If this information is requested you must supply it within 14 days.

5.3.5 WITHDRAWING FROM SHARED PARENTAL LEAVE

The mother/adopter can withdraw from the decision to take SPL if both:

- the planned end date of SML/SAL has not yet arrived;
- they have not returned to work.

In addition, one of the following must apply:

- the employee has discovered during the eight-week notice period that neither of the couple is eligible for SPL or ShPP;
- the employee's partner has died;
- the mother tells her employer that she is withdrawing from SPL less than six weeks after the birth (this presumes that she gave notice of her intention to take SPL prior to the birth).

5.3.6 SPL KEEPING IN TOUCH (SPLIT) DAYS

Those taking SML or SAL are entitled to take up to ten 'keeping in touch' days (referred to as KIT days). These days can be worked during SML or SAL with no effect on entitlement to SMP or SAP. It is not compulsory to work a KIT day, and you cannot insist that the College allows you to work a KIT day. The College pay normal full pay for a KIT day.

To request a KIT Day please complete the application form in Appendix 1.

In addition, each partner taking SPL will be entitled to take up to 20 'Shared parental leave in touch' (SPLIT) days. The same rules apply as for KIT days – SPLIT days are optional.

5.3.7 RETURNING TO WORK, ANNUAL LEAVE, PENSIONS (STSS & LPF) AND SICKNESS

These terms are the same as those outlined for Maternity & Adoption as under sections 5.1.10, 5.1.11, 5.1.12, 5.1.13 & 5.1.14. Please refer to these sections for equivalent terms for shared parental leave.

5.4 PATERNITY LEAVE

5.4.1 SUMMARY OF PATERNITY LEAVE

At the **15th week** before the baby's due date (or 'matching' week in the case of adoption), employees with at least **26 weeks** recognised continuous service with the College are entitled to two weeks paid ordinary paternity leave as follows:

- two weeks at normal full pay (this is an enhancement to statutory paternity pay).

The two weeks leave does not need to be taken consecutively.

Employees who do not have **26 weeks** recognised continuous service by the **15th week** before the baby's due date or placement date are entitled to one week's leave at full pay.

In order to qualify, you must expect to have responsibility for the baby's upbringing and be either the biological father or the mother's partner.

Adopting partner's (and those who were in a surrogacy arrangement) may also access this leave and the placement date should be used in place of the baby's due date.

5.4.2 NOTIFYING THE COLLEGE OF PATERNITY LEAVE

You must notify the College of your intention to take Paternity Leave no later than the **15th week** before the due date or within **seven days** of being notified they have been matched with a child in the case of adoption. An employee must complete an Inland Revenue SC3 form (Statutory Paternity Pay/Paternity Leave), which can be obtained from Human Resources, and using this form, you must state:

- you are taking the leave to care for the child or support the mother/primary adopter;
- you expect to have responsibility for the upbringing of the child;
- you are the father of the child and/or the partner of the mother or primary adopter;

- the 'due date' or placement date;
- your wish to take your entitlement to one or two weeks' paternity leave
- the date you wish your leave to commence and how long you wish to take.

In order to qualify, you must reach the National Insurance Lower Earnings Limit (at the **15th week** before the due date/end of matching week).

5.5 LEAVE FOR FERTILITY TREATMENT

Employees with more than 26 weeks service with the College are allowed up to two days paid leave per year to undergo fertility treatment. This applies equally to the partner of someone who is undergoing fertility treatment. If you require time off beyond this, you will be allowed to take time off out of your Annual Leave entitlement, unless there is a specific and pressing business reason as to why this is not practicable. If you wish to use this leave you must:

- inform your line manager as soon as your plans to undergo fertility treatment have been confirmed;
- provide a statement from a qualified medical practitioner that fertility treatment has been recommended and approved;
- (at the request of your manager) produce an appointment card for each occasion on which time off is requested;
- try to arrange appointments at times that will cause the minimum amount of inconvenience to the College;
- give as much notice as possible of the days on which time off is required

5.6 PARENTAL BEREAVEMENT LEAVE

Bereaved parents (or adults with parental responsibility e.g. adopters, foster parents and guardians) are entitled to two weeks' paid leave following the loss of a child under the age of 18 or a still birth after 24 weeks of pregnancy (as of 6 April 2020).

The two weeks bereavement leave will be paid at the employee's normal full pay.

Female employees who suffer a still birth after 24 weeks of pregnancy will still be entitled to up to 52 weeks of maternity leave and pay, as will a mother who loses a child after it is born.

The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each. It must be taken within 56 weeks of the date of the child's death.

If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

5.7 PARENTAL LEAVE (UNPAID)

5.7.1 ENTITLEMENT TO PARENTAL LEAVE (UNPAID)

All employees, with **one year's** continuous service with the College, and who is the parent (including adoptive parents) of a child under the age of 18, has the right to a total of **18 weeks unpaid** parental leave in the first 18 years of the child's life.

Both parents are entitled to parental leave.

Before approving your request for parental leave, the College may ask you to produce evidence of parenthood or parental responsibility. This could be in the form of, for example, of a full birth certificate or adoption papers.

Parents who have taken part of their parental leave with their previous employer may not take the balance of the parental leave due to them until they have worked for the College for at least one year (in which event, the College may ask for evidence of the amount of parental leave already taken with one or more previous employers).

The right to a period of unpaid parental leave is available in respect of each child. If an employee has, for example, two children under the age of 18, he or she may take 18 weeks' unpaid parental leave in respect of each of those children.

Leave patterns may range from one half day per week to one block of four weeks in a year.

5.7.2 NOTIFYING THE COLLEGE OF YOUR PARENTAL LEAVE

Parental leave should be a planned arrangement and is not intended for emergency situations. You are required to request parental leave in writing at least 21 days in advance of their intention to take leave.

Any agreement will be subject to the operational requirements of the College. As such, the College can postpone parental leave for up to six months where the business would be particularly disrupted if the leave were taken at the time requested. However, leave cannot be postponed when you give notice to take it immediately after the time the child is born or is placed with the family for adoption.

5.7.3 RETURN TO WORK

At the end of parental leave, you are guaranteed the right to return to the same role as before if your leave was for a period of four weeks or less.

When parental leave follows maternity/adoption or shared parental leave, you are entitled to take the full four weeks parental leave and to return to the same role you had before the parental leave. If at the end of additional maternity leave, this is not reasonably practicable, and it is still not reasonably practicable at the end of parental leave, you are entitled to return to a similar role.

The employment contract continues during an absence on parental leave, unless it is terminated by the employer or employee.

A period of parental leave counts towards a period of continuous employment for the purposes of statutory employment protection rights, including calculating a redundancy payment. However, periods of unpaid parental leave are disregarded for the purposes of calculating the amount of a redundancy payment.

Parental leave is unpaid and is therefore not reckonable for pensions purpose. Neither the college nor the employee will make contributions during this period. Employees should contact their pension provider, either the SPPA or LPF, in order to establish whether they can buy back missed contributions, or make other additional contributions on their return to work.

New employees should inform HR on appointment of any leave already taken in respect of each child under the age of 18.

6. ASSURANCE

- 6.1 This policy and procedure will be reviewed following any relevant changes to employment law or alternatively every three years as a minimum.
- 6.2 The Senior Management Team will review and monitor this Policy and Procedure every 3 years, unless a legislative change or change to identified good practice requires an earlier review.

7. Appendix 1 – Keeping in Touch (KIT) Days Application Form

An employee may work up to ten “Keeping in Touch” (KIT) days **during maternity or adoption leave** without it affecting maternity/adoption pay.

The KIT days are optional, and they don’t have to be a full day. These hours are to be mutually agreed by the manager and employee before they are worked – up to a maximum of 10 days.

Please submit completed forms to payroll@edinburghcollege.ac.uk, also cc’ing hrpartner@edinburghcollege.ac.uk.

Name:

Department:

KIT Day	Date	Event, Nature or Type of Work	Employee's signature	Date of employee's signature	Manager's signature	Manager's name	Date of manager's signature
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							