Parental Leave and Pay Procedure Appendix B

# Eligibility for Different Types of Leave

* 1. *Maternity Leave*

Any employee who is pregnant is eligible to take Maternity Leave (ML).

* 1. *Adoption Leave*

Any employee who is the intended primary adopter of a child is eligible to take Adoption Leave (AL).

* 1. *Shared Parental Leave*

Any employee who is on ML, AL, the partner of someone who is pregnant or of someone who is the intended primary adopter of a child, is entitled to request Shared Parental Leave (ShPL).

* 1. *Paternity/Partner’s Leave*

Any employee who is the partner of someone who is pregnant or of someone who is the intended primary adopter of a child, is eligible to request Paternity/Partner’s Leave (PL).

* 1. *Surrogacy*

Any employee who will have parental responsibility for a child born as a result of a surrogacy arrangement is eligible to take AL.

* 1. *Fertility Leave*

Any employee can request Fertility Leave (FL) (for up to a maximum of five days in any 12 month period, pro-rata for part-time employees) for the purpose of receiving and recovering from Intrauterine Insemination or In Vitro Fertilisation.

* 1. *Ordinary Parental Leave*

Any employee with one year’s continuous service can request Ordinary Parental Leave (OPL) in respect of a child aged under 18 for whom they have parental responsibility.

* 1. *Sabbatical Leave*

Any employee who is a research-active academic returning from ML, AL or ShPL can request Sabbatical Leave (SaL).

* 1. *Advice*

To obtain guidance on eligibility for and entitlement to different types of parental leave, employees should contact HR Services.

**Notifications**

*Maternity Leave*
2.1 An employee requesting ML is required to notify their line manager of their pregnancy and their expected ML start date by the end of the 15th week before the Expected Week of Childbirth (EWC) or as soon as practicable thereafter.

The employee can contact HR Services for support and advice on the anticipated ML dates.. To apply for ML, employees should download, complete and submit the application using the [ML Form](http://www.ucl.ac.uk/hr/docs/parental-AppendixD.docx) (at Appendix D). Once completed, the application for ML must be countersigned by their line manager and submitted with a copy of the employee’s [MAT B1](http://www.hmrc.gov.uk/manuals/spmmanual/spm20320.htm) form to HR Services.

2.2 Within four weeks of this notification having been received, HR Services will write to the employee to confirm the maximum amount of ML and Maternity Pay to which they are entitled, including the date by which they are expected to return to work.

*Adoption Leave*

2.3 An employee going through the adoption process should inform their manager of this as early as is reasonably possible and, when requesting AL, is required to notify their line manager within 7 days of being matched with a child.

The employee can contact HR Services for support and advice on the anticipated AL dates.

The employee should complete and submit the application using the [AL Form](http://www.ucl.ac.uk/hr/docs/parental-AppendixD.docx) (at Appendix D). Where an employee plans to adopt a child following a surrogacy agreement, documentary evidence of the agreement, including the EWC of the woman giving birth to the child, will need to be provided. Besides the agreement, such documentary evidence could include the [MAT B1](http://www.hmrc.gov.uk/manuals/spmmanual/spm20320.htm) or other documentation evidencing the EWC. Once completed, the application for AL must be submitted with a copy of the Adoption Matching Certificate or the surrogacy agreement to their line manager, who will countersign and forward this documentation to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php).

2.4 Within four weeks of receiving this notification, [HR Services](http://www.ucl.ac.uk/hr/eca/index.php) will write to the employee to confirm the maximum amount of AL and Adoption Pay to which they are entitled and the date by which they are expected to return to work.

*Shared Parental Leave*

Summary

2.5 Different notices need to be given by both parents at different times. The process starts with the mother or primary adoptive parent giving notice to end ML or AL early. The parent or parents employed by UCL wishing to take ShPL must give notice of this intention to the line manager/s and (where appropriate) the other employer. Separately, they must also each give notice of the period/s of leave requested to each respective employer.

Notice to End Maternity or Adoption Leave Early

2.6 An employee who is the mother or primary adoptive parent must give eight weeks’ notice to end their entitlement to ML or AL early (see form at Appendix D). This should be given to the employer and a copy to the partner’s employer, enabling both parents to take advantage of ShPL. This notice can be given before or after a child’s birth or adoption. If it is given after the birth or adoption date, the notice is binding. If notice to end ML or AL is given before the birth or adoption of a child, the mother or primary adoptive parent is able to withdraw this notice in writing up to six weeks after the birth or planned adoption date. This may be because an unplanned situation arises following the birth or adoption of a child.

Notice of Entitlement and Intention to Take ShPL

2.7 If one or both parents wish to take ShPL, they must each submit a written ‘Notice of Entitlement’ (see form at Appendix D) to each employer. An employee should submit this notice to their line manager for approval, who will forward it to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php). This notice must be received at least eight weeks before the start of the first planned period of ShPL. A copy of the child’s birth certificate, adoption matching certificate or (if it is before the child is born) the [MAT B1](http://www.hmrc.gov.uk/manuals/spmmanual/spm20320.htm), should be submitted with the Notice of Entitlement. The notice should include:

* The name of the employee and their partner, together with their National Insurance numbers;
* The start and end date of any period of Statutory ML or AL taken/to be taken by the employee or their partner, who is the mother or primary adoptive parent;
* The amount of any Statutory and Enhanced Occupational Maternity/Adoption pay or Maternity/Adoption allowance received or to be received by the mother or primary adoptive parent;
* The EWC and/or actual date of birth or adoption of a child;
* The total amount of ShPL available;
* Confirmation that both parents are sharing child care responsibilities;
* An indication of how much ShPL each parent intends to take and the proposed start and end dates of such leave;
* The name and address of the partner’s employer (or declaration they are self-employed; and
* A physically or electronically signed declaration from each parent to confirm that:
* The mother or primary adoptive parent satisfies the eligibility criteria, including the [employment and earnings](https://www.ucl.ac.uk/hr/docs/parental-leave.php#ospp) tests;
* Their partner satisfies the eligibility criteria, including the [employment and earnings](https://www.ucl.ac.uk/hr/docs/parental-leave.php#ospp) tests;
* The employee’s partner consents to the employee taking the number of weeks of ShPL specified in the employee’s Notice of Entitlement;
* The information given is accurate; and
* If either parent ceases to meet the conditions of entitlement to ShPL, the employee will notify their line manager immediately (see template declaration at Appendix D).

2.8 Within 14 days of receiving a fully completed Notice of Entitlement with accompanying documentary evidence, [HR Services](http://www.ucl.ac.uk/hr/eca/index.php) will write to confirm the details.

Period of Leave Notice

2.9 The employee must also provide their line manager with a Period of Leave Notice (PLN), giving the start and end dates of the period/s of leave requested (see PLN form at Appendix D). The PLN triggers a discussion with the line manager to talk over and agree the period/s of leave being requested. The PLN must contain all planned periods of ShPL. If these are varied subsequently, the employee will forfeit the right to enhanced Occupational Shared Parental Pay (OSPP) and may only be entitled to Statutory Shared Parental Pay (SSPP) unless exceptional circumstances arise.

2.10 The PLN:

* Must be submitted not less than eight weeks prior to the requested start date of the first period of ShPL;
* Can be submitted at the same time as the Notice of Entitlement referred to in para 2.7 or can be submitted later;
* Can request one or more periods of leave;
* Can express the start date as being a number of days from the date on which it is expected that the child will be born or adopted, where the PLN has been given *prior* to the child’s birth or adoption;
* A maximum of three discontinuous periods of leave can be identified by an employee on their PLN. Up to three periods of leave in total will be accepted and agreed by the line manager. A PLN is binding and cannot be withdrawn except when:
	+ Within eight weeks of an employee submitting notice to end ML/AL it transpires that neither parent qualifies for ShPL;
	+ Notice was given before the birth or adoption of a child and is withdrawn up to six weeks following the birth or placement date;
	+ The employee or their partner dies.

2.11 Once the dates of ShPL have been agreed, the line manager forwards the PLN to HR Services.

Agreeing ShPL

2.12 The rules on agreeing applications for ShPL vary depending upon the pattern of leave which has been requested.

*Continuous periods of ShPL:*

2.13 If an eligible employee simply requests one period of continuous ShPL, they are entitled to take that period of leave and will receive a letter confirming the details of a single block of continuous ShPL. Up to three requests for continuous leave can be made.

*Discontinuous periods of ShPL:*

2.14 Agreement is likely but not automatic if an employee requests discontinuous periods of ShPL – meaning periods of leave separated by periods at work. UCL wishes to encourage the early notification and acceptance of up to three blocks of leave. Line managers will usually agree to these dates. If more than three blocks of discontinuous leave are requested (or a subsequent PLN or variation notice is submitted) this may be rejected or alternative dates proposed. Under such circumstances, entitlement to occupational pay can be affected (see  [Variations to a Period of ShPL](#f) para 2.18).

2.15 Within two weeks of the date of the PLN, the line manager may:

* Agree to the periods of leave requested;
* Propose alternative dates or, very exceptionally;
* Refuse the leave without proposing alternative dates.

2.16 Where the PLN is accepted and the dates of ShPL requested are unchanged, the employee will be entitled to take the leave on the specified dates. Exceptionally, if the parties cannot agree the periods of leave, the employee can withdraw the request and take the total amount of leave as one continuous period.

2.17 The default position is that leave should be taken in a single block commencing on a date specified by the employee but giving at least eight weeks’ notice.

Variations to a Period of ShPL

2.18 Once the period/s of leave have been agreed, if the employee wishes to amend the dates requested, they must send the line manager written notice requesting to vary them (see proforma for a ‘Variation Notice’ at Appendix D). A similar Variation Notice will be required by the employer of a UCL employee’s partner, if the variation being proposed impacts upon either the entitlement to or dates of ShPL that person wishes to take. A Variation Notice submitted by an employee, which must be signed by both parents, may:

* Identify the dates originally requested and the new proposed dates
* Vary the total amount of leave being requested
* Ask for a single period of leave to become discontinuous
* Ask for discontinuous periods to be converted into a single block of leave
* Explain how this request will affect the employee’s remaining entitlement to ShPL.

2.19 A Variation Notice may request that the date on which the first (or, where applicable, second) period of ShPL commences, moves forwards, backwards or remains the same. In any of these circumstances in order to be considered, the notice must be submitted to the employee’s line manager at least eight weeks before the date from which the first requested period of agreed or proposed ShPL would begin. Once approved, the line manager must forward the Variation Notice to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php).

2.20 The employee may only submit three PLNs and/or Variation Notices in total. Any variation to ShPL which has already been booked will, in most circumstances, count as one of the maximum of three PLNs an employee can submit. NB: The submission and acceptance of a Variation Notice, is likely to (where applicable) trigger an end to any remaining entitlement to enhanced OSPP, resulting in the employee receiving only SSPP for any remaining qualifying periods of ShPL.

2.21 A line manager may refuse a request to vary agreed dates of ShPL if an employee has used up all three PLNs. If a notice to vary the agreed dates of ShPL is submitted at least eight weeks in advance of the first desired change and the employee has submitted less than three PLNs in total, the line manager must accept and approve the request to vary ShPL (provided that an employee has sufficient remaining entitlement to ShPL to cover the changed period/s being requested).

Change in Employees’ Circumstances

2.22 It is possible that a parent’s circumstances may change after periods of ShPL have been arranged. This could be difficult if the change occurs at short notice if, for example, arrangements to cover the employee’s absence are already in place. The line manager may therefore hold the employee to the agreed arrangements in certain circumstances.

2.23 If less than eight weeks before the planned start date of ShPL, an employee informs their line manager that they no longer meets the conditions of entitlement and it is not reasonably practicable for this change in circumstances to be accommodated, the line manager may still require that the employee takes a period of ShPL. The leave must be treated as ShPL and will start on the same date that the next period of ShPL was due to start. It will either end on the date originally requested or eight weeks from the date on which the line manager is informed of the change in circumstances, whichever is earlier. If such a change in an employee’s circumstances results in the employee ending ShPL early and returning to work on a date other than that which had been originally agreed, the employee should notify the line manager (using the template letter at Appendix D) at least eight weeks ahead of any changed return date, who will forward a copy to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php).

*Paternity/Partner's Leave*

2.24 An employee is required to notify the line manager by the end of the 15th week before the EWC or date of adoption (or, if that is not possible, as soon as is reasonably practicable) of the expected start date of PL. The individual should use this [form](http://www.ucl.ac.uk/hr/docs/confirmation_paternity_leave.doc) (at Appendix D) to confirm the requested dates of PL. The line manager should sign off the form and forward it to [HR Services](http://www.ucl.ac.uk/hr/staff/hr_staff_contacts_ops.php) who will process and record the leave. When requesting this leave, the employee should provide the line manager with appropriate documentary evidence (a copy of the birth certificate, [MAT B1](http://www.hmrc.gov.uk/manuals/spmmanual/spm20320.htm) form or adoption matching certificate) confirming the expected date of childbirth or adoption.

*Ordinary Parental Leave*

2.25

An employee wishing to apply for OPL should notify their line manager of this request by submitting a request for unpaid leave in Employee Self Service, in MyHR.

2.26 They must also provide a copy of the child's birth certificate, the EWC date if the child is not yet born or the adoption matching certificate.

2.27 The request must be submitted to the Line Manager with as much notice as possible and allowing a minimum of 21 days before they want the leave to begin.

2.28 The dates of OPL will be approved by the employee's line manager, subject to service needs as per section 3.1.5.

2.29 If the line manager wishes to postpone the employee’s leave, then within seven days of receiving the employee's request, they should notify the employee that their application will have to be amended. The line manager should include:

•    The reason for the postponement
•    Alternative dates proposed for the OPL

2.30 If the proposed alternative dates are acceptable to the employee but start after or stretch beyond the 18th birthday of the child, the employee can still take OPL if they wish.

2.31 In case of any disagreement between the employee and the line manager as to which type of leave most closely relates to the reason for the employee’s request for time off work, the line manager should ask their [HR Business Partner](https://www.ucl.ac.uk/human-resources/about-hr/contacting-hr/people-hr/hr-business-partnering-contact-details)for advice.

*Sabbatical Leave*

2.31 Any research-active member of academic staff wishing to request a period of SaL at the end of a period of ML, AL or ShPL (of more than three months in total) should meet with their line manager and complete the [Sabbatical Term Expression of Interest form](http://www.ucl.ac.uk/hr/docs/download_forms/sabbatical_application.doc) within four weeks of returning from leave, in line with the [Sabbatical Leave Policy](http://www.ucl.ac.uk/hr/docs/sabbatical.php). SaL requests are processed within the department and there is no requirement to forward this information on to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php), however they should be recorded via [MyView](https://hrweb.ucl.ac.uk/live/Portal/).

**Starting Maternity Leave**

*Pregnancy-Related Sickness Absence*

3.1 An employee who is absent from work due to sickness, for a pregnancy-related reason after the beginning of the fourth week before the EWC may automatically trigger her ML, unless otherwise agreed by the line manager. In such circumstances, the ML will commence on the day after the first day of pregnancy-related absence.

*Starting ML Early*

3.2 ML and Maternity Pay can commence on any day from the start of the 11th week before the EWC. An employee can change the date on which ML is due to start by giving her line manager at least four weeks' (28 days) notice or, where this is not possible, by providing as much notice as is practicable. A new Application for [ML Form](http://www.ucl.ac.uk/hr/docs/parental-AppendixD.docx) (at Appendix D) will need to be completed and sent to the employee’s line manager, who will forward it on to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php).

3.3 If childbirth occurs before the employee intended her entitlement to start, the ML will start automatically from the day after the date of childbirth.

**Changes to Working Hours and the Planned End Date of Parental Leave**

4.1 If an employee wishes to change the date on which they return to work, ending ML, AL or ShPL, they should notify the line manager (using the template letter at Appendix D) at least eight weeks ahead of any changed return date, who will forward a copy to [HR Services](http://www.ucl.ac.uk/hr/eca/index.php). This notification must be sent whether the change to the end of leave date will be earlier or later than originally planned.

4.2 Requests to change working hours should be made through the procedure in the [Work Life Balance Policy](http://www.ucl.ac.uk/hr/docs/work_life_balance.php). Where an individual has returned to work on a part time basis and subsequently requests to revert to full-time working, this must be agreed between the employee and their line manager and a change of contract issued by [HR Services](http://www.ucl.ac.uk/hr/eca/index.php).

**Annual Leave Accrual Whilst on Parental Leave**

5.1 Employees taking parental leave of any type within the scope of this Policy continue to accrue full contractual entitlement to paid annual leave. Any annual leave accrued during the current leave year may be used in lieu of any equivalent amount of unpaid parental leave or taken in addition to planned parental leave.

5.2 Annual leave can only be taken at the end of any period of elected unpaid ML, AL or OPL. Once an employee commences annual leave, they will be deemed to have returned to work and the ML, AL or OPL will be brought to an end. Thus, any annual leave should be taken immediately after a period of unpaid ML, AL or OPL.

5.3 Annual leave can be taken more flexibly with PL or ShPL. For example, an employee could take annual leave between blocks of ShPL without it bringing their entitlement to ShPL to an end. Likewise, an employee can take annual leave between periods of PL.

5.4 An employee should exhaust entitlement to accrued accumulated annual leave by the end of the leave year during which they return to work. Any carryover of leave in excess of five days must be with the agreement of the line manager.

5.5 For pay purposes, the employee should be marked as returning to work at the end of any period of paid or unpaid parental leave and the manager should then authorise any annual leave in the usual way.

5.6 If the employee is returning on reduced hours you may wish to notify the changed hours to take effect after any period of annual leave.

**Authorised Deductions from Pay Whilst on Parental Leave**

6.1 Where an employee has authorised salary deductions (e.g. Trade Union membership subscriptions or Give as You Earn) these payments will continue to be deducted during parental leave of any type (other than OPL). Unless instructed otherwise, UCL will continue to pay all of an employee's authorised deductions from salary during periods of unpaid parental leave and these contributions will be recovered from future salary payments.

6.2 If an employee wishes to cancel any authorised salary deductions or contributions whilst on parental leave, they should contact the [HR Payroll Services](http://www.ucl.ac.uk/hr/staff/hr_staff_contacts_payroll.php) Team to notify them. For details of how parental leave affects pension contributions, employees should contact the [HR Pension Services](http://www.ucl.ac.uk/hr/staff/hr_staff_contacts_pensions.php) Team.

**Reorganising Duties**

7.1 Any proposed changes to an employee’s duties, to accommodate the need for work reorganisation during periods of parental leave, should be discussed and agreed with the affected employee/s in advance. Workloads should be assessed to ensure that any changed performance objectives can be achieved within the working hours of those concerned and within budgetary constraints.