

14. Maternity and other family leave provisions

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Aim of the Code of Practice

The aim is to:

- 1 promote good planning and practice in the management of maternity, adoption and related leave, including compliance with College policy and legal requirements;
- 2 recognise diversity and provide for staff to meet their work, life, family, health and recreation needs;
- 3 manage staff leave and attendance fairly, consistently and effectively with a view to achieving work targets.

Key points

The College has a number of schemes, all of which are based on its legal duties, to provide time off for staff with family responsibilities. This Code of Practice covers:

- ❖ maternity leave
- ❖ ante-natal leave
- ❖ adoption leave
- ❖ paternity leave
- ❖ unpaid parental leave
- ❖ unpaid time-off to care for dependants
- ❖ compassionate leave

The provisions in this Code apply equally to staff in same-sex relationships.

The College has produced comprehensive employee guides for staff to cover its:

- ❖ maternity scheme
- ❖ paternity scheme
- ❖ adoption scheme

These can be read by managers and staff who want more detail about the practical implications of the schemes than can be included in this Code. The Employee Guides can be found on the HR website at [policies and procedures>leave policies>maternity, paternity and adoption leave](#).

The College also has a related Code of Practice on Flexible Working.

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Maternity leave and pay



| Managers will: | Employees are: |
|--|---|
| <ol style="list-style-type: none"> 1 grant maternity leave in accordance with the employee's entitlement¹ 2 ensure that HR are kept informed in the management of maternity leave 3 carry out a risk assessment when notified about the pregnancy and after the employee's return 4 consider any request by the employee to: <ul style="list-style-type: none"> - begin maternity leave before the day notified - return to work early from maternity leave 5 discuss keeping-in-touch days with the employee and if these are mutually agreed, arrange for HR to pay them 6 plan with the employee any long-term management processes, for example, <ul style="list-style-type: none"> - QMPAS, or RAE or probation assessment or - cover for or the allocation of the employee's work during their absence or - annual leave entitlement before and after the maternity leave. 7 consider any requests for flexible working on the employee's return to work. | <ul style="list-style-type: none"> ❖ entitled to: <ol style="list-style-type: none"> 1 maternity leave and pay as set out on the next page depending on: <ul style="list-style-type: none"> - their length of service - whether they qualify for the QMUL scheme or the Statutory Maternity Pay (SMP)¹. ❖ responsible for: <ol style="list-style-type: none"> 1 telling the College in writing that <ul style="list-style-type: none"> - they are pregnant and - the date that they intend their maternity leave to begin 2 providing form "Mat B1" (this states the date the baby is due and is usually available from the doctor or midwife 14 weeks before the week the baby is due.) 3 participating with their manager in a health and safety risk assessment for new and expectant mothers: <ul style="list-style-type: none"> - when they discover they are pregnant and - when they return to work. 4 repaying any difference between the QMUL and Statutory Scheme if they do not return to work for the required period. |

1. Both College and statutory provisions on maternity leave and pay are described in more detail in the *Employee Guide to Maternity Leave*, which is available on the HR website at [policies and procedures>leave policies>maternity, paternity and adoption leave](#).

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Maternity leave and pay entitlements¹

The table below shows a comparison between the College scheme and the statutory scheme¹.

| | College Scheme | Statutory Scheme (SMP) |
|---|---|--|
| Qualifying Service: | 1 year's service | 26 weeks' service |
| Qualifying Date: (The date by which you must have the service required) | By the start of the week the baby is due. | By the start of the 14th week <i>before</i> the week the baby is due. |
| Maternity Leave Entitlement: | 52 weeks | 52 weeks |
| Maternity Pay Entitlement: | 18 weeks on full pay 8 weeks on half-pay 13 weeks at standard rate SMP ² | 6 weeks on 90% of full pay 33 weeks at standard rate SMP ² |
| Return to Work: | Must return for at least 3 months ³ after maternity leave. | Not required to qualify for SMP |

1. Even if you do not qualify for either the QMUL or statutory scheme, you have a legal entitlement to take up to 52 weeks' unpaid maternity leave, and you may qualify for Maternity Allowance, payable by the Department of Work and Pensions.
2. Standard rate SMP (in April 2011) is set at whichever is the lowest of, either:
 - £135.45 a week; or
 - 90% of your average pay.
3. This period will be extended if, for example, you return on reduced hours.

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Ante-natal leave



| <i>Managers will:</i> | <i>Employees are entitled to:</i> |
|--|---|
| <ul style="list-style-type: none">❖ permit all expectant mothers who work for the College reasonable paid time off for ante-natal care, provided that they are satisfied¹ that the employee is:<ul style="list-style-type: none">- pregnant and- has an appointment for ante-natal care. | <ul style="list-style-type: none">❖ reasonable paid time off for ante-natal care which includes:<ul style="list-style-type: none">- medical examinations- relaxation and parent-craft classes- travelling time both ways to any such appointment. |

1. Normally the employee will show the manager an appointment card.

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Adoption leave and pay¹

| Managers will: | Employees are |
|---|---|
| <ol style="list-style-type: none"> 1 grant adoption leave in accordance with the employee's entitlement¹; 2 ensure that HR are kept informed in the management of adoption leave; 3 consider any request by the employee to: <ul style="list-style-type: none"> - begin adoption leave before the day originally notified; - return to work early from adoption leave 4 discuss keeping-in-touch days with the employee and if these are mutually agreed, arrange for HR to pay them; 5 consider and plan with the employee any long-term management issues, for example, <ul style="list-style-type: none"> - assessment under QMPAS, or RAE or probation or - cover for or the allocation of the employee's work during their absence or - annual leave entitlement before and after the adoption leave. 6 consider any requests for flexible working on the employee's return to work. | <ul style="list-style-type: none"> ❖ entitled to: <ol style="list-style-type: none"> 1 adoption leave and pay as set out on the next page depending on <ul style="list-style-type: none"> - whether they are the primary² or secondary³ carer - their length of service - whether they qualify for the QMUL scheme or the Statutory Adoption Pay (SAP)¹ scheme. ❖ responsible for: <ol style="list-style-type: none"> 1 notifying the College: <ul style="list-style-type: none"> - within 7 days of being notified by the adoption agency that they have been matched with a child for adoption - the date when they expect the child to be placed - that they intend to take, according to their entitlement, adoption leave and the day when it will start. 2 certifying as appropriate that they will be the primary or secondary carer 3 repaying any difference between the QMUL and Statutory Scheme if they do not return to work for the required period. |

1. The provisions for adoption leave and pay are described in more detail in the *Employee Guide to Adoption Leave* available on the HR website.
2. The primary carer is someone who is either (1) adopting as an individual, or (2) nominated as the primary carer from a couple adopting jointly (it is up to the couple which of them takes the role).
3. The secondary carer is someone who is either (1) the partner of an individual who adopts, or (2) the other member of a couple who are adopting jointly.

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Primary carer - adoption leave entitlement¹

The table below shows a comparison between the College scheme and the statutory scheme for primary carers.



| | QMUL Scheme | Statutory Scheme (SAP) |
|---|---|---|
| Qualifying Service: | 1 year's service | 26 weeks' service |
| Qualifying Date: (The date by which you must have the service required) | By the end of the week in which the adoption agency notifies the employee that they have been newly matched with a child. | By the end of the week in which the adoption agency notifies the employee that they have been newly matched with a child. |
| Adoption Leave Entitlement: | 52 weeks | 52 weeks |
| Adoption Pay Entitlement: | 18 weeks on full pay 8 weeks on half-pay 13 weeks at standard rate SAP ² | 39 weeks at standard rate SAP ² |
| Return to Work: | Must return for at least 3 months after adoption leave. | Not required to qualify for SAP |

Secondary carer - adoption leave entitlement

| | QMUL Scheme | Statutory Scheme (SAP) |
|-----------------------------------|--------------------------|-----------------------------------|
| Qualifying Service: | 1 year's service | 26 weeks' service |
| Pay and Leave Entitlement: | 1 or 2 weeks on full pay | 1 or 2 weeks on standard rate SAP |

1. In practice, even if you do not qualify for either the QMUL or statutory scheme, you may still take up to 52 weeks' unpaid adoption leave.
2. Standard rate SAP (in April 2011) is set at whichever is the lowest of, either:
 - £135.45 a week; or
 - 90% of your average pay.

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Paternity leave¹ - ordinary and additional

Managers will:

- 1 grant ordinary paternity leave and additional paternity leave in accordance with the employee's entitlement¹
- 2 ensure that HR are kept informed in the management of paternity leave.

Employees are:

- ❖ **entitled to:**
 - 1 two weeks' ordinary paternity leave on full pay provided that they have 26 weeks' service¹ by the start of the 14th week before the week the baby is due; and
 - 2 take both of the weeks as whole weeks² within the 8 weeks period starting from the date of the birth, however the 2 weeks need not be consecutive.
 - 3 if eligible, between 2 and 26 weeks' additional paternity leave, providing the mother, or primary carer in the case of an adoption, has taken at least 20 weeks' maternity or adoption leave and has returned to work.
- ❖ **responsible for:**
 - 1 telling the College:
 - the date the baby is due
 - that they intend to take paternity leave
 - which weeks they intend to take off
 - 2 self-certify their relationship to the child and that they will have joint responsibility for the child's upbringing.

1. College provisions on paternity leave and pay are described in greater detail in the *Employee Guide to Paternity Leave*, which is available on the HR website at [policies and procedures>leave policies>maternity, paternity and adoption leave](#).
2. Part-time staff are entitled to two working weeks pro rata to the hours they work.

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Maternity, paternity and other family leave provisions

Unpaid parental leave¹



| Managers will: | Employees are entitled to: |
|---|---|
| <ul style="list-style-type: none"> ❖ allow staff who qualify² up to 18 weeks unpaid parental leave for each child (18 weeks for each child receiving Disability Living Allowance) ❖ ensure that staff comply with the conditions for such leave²; ❖ if necessary, use their legal right to postpone unpaid parental leave for up to six months if the College or department cannot cope with the employee's absence (unless the leave follows immediately after the time the child is born or, for an adopted child, the time of the placement). | <ul style="list-style-type: none"> ❖ take parental leave in blocks or multiples of one week (except for parents of children with a disability who have the right to take the leave a day at a time) ❖ count leave of less than a week as a full week of entitlement (except for children with a disability whose parents may take the leave a day at a time) ❖ take at most four weeks' leave per child in a year ❖ take leave only after they have given 21 days' notice (less by mutual agreement). |

-
1. Staff are entitled to time off for dependants in addition to any adoption, maternity or paternity leave they take for similar purposes. Both parents are entitled to parental leave and mothers / primary carers are entitled to it in addition to any maternity / adoption leave they take.
 2. To qualify the employee must have one year's continuous service. The leave must be taken:
 - before the child's 5th birthday, or
 - (for each adopted child) within 5 years from the date of placement, or before the child's 18th birthday, whichever is earlier; or
 - (for each child receiving disability living allowance) before the child's 18th birthday.

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Unpaid time off for dependants¹

Managers will:

- ❖ ensure that staff understand and have access to their legal right to reasonable unpaid time off to take action which is necessary:
 - when a dependant falls ill, gives birth or is injured or assaulted
 - to make arrangements for the care of such a dependant
 - as the result of the death of a dependant
 - when arrangements for the care of a dependant are unexpectedly disrupted
 - to deal with an incident which occurs (for example) when a school is responsible for the child
- ❖ ensure that staff comply with the conditions for such leave
- ❖ apply the legal definition of “dependant”²

Employees are entitled to:

- ❖ reasonable unpaid time off for dependants, provided that they
 - give the reason for their absence as soon as they reasonably can, and
 - say how long they expect to be absent (except where the employee returns to work before they can notify the absence).

-
1. Staff are entitled to time off for dependants in addition to any adoption, maternity, paternity or compassionate leave they take for similar purposes.
 2. A dependant is defined in law as:
 - the husband, wife, civil partner or partner, child or parent of the employee; or
 - someone who lives in the same household as a member of the family. Tenants, boarders and employees (such as a live-in housekeeper) will not qualify; or
 - in cases of illness, injury or where care arrangements break down, a dependant may also be anyone who reasonably relies on the employee for assistance.

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Compassionate¹ and other leave for family reasons



| The Head of Department: has discretion to grant: | Employees: |
|--|--|
| <ol style="list-style-type: none"> 1 up to 5 days paid leave to an employee if: <ul style="list-style-type: none"> - a close relative of the employee or a member of the same household dies²; or - an employee has charge of funeral arrangements; 2 up to 1 day's paid leave to: <ul style="list-style-type: none"> - attend the funeral of a close colleague; or - represent the College at a funeral; 3 up to 3 days paid leave to an employee in cases of urgent domestic need, for example, nursing a close relative of the employee (or a member of the same household)² with a serious illness; 4 further unpaid compassionate leave to staff for the reasons given above 5 unpaid leave to staff to permit them to visit close relatives¹ abroad³; 6 unpaid leave in other appropriate circumstances. | <ul style="list-style-type: none"> ❖ are entitled to: <ol style="list-style-type: none"> 1 have their request considered promptly; and 2 be treated consistently with other staff in the department; and 3 be given a reason for the decision if an application is refused. ❖ are responsible for: <ol style="list-style-type: none"> 1 giving as much notice as possible. |

1. Staff may also be entitled to time off for similar reasons under the sections on time off for dependants.

2. For the definition of a close relative or member of the same household, see the box on page 14:11.

3. Normally, such leave will be granted only if the employee's annual leave is insufficient. The amount of leave will be:

- limited to a few days
- subject to working needs.

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Definitions

For the purpose of administering compassionate leave, the College applies the following definitions:

A close relative

This is defined as the employee's:

- ❖ husband;
- ❖ wife;
- ❖ civil partner or partner;
- ❖ child;
- ❖ parent;
- ❖ brother or sister.

Adoptive and step-relationships and relationships of the full- or half -blood are all accepted as meeting the definition.

A member of the same household

This will include only those that live with the employee as a member of the family. Thus tenants, boarders and employees (such as a live-in housekeeper) will not qualify.