

Parental Leave and Pay Policy

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Contents

1. Purpose	4
2. Scope	4
3. Definitions	4
What is Adoption leave?.....	5
What is Maternity leave?	6
What is Paternity leave?	7
What is Parental leave?	8
What is Shared Parental leave?.....	8
4. Notifying us of your intention to take leave	11
Adoption leave	11
Maternity leave	12
Paternity leave.....	13
Parental leave	16
Shared Parental leave	17
5. Pay during leave	20
Adoption pay	21
Maternity pay	21
Paternity pay.....	22
Parental pay	23
Shared parental pay.....	23
6. Health and Safety Issues	25
Health and safety during and following pregnancy and whilst breastfeeding	25
Time off for antenatal care and pre-adoption appointments.....	26
Breastfeeding/expressing milk	27
7. Pregnancy complications.....	28
8. Neonatal Leave and Pay	29
9. Disruption to UK adoptions	29
10. Other benefits during leave	29
11. Contact during leave	30
12. Fixed-term staff.....	31
13. Returning to work.....	31
Rights on returning to work.....	31
Returning early.....	33
Returning to a different working pattern.....	33
Deciding not to return to work.....	33

14. Foster Caring	34
15. Fertility Treatment	34
16. Policy Review	36
Appendix A: Parental Leave and Pay entitlements at a glance	38

1. Purpose

This policy sets out the current legislation and London South Bank University's (LSBU's) procedures in relation to employees who are the parent(s) of a new child. This includes maternity leave for new mothers, paternity leave for fathers/partners, the provision of adoption leave for employees who adopt a child, and parental and shared parental leave provisions for parents and partners.

LSBU is committed to providing a supportive and caring work environment for all employees with parental responsibilities. This policy presents a set of provisions applicable to those employees who are becoming parents or who are the partners of new parents, including the rights of employees to statutory leave and pay.

LSBU recognises that, from time to time, employees may have questions or concerns relating to their maternity, paternity, adoption or parental rights. It is our policy to encourage open discussion with employees to ensure that questions can be resolved as quickly as possible, thereby avoiding potential problems. As the legal provisions are complex, employees and managers should clarify the relevant entitlements and procedures with HR to ensure that they are followed correctly.

2. Scope

Except for occupational pay entitlements, this policy does not form part of any employee's contract of employment and may be amended at any time. It applies to all employees regardless of length of service, inclusive of those employed by South Bank University Enterprises Limited (SBUEL), and those still within their probationary period (to whom the Probation Policy will also apply).

This policy applies to employees only (including Hourly Paid Lecturers) and does not apply to contractors, consultants, agency workers or any self-employed individuals working for us. For those in University and Group Executive posts, the provisions of the LSBU Articles will also apply.

3. Definitions

For the most part, the provisions within this policy are gender-neutral and the use of "she" or "he" should generally be seen as interchangeable. Equally, the terminology of "mother" and "father" is intended to reflect birth relationships and/or parental responsibilities to the child, and to support navigation of the policy; it is accepted that individual employees may not prefer to use these terms.

We are committed to equality and diversity in the workplace and will not discriminate in the execution of this policy based on the gender or sexual orientation of you or your spouse, civil partner or partner.

The following definitions are used in this policy:

- "Childbirth" means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.
- "Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.
- "Qualifying week" means the 15th week before the expected week of childbirth, or the week that notification of the adoption match was received.
- "Mother" means the mother or expectant mother of the child.

- "Adopter" means the person with whom the child has been or is to be placed for adoption, or where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.
- "Partner" means the father of the child, OR the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother OR the person who, at the date on which the child is placed for adoption (or for adoptions from overseas, at the date on which the child enters Great Britain), is married to, or the civil partner or the partner of, the adopter. This includes someone, of whatever sex, who lives with the mother/adopter and the child in an enduring family relationship but who is not the mother/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- "Matched for adoption" means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.
- "Placed for adoption" means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").
- "Official Notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.
- The "relevant domestic authority" means the Secretary of State, except in the case of an adopter who is habitually resident in Wales, in which case it is the National Assembly for Wales, or Scotland, in which case it is the Scottish Ministers.

In certain situations, an employee's rights and requirements regarding leave and pay for parents may change. In these circumstances we will abide by any statutory obligations and you should clarify any issues or queries with HR.

We will, where there is a suspicion that fraudulent information may have been provided or where we have been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Disciplinary Policy.

What is Adoption leave?

Statutory adoption leave and other rights are available to employees who are adopting through an approved UK adoption agency, local authority foster parents in a "foster to adopt" situation, or employees who expect to become the legal parents of a child born under a surrogacy arrangement. They are also available if employees are adopting a child from overseas. There is no qualifying service requirement to be eligible for statutory adoption leave.

If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave. The other parent may have the option to take a period of paternity leave, provided that the relevant qualifying conditions are met.

To exercise your right to take adoption leave, you must comply with the correct notification procedure below.

You are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided that you have:

- been matched with a child for adoption (this includes the situation where a local authority places a child with you in a "foster to adopt" arrangement); and
- notified the adoption agency that you agree that the child should be placed with you for adoption and on the date of placement.

If you are adopting a child from overseas and you have received official notification in respect of that child, you are entitled to statutory adoption leave.

If you are having a child through a surrogacy arrangement, you are entitled to statutory adoption leave provided that:

- you adopt the child; or
- you intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

You can decide how much adoption leave you wish to take.

What is Maternity leave?

All pregnant employees (regardless of length of service) are entitled to take 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

You can decide how much maternity leave you wish to take. However, you must take at least two weeks of compulsory maternity leave immediately after your child is born.

To exercise your right to take maternity leave, you must comply with the correct notification procedure below.

If you are pregnant, you should inform your line manager as soon as possible and before the 15th week before the expected week of childbirth. Ideally, you should notify your line manager as soon as you feel comfortable to disclose this, so that you may take paid time off to attend your antenatal appointments and benefit from other legal protections. This will also help us to address any health and safety concerns in a timely manner. If you are uncomfortable with approaching your line manager at an early stage, you can speak in confidence with your HR Business Partner, who can support you.

Ordinary maternity leave can start at any time after the beginning of the 11th week before your expected week of childbirth (unless your child is born prematurely before that date, in which case it will start earlier). However, if you are absent with an illness which is related to the pregnancy during the four weeks before the baby is due, maternity leave will start automatically.

Therefore, maternity leave will start on whichever date is the earlier of:

- your chosen start date;
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before your expected week of childbirth.

What is Paternity leave?

You can take paternity leave for the purpose of caring for your child or supporting the child's mother if:

- you have at least 26 weeks' continuous employment with us at the end of the 15th week before the expected week of childbirth;
- you are the child's biological father and have or expect to have responsibility for the child's upbringing; or
- you are the spouse, civil partner, or partner of the child's mother and have or expect to have the main responsibility (apart from the mother) for the child's upbringing.

You can take paternity leave for the purpose of caring for the adopted child or supporting the child's adopter if:

- you have at least 26 weeks' continuous employment with us at the end of the week in which the child's adopter is notified of being matched for adoption (or received the official notification for adoptions from overseas); and
- you are the spouse, civil partner, or partner of the child's adopter, and have or expect to have the main responsibility (apart from the adopter) for the child's upbringing.

If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave and the other parent may elect to take a period of paternity leave, provided that the relevant qualifying conditions are met.

You are not entitled to take paternity leave if you have taken paid time off to attend an adoption appointment in respect of the same child.

To exercise your right to take paternity leave, you must comply with the correct notification procedure below.

Amount of paternity leave you can take

You can take up to two weeks' paternity leave. You do not have to take your leave in one single period, but the leave must be booked in blocks of at least one week.

This means that you can take the leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each.

A week of paternity leave is the same duration as your normal working week, meaning that if you are a full-time employee, one week is five days. If you are contracted to work four days per week, one week is four days and so on.

You can take only two weeks' paternity leave per pregnancy or adoption, even if more than one child is born as a result of the pregnancy or more than one child is placed under the same adoption arrangement.

Timing of paternity leave

You can start your paternity leave on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

If you wish to take shared parental leave, you must take your paternity leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

What is Parental leave?

Ordinary Statutory parental leave is a period of unpaid leave for employees who are the parents of children aged under 18 to take in order to care for that child. This may be to look after the child during school holidays, be with them when they are unwell, or enjoy more quality time with them. This type of parental leave may be particularly useful if you require time off to care for the child but have used up, or are not entitled to, other types of family-friendly leave.

You can take ordinary parental leave to care for the child if you:

- have one year of continuous service with us by the time you take the leave; and
- have, or expect to have, parental responsibility for the child.

You can take up to 18 weeks' unpaid leave for each child, subject to a maximum of four weeks' leave for each child in any one-year period.

You must take ordinary parental leave in blocks of at least one week. However, if the child has a disability, you can take the leave one day at a time (please speak to your line manager to arrange this).

Your entitlement to ordinary parental leave carries over from your previous employment. This means that if you have taken ordinary parental leave with a previous employer, you can take the balance with you to us, but please note that you will need to have worked for us for at least one year prior to being able to take further ordinary parental leave. We will ask you about the amount of ordinary parental leave already taken for the child with your previous employers.

To exercise your right to take ordinary parental leave, you must comply with the correct notification procedure below.

What is Shared Parental leave?

How does shared parental leave work?

Shared parental leave enables a mother/adopter to end their maternity/adoption leave early and share the remaining weeks of leave with a partner. It is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life/adoption.

Shared parental leave can be taken at the same time as an eligible mother/adopter/partner or separately.

For example, a mother could take two weeks' compulsory maternity leave followed by 40 weeks' shared parental leave. This would leave 10 weeks' shared parental leave for the remaining parent to take at any time before the child's first birthday or anniversary of adoption, either at the same time as the mother or when they have returned to work.

You can request to take shared parental leave in one continuous block, in which case we must accept your request as long as you are entitled to shared parental leave and meet the notice requirements. Alternatively, you can request to take shared parental leave in a number of discontinuous blocks of leave, separated by periods of work, in which case you may need our agreement. Leave must be taken in blocks of at least one week.

Entitlement to shared parental leave if you are the mother/adopter

If you are a mother/adopter, you are entitled to shared parental leave if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week OR the end of the week in which you were notified of being matched with the child for adoption (or for adoptions from overseas, at the end of the week in which you received the official notification);
- you remain in continuous employment with us until the week before any period of shared parental leave that you take;
- you have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the partner;
- you are entitled to statutory maternity/adoption leave in respect of the child;
- you have brought your statutory maternity/adoption leave to an end by giving a maternity/adoption leave curtailment notice (or returned to work before the end of your statutory maternity/adoption leave period); and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth OR the week in which the adopter was notified of being matched with the child for adoption (or for adoptions from overseas, the week in which the child enters Great Britain);
- have average weekly earnings of at least the maternity allowance threshold [currently £30] in any 13 of those 66 weeks; and
- have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement apart from the adopter (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the mother.

Entitlement to shared parental leave if you are the partner

If you are the partner, you are entitled to shared parental leave if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week OR the end of the week in which the adopter was notified of being matched with the child for adoption (or for adoptions from overseas, at the end of the week in which the adopter received the official notification);
- you remain in continuous employment with us until the week before any period of shared parental leave that you take;
- you have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the mother/adopter; and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the mother/adopter must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth OR the week in which they were notified of being matched with the child for adoption (or for adoptions from overseas, the week in which the child enters Great Britain);
- have average weekly earnings of at least the maternity allowance threshold [currently £30] in any 13 of those 66 weeks;
- have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the partner;
- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child; and
- have brought their statutory maternity/adoption leave to an end by giving a maternity/adoption leave curtailment notice (or returned to work before the end of their statutory maternity/adoption leave period).

Amount of shared parental leave available

The amount of shared parental leave that you can split between you is 52 weeks, minus the amount of maternity/adoption leave taken by the mother/adopter.

If you are a mother/adopter, you cannot start a period of shared parental leave until at least two weeks of maternity/adoption leave has been taken by you. If you are a mother, you must take compulsory maternity leave immediately after the child is born; this means that you cannot start your shared parental leave until two weeks after the birth of the child.

If you are a partner, you can begin a period of shared parental leave at any time from the date of the child's birth OR at any time from the date of the child's placement (or for adoptions from overseas, at any time from the date on which the child enters Great Britain). However, you are entitled to take up to two weeks' paternity leave following the birth/adoption of the child, which you will lose if shared parental leave is taken first.

All shared parental leave must be taken within the first 52 weeks following the birth of the child OR the date of the child's placement (or for adoptions from overseas, within 52 weeks of the date on which the child enters Great Britain).

Note that annual leave can be taken immediately before/after/between periods of shared parental leave in the usual way, as outlined in our Leave Policy.

4. Notifying us of your intention to take leave

It is advisable to notify both your line manager and HR as soon as reasonably practicable after becoming pregnant/deciding to adopt in order that you can be supported in providing the right notifications at the right time, so as to ensure you receive the leave, pay and benefits available to you as an employee.

Your line manager may upon receiving a notification of leave seek to arrange an informal discussion with you to talk about your intentions and how you currently expect to use your leave entitlement, and to discuss any health and safety issues (see below).

Adoption leave

To be entitled to take adoption leave and receive statutory adoption pay, you are required to give us written notification of your intention to take adoption leave.

Notice to take adoption leave (UK adoption)

You need to give your line manager notice in writing within seven days of being matched with a child, or as soon as possible afterwards, of:

- your intention to take adoption leave;
- the date on which the child is expected to be placed with you; and
- the date on which you wish your adoption leave to start.

We may ask you to provide evidence in the form of one or more documents issued by the adoption agency confirming the name and address of the agency, the date on which you were notified that you had been matched with the child, and the expected date of placement.

Notice to take adoption leave (surrogacy)

In the case of a surrogacy arrangement, you need to give your line manager notice in writing by no later than the 15th week before the expected week of childbirth, or as soon as possible afterwards, of:

- your intention to take adoption leave; and
- the expected week of childbirth.

We may ask you to provide a statutory declaration confirming that you intend to apply for a parental order within six months of the child's birth and expect the order to be granted. You must give your line manager further notice, as soon as reasonably practicable, of the child's date of birth.

Notice to take adoption leave (overseas)

You need to give your line manager notice in writing within 28 days of receiving the official notification (or within 28 days of completing 26 weeks' continuous service if this is later), of:

- your intention to take adoption leave;
- the date on which the official notification was received by you; and
- the date on which the child is expected to enter Great Britain.

We may ask you to provide a copy of the official notification for our inspection. Within 28 days of the child's entry into Great Britain, you must inform your line manager of the date of entry and provide evidence in the form of a plane ticket or copies of entry clearance documents.

You will need to give your line manager at least 28 days' notice in writing of the date on which you intend to start your adoption leave.

In all scenarios, we will write to you within 28 days of receipt of your notice confirming the date on which you are expected to return to work if you take your full 52-week entitlement to adoption leave.

Starting your adoption leave

For UK adoptions, you can choose to start your adoption leave on the day the child is placed with you for adoption or on a fixed date up to 14 days before this date.

For overseas adoptions, you can choose to start your adoption leave on the day on which the child enters Great Britain or on a fixed date that is no later than 28 days after this date.

If you are having the child through a surrogacy arrangement, your adoption leave will start on the day on which the child is born or the day after if you are at work on that day.

Changing your adoption leave start date

If you are adopting the child and you wish to bring forward or postpone your adoption leave start date, you must inform your line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

If you change your adoption leave start date, we will write to you within 28 days of the start of your adoption leave confirming the revised date on which you must return to work if you take your full 52-week entitlement to adoption leave.

If you are having the child through a surrogacy arrangement, you cannot change your adoption leave start date.

Maternity leave

You can start your maternity leave at any time from the Sunday at the beginning of the 11th week before your expected week of childbirth. To take maternity leave, you need to give your line manager notice in writing by the end of the qualifying week, or as soon as possible afterwards, of:

- the fact that you are pregnant;

- your expected week of childbirth; and
- the date on which you wish your maternity leave to start.

You will also have to provide your line manager with your MATB1 form, which is a certificate from your doctor or midwife confirming your expected week of childbirth. Failure to give the required notice and provide us with your MATB1 form may affect your entitlement to maternity leave and pay.

We will write to you within 28 of receipt of your notice confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

Changing your maternity leave start date

If you wish to bring forward your maternity leave start date, you must inform your line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The date that you select as your maternity leave start date cannot be before the Sunday at the beginning of the 11th week before your expected week of childbirth.

If you wish to postpone your maternity leave start date, you must inform your line manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If you change your maternity leave start date, we will write to you within 21 days of the start of your maternity leave confirming the revised date that you must return to work if you take your full 52-week entitlement to maternity leave.

Starting your maternity leave

Your maternity leave will usually start on the date that you have chosen, unless:

- your child is born before your chosen maternity leave start date, in which case your maternity leave will start on the day after you give birth; or
- you are absent for a pregnancy-related reason (for example, if you are off sick for a pregnancy-related illness or suspended on health and safety grounds) in the four weeks before your expected week of childbirth, in which case your maternity leave will start on the day after your first day of absence.

If you give birth before your intended maternity leave start date, you must notify your line manager in writing of the date that you have given birth as soon as reasonably practicable.

Paternity leave

Note that you do not have to be the biological father of the child in order to take paternity leave; please refer back to the above [‘What is Paternity leave?’](#) section.

Notice to take paternity leave (birth)

Notice of entitlement (birth)

Before you can take paternity leave, you will need to give your line manager notice in writing, at least 15 weeks before the expected week of childbirth, of:

- the expected week of childbirth; and
- your declaration confirming that you meet the eligibility requirements to take paternity leave.

You should submit your notice and declaration using the form available from the intranet.

Period of leave notice (birth)

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing of:

- when you want to start your leave (you can choose to take this in one single block or two separate blocks);
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's mother.

You have three options for when to start a period of paternity leave:

- On the date of the child's birth: Your period of leave notice should be received by us at least 28 days before the first day of the expected week of childbirth.
- A set number of days after the child's birth: Your period of leave notice should be received by us at least 28 days before the date falling that set number of days counted from the first day of the expected week of childbirth.
- On a predetermined date (which has to be no earlier than the first day of the expected week of childbirth): Your period of leave notice should be received by us at least 28 days before that predetermined date.

You should submit your notice of leave and declaration using the form available from the intranet.

Notice to take paternity leave (adoption within the UK)

Notice of entitlement (adoption within the UK)

Before you can take paternity leave, you will need to give your line manager notice in writing, within seven days after the date on which the child's adopter is notified that they have been matched for adoption, of:

- the date on which the adopter was notified that they have been matched for adoption;
- the date on which the child is expected to be placed for adoption with the adopter (or, if they have already been placed for adoption, the date of the placement); and
- your declaration confirming that you meet the eligibility requirements to take paternity leave.

You should submit your notice and declaration using the form available from the intranet.

Period of leave notice (adoption within the UK)

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing within seven days after the date on which the child's adopter is notified of having been matched for adoption, of:

- when you want to start your leave (you can choose to take this in one single block or two separate blocks);
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's adopter.

You have three options for when to start a period of paternity leave. You can start the leave:

- on the date on which the child is placed for adoption;
- a set number of days after the child is placed for adoption; or
- on a predetermined date, which has to be no earlier than the first day of the child's placement for adoption.

You should submit your notice of leave and declaration using the form available from the intranet.

Notice to take paternity leave (adoption from overseas)

Notice of entitlement (adoptions from overseas)

Before you can take paternity leave, you will need to give your line manager notice in writing within 28 days after the date on which the child's adopter receives the official notification (or the date on which you complete 26 weeks' continuous employment with us if that is later), of:

- the date on which the adopter received the official notification;
- the date on which the child is expected to enter Great Britain (or, if they have already entered Great Britain, the date of entry); and
- your declaration confirming that you meet the eligibility requirements to take paternity leave and that the child's adopter has received the official notification.

You should submit your notice and declaration using the form available from the intranet.

Period of leave notice (adoption from overseas)

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing of:

- when you want the leave to start (you can choose to take this in one single block or two separate blocks);
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's adopter.

You have two options for when to start a period of paternity leave:

- On the date of the child's entry into Great Britain: Your period of leave notice should be received by us at least 28 days before the date on which the child is expected to enter Great Britain.
- On a predetermined date (which has to be no earlier than the date of the child's entry into Great Britain): Your period of leave notice should be received by us at least 28 days before that predetermined date.

You should submit your notice of leave and declaration using the form available from the intranet.

You must also give your line manager written notice of the date the child entered Great Britain within 28 days of entry, or written notice that the child will not be entering Great Britain as soon as possible after you become aware of this fact.

Late notice

If extenuating circumstances mean that it is not possible for you to meet the deadlines for giving notice as set out in this policy, we will accept later notice than this. Examples of extenuating circumstances include if you have been absent from work on sick leave or if a pregnancy is discovered very late.

In these circumstances, you should let us know that you would like to take paternity leave as soon as you reasonably can.

If there are no extenuating circumstances, you will be unable to take paternity leave. However, we will discuss other options with you, including you and your partner switching to shared parental leave, you taking annual leave, or you taking unpaid ordinary parental leave.

Changing your paternity leave plans

If you have submitted a period of leave notice but wish to cancel or vary the timing of your paternity leave, you must inform your line manager at least 28 days before the original date stated in your period of leave notice, or the revised start date, whichever is earlier.

To do this, you will need to complete the form on the intranet and give this to your line manager.

Further information

We may ask you to confirm the date of the child's birth, placement for adoption or entry into Great Britain if you have not already provided this information. You must respond to our request within 28 days, or as soon as is reasonably practicable.

Parental leave

To request ordinary parental leave, you should write to your line manager, giving at least 21 days' notice, counting back from the date on which the leave is to start. You should set out the dates on which you wish to take ordinary parental leave.

We will ask you for evidence to support your request for ordinary parental leave. We will normally ask to see evidence of the child's birth certificate or certificate of adoption.

Fathers (or others who will have parental responsibility) requesting leave to begin when the child is born

You can ask for your leave to begin when the child is born, whether this is earlier or later than expected. In these circumstances, you should give your line manager at least 21 days' notice, counting back from the beginning of the expected week of childbirth.

Your notice should set out the expected week of childbirth and the length of leave you are requesting.

Adopters requesting leave to begin on the child's placement

You can ask for your leave to begin when the child is placed with you for adoption, whether this is earlier or later than expected. In these circumstances, you should give your line manager at least 21 days' notice, counting back from the beginning of the week in which the placement is expected to occur. If 21 days' notice is not possible, please give us notice as soon as you can.

Your notice should set out the week in which the placement is expected to occur and the length of leave you are requesting.

Postponing your ordinary parental leave

While our aim is to agree to your request for ordinary parental leave, there are circumstances in which we may need to postpone the start date. We will do this only if your absence would cause undue disruption to us and will give you written notice of the postponement no more than seven days after we received your request.

However, we will never postpone your period of ordinary parental leave if the leave starts on the birth of the child or the child's placement for adoption.

If we postpone your period of ordinary parental leave, your line manager will discuss alternative dates with you to take that period of leave within six months of the first day the postponed leave was due to start.

Shared Parental leave

There are a number of different notices that employees must give before they can take shared parental leave. If you wish to take shared parental leave, you must ensure that you submit the required notices to your line manager within the timescales set out in this policy. The notices are:

- maternity/adoption leave curtailment notice (if you are the mother/adopter);
- notice of entitlement and intention; and
- period of leave notice.

The notice periods set out in this policy are the minimum required by law. However, the earlier you inform us of your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you want to take periods of discontinuous leave.

If you have already decided the pattern of shared parental leave that you would like to take, you can provide more than one type of notice at the same time.

Maternity/adoption leave curtailment notice

If you are the mother/adopter who is employed by us, you must give your line manager a maternity/adoption leave curtailment notice (unless you have already returned to work from maternity/adoption leave). This is for you to confirm the date on which you intend to end your maternity/adoption leave.

Your notice must be received by us at least eight weeks before you or your partner intend to start the first period of shared parental leave.

You should submit your notice using the form on the intranet.

Additionally, you must at the same time submit either:

- A form for mother/adopter to provide notice of entitlement and intention to take shared parental leave - if you intend to take the first period of shared parental leave, or you and the partner intend to take it together; or
- A form for mother/adopter to provide declaration of consent and entitlement - if your partner will be taking the first period of shared parental leave alone.

If you are the partner who is employed by us, you cannot take shared parental leave until the mother/adopter has given a maternity/adoption leave curtailment notice to their own employer or returned to work before the end of their statutory maternity/adoption leave period.

Revoking your maternity/adoption leave curtailment notice

We urge you to think carefully before submitting your maternity/adoption leave curtailment notice.

Once a maternity/adoption leave curtailment notice is submitted, you can only revoke it if:

- you discover that neither you nor the partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your notice in writing within eight weeks of the date on which it was submitted;
- (for birth scenarios) notice was given before the birth of the child and you withdraw your notice in writing within six weeks of the child's birth; or
- the partner has died.

If you wish to revoke your notice, you will need to complete the form on the intranet and give this to your line manager.

Notice of entitlement and intention

Before you can book a period of shared parental leave, you must give your line manager a notice of entitlement and intention. This is for you to declare that you are entitled to shared parental leave and confirm that you intend to take it. Your notice must be received by us at least eight weeks before you intend to start the first period of leave.

You should submit your notice using the form on the intranet.

These forms contain declarations that will need to be signed by both the mother/adopter and the partner.

Varying or cancelling the dates in your notice of entitlement and intention

You can vary or cancel the proposed shared parental leave dates set out in your notice of entitlement and intention by providing us with written notice.

To do this, you will need to complete the form on the intranet and give this to your line manager.

Limit on number of variations in the notice of entitlement and intention

There is no limit on the number of variations that you can make as a notice of entitlement and intention is non-binding until you submit a period of leave notice.

Period of leave notice

Once you have provided a notice of entitlement and intention, you must also provide your line manager with a period of leave notice. This is for you to book each period of shared parental leave that you wish to take. Your notice must be received by us at least eight weeks before you start the first period of leave. It may be given at the same time as your notice of entitlement and intention.

You should submit your notice using the form on the intranet.

For birth scenarios, your period of leave notice may state the start and end dates for each period of leave that you wish to take. Alternatively, if your child has not been born yet, your notice may state that you would like your shared parental leave to start either on the day on which your child is born, or a specified number of days after your child's birth.

For adoption scenarios, your period of leave notice may state the start and end dates for each period of leave that you wish to take. Alternatively, if your child has not yet been placed for adoption, your notice may state that you would like your shared parental leave to start either on the day on which your child is placed for adoption, or a specified number of days after the child's placement. Likewise, for adoptions from overseas, if your child has not yet entered Great Britain, your notice may state that you would like your shared parental leave to start either on the day on which your child enters Great Britain, or a specified number of days after your child enters Great Britain.

Shared parental leave must be booked in blocks of at least one week. You can book one continuous period of leave, in which case we must accept your request as long as you are entitled to shared parental leave and meet the notice requirements. Alternatively, you can book discontinuous periods of leave, separated by periods of work, in which case we will consider your request but reserve the right to refuse it (see below).

Varying or cancelling the dates in your period of leave notice

You can vary or cancel the shared parental leave dates in your period of leave notice by providing us with notice at least eight weeks before any period of leave varied or cancelled is due to start.

To do this, you will need to complete the form on the intranet and give this to your line manager.

Limit on number of period of leave notices

You can submit three period of leave notices per pregnancy/adoption. However, any notice to vary or cancel the dates in your period of leave notice will count towards this total.

Booking continuous leave

If you submit a period of leave notice requesting a continuous period of leave, we must accept your request as long as you are entitled to shared parental leave and meet the notice requirements.

Booking discontinuous leave

If you submit a period of leave notice requesting discontinuous periods of leave, separated by periods of work, we will consider your request but reserve the right to refuse it. In such cases, your line manager will start a two-week discussion period with you. Your line manager may agree to your request, refuse your request or propose alternative dates. If agreement cannot be reached within that two-week period, you may take the leave as one continuous period of leave on:

- the start date given in your original period of leave notice; or
- a new start date that is at least eight weeks after the start date given in your original period of leave notice (in which case you must notify your line manager of that new start date within five days of the end of the two-week discussion period).

Alternatively, if you withdraw your period of leave notice on or before the 15th day after the notice was submitted, it will not count towards the limit on the number of period of leave notices that you are entitled to submit and you may submit a new period of leave notice.

Request for further information

We may, within 14 days of receiving your notice of entitlement and intention, ask you to provide, as applicable:

- a copy of the child's birth certificate (or a signed declaration stating the date and place of birth if the birth certificate is not available); and/or
- the name and address of the mother/adopter or partner's employer (or a declaration that they have no employer); and/or
- evidence in the form of one or more documents issued by the adoption agency confirming the name and address of the agency, the date on which the adopter was notified of having been matched with the child, and the expected date of placement; and/or
- a copy of the official notification.

You must provide this information within 14 days of our request.

5. Pay during leave

Statutory adoption pay, statutory maternity pay, statutory paternity pay and statutory shared parental pay are treated as earnings and are therefore subject to PAYE and national insurance deductions.

Adoption pay

Employees who have been continuously employed by us for at least 26 weeks at the week in which you are notified of the adoption match (or in a surrogacy arrangement, at the end of the 15th week before your expected week of childbirth, or in an overseas adoption scenario, the end of the week in which you received official notification of the adoption) will qualify for Statutory Adoption Pay, providing that:

- you have chosen to receive Statutory Adoption Pay rather than Statutory Paternity Pay;
- you have given the correct notice;
- you have stopped working; and
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Such employees will qualify to receive Occupational Adoption Pay, so that the amount received is in total:

- 20 weeks at full ordinary pay (which includes entitlement to Statutory Adoption Pay at a rate set by the Government for the relevant tax year, or at 90% of average weekly earnings, whichever is lower);
- 19 weeks' standard Statutory Adoption Pay at a rate set by the Government for the relevant tax year, or at 90% of average weekly earnings, whichever is lower;
- 13 weeks' unpaid leave.

If you become eligible for a back-dated pay rise which includes a sum in respect of the 8 weeks ending with the Qualifying Week, you will be treated for Statutory Adoption Pay purposes as if the pay rise had been paid in that 8-week period. This means that Statutory Adoption Pay will be recalculated and increased retrospectively, or that you may qualify for Statutory Adoption Pay if you did not previously qualify. You will be paid a lump sum to make up the difference between any Statutory Adoption Pay already paid and the amount payable by virtue of the pay rise.

Statutory Adoption Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Adoption allowance

If you are not entitled to Statutory Adoption Pay, you may qualify for adoption allowance from the Government. If this is the case, we will provide you with a form so that you are able to pursue a claim for adoption allowance.

Maternity pay

Employees who have been continuously employed by us for at least 26 weeks at the end of your Qualifying Week and are still employed during that week, will qualify for statutory maternity pay, providing that:

- you are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- you have provided a MATB1 form stating your expected week of childbirth;

- you have stopped working; and
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Such employees will qualify to receive Occupational Maternity Pay, so that the amount received is in total:

- 20 weeks at full ordinary pay (which includes entitlement to Statutory Maternity Pay at a rate set by the Government for the relevant tax year, or at 90% of average weekly earnings, whichever is lower);
- 19 weeks' standard Statutory Maternity Pay at a rate set by the Government for the relevant tax year, or at 90% of average weekly earnings, whichever is lower;
- 13 weeks' unpaid leave.

Payment of Statutory Maternity Pay cannot start prior to the 11th week before your expected week of childbirth.

If you become eligible for a consolidated pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of Statutory Maternity Pay will be recalculated to take account of your pay rise, regardless of whether Statutory Maternity Pay has already been paid. This means that your Statutory Maternity Pay will be recalculated and increased retrospectively, or that you may qualify for Statutory Maternity Pay if you did not previously. You will be paid a lump sum to make up any difference between Statutory Maternity Pay already paid and the amount payable as a result of the pay rise.

Statutory and Occupational Maternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Maternity allowance

If you are not entitled to Statutory Maternity Pay, you may qualify for maternity allowance from the Government. If this is the case, we will provide you with an SMP1 form so that you are able to pursue a claim for maternity allowance.

Paternity pay

You will continue to be paid your normal rate of pay while taking paternity leave, regardless of your length of service, provided:

- you are entitled to take paternity leave;
- you remain in continuous employment with us on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas); and
- you have complied with the notice and evidential requirements and are able to provide the declarations as set out in this policy.

Parental pay

Parental leave is unpaid.

Shared parental pay

Eligibility for shared parental leave can be complicated. If you are unsure whether you are eligible, please contact the Employment Services team on hrrsd@lsbu.ac.uk; they can support you in assessing this.

Entitlement to shared parental pay if you are the mother/adopter

If you are a mother/adopter, you are entitled to shared parental pay if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week OR at the end of the week in which you were notified of being matched with the child for adoption (or for adoptions from overseas, at the end of the week in which you received the official notification);
- you remain in continuous employment with us until the week before any period of shared parental pay begins;
- your average weekly earnings for a period of eight weeks ending with the qualifying week OR the week in which you were notified of being matched with the child (or for adoptions from overseas, ending with the week in which you received the official notification) are not less than the lower earnings limit for national insurance contributions;
- you have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the partner;
- you are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- you are entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced; and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth OR the week in which the adopter was notified of being matched with the child for adoption (or for adoptions from overseas, the week in which the child enters Great Britain);
- have average weekly earnings of at least the maternity allowance threshold [currently £30] in any 13 of those 66 weeks; and
- have main responsibility for the care of the child at the date of the child's birth OR at the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the mother/adopter.

Entitlement to shared parental pay if you are the partner

If you are a partner, you are entitled to shared parental pay if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week OR the end of the week in which the adopter was notified of being matched with the child for adoption (or for adoptions from overseas, at the end of the week in which the adopter received the official notification);
- you remain in continuous employment with us until the week before any period of shared parental pay begins;
- your average weekly earnings for a period of eight weeks ending with the qualifying week OR the week in which the adopter was notified of being matched with the child (or for adoptions from overseas, ending with the week in which the adopter received the official notification) are not less than the lower earnings limit for national insurance contributions;
- you have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the mother/adopter;
- you are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the mother/adopter must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth OR the week in which they were notified of being matched with the child for adoption (or for adoptions from overseas, the week in which the child enters Great Britain);
- have average weekly earnings of at least the maternity allowance threshold [currently £30] in any 13 of those 66 weeks;
- have main responsibility for the care of the child at the date of the child's birth OR the date of the child's placement (or for adoptions from overseas, at the date on which the child enters Great Britain) apart from the partner; and
- be entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been reduced.

Shared parental pay

The number of weeks' shared parental pay available will depend on how much maternity/adoption pay or maternity allowance the mother/adopter has been paid when their maternity/adoption leave or pay period ends.

As set out elsewhere in this policy, a total of 39 weeks' maternity/adoption pay or maternity/adoption allowance is available to the mother/adopter. For employees who have given birth, there is compulsory maternity leave period of two weeks, and the first two weeks of adoption leave are allocated to the adopter. This means that a mother/adopter who ends their maternity/adoption leave at the earliest opportunity could share up to 37 weeks' shared parental pay with a partner.

Shared Parental Pay is paid to LSBU employees at full ordinary pay during the first 18 weeks, followed by 19 weeks Statutory Shared Parental Pay at a rate set by the Government for the relevant tax year, or at 90% of average weekly earnings, whichever is lower.

It is up to the mother/adopter and partner as to who is paid the shared parental pay and how it is allocated between them. If you intend to receive shared parental pay, you should give notice at the same time that you submit your notice of entitlement and intention.

See the following examples for guidance:

Example 1: if an eligible mother employed by LSBU takes maternity leave for 8 weeks before moving into shared parental leave, the first 10 weeks of shared parental leave that they take will be paid at full ordinary pay, with their share of the remaining 19 weeks of shared parental leave being paid at the statutory rate.

Example 2: if an eligible mother employed by LSBU takes maternity leave for 20 weeks before moving into shared parental leave, their share of the remaining 17 weeks of shared parental leave that they take will be paid at the statutory rate, as a parent (the mother) will have already experienced 18 weeks of full ordinary pay as part of their maternity period.

Example 3: if an eligible partner is employed by LSBU, and the adopter takes 10 weeks of adoption leave before moving into shared parental leave, the employee's share of the first 8 weeks of shared parental leave that they take will be paid at full ordinary pay, with the employee's share of the following 19 weeks of shared parental leave being paid at the statutory rate. Combined with the 2 weeks of Paternity Pay that they could access prior to entering shared parental leave, they can therefore experience up to 10 weeks of full ordinary pay plus up to 19 weeks at the statutory rate.

Example 4: if both parents work for LSBU and are eligible, one will need to assume the role of mother/adopter whilst the other assumes the role of partner. If the mother/adopter takes maternity/adoption leave for 30 weeks, then the partner takes a period of shared parental leave of 12 weeks, then the mother/adopter takes a period of shared parental leave of 10 weeks; the mother/adopter would be paid full ordinary pay for 18 weeks then 12 weeks at the statutory rate [under the maternity/adoption pay scheme], then would return to work whilst the partner would be paid at the statutory rate for 7 weeks [under the shared parental pay scheme] and then move to unpaid leave for the remaining 3 weeks, whereupon they would return to work and the mother/adopter would go onto unpaid shared parental leave for the final 10 weeks.

6. Health and Safety Issues

We are concerned to protect the health and safety of all of our employees. In particular, employees who are pregnant or breastfeeding or who have recently given birth have the right to be supported and protected against any work-related risks to their health or safety.

Health and safety during and following pregnancy and whilst breastfeeding

Once you have advised us that you are pregnant, your line manager will arrange for a New and Expectant Mothers Risk Assessment to be undertaken to consider any Health and Safety issues which might arise during the pregnancy. This risk assessment will assess the workplace risks to those who are pregnant, have given birth in the past six months, or are breastfeeding, where the work is of a kind that could involve a risk of harm or danger to the employee's health and safety or the health and safety of their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

Where we carry out an individual risk assessment, you will be informed of any risks identified and the steps proposed to eliminate or reduce them. This may mean altering your working hours, changing your working conditions, or offering you suitable alternative work on terms and conditions that are not substantially less favourable.

In certain extremely rare cases, we may have to suspend you from work until the risk to you or your baby has been removed. If you are suspended, your employment will continue during any period of suspension. You will also be entitled to your normal salary and contractual benefits unless you have unreasonably refused an offer of temporary suitable alternative employment.

Risk assessments should be reviewed at regular intervals during pregnancy, as symptoms and risks may change. Reviews should be clearly marked and date-stamped, and upon conclusion of pregnancy, your line manager should submit the completed risk assessment to HR when completed for storage on your employee file. A further risk assessment should be completed prior to your return to work if you are returning within six months of giving birth, and this should be submitted to HR when completed.

If you are absent from work due to a pregnancy-related illness, you will receive statutory or contractual sick pay in the same way as you would during any other sickness absence. If absence from work due to a pregnancy-related illness occurs within 4 weeks of the expected week of childbirth, maternity leave will start.

Time off for antenatal care and pre-adoption appointments

Once you have advised us that you are pregnant, you will be entitled to reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor. This may include relaxation and parent craft classes, in addition to medical examinations, screening tests and any midwife appointments.

After your first appointment, we may ask you to provide proof of your further antenatal appointments such as an appointment card or an equivalent document confirming your booking.

If you have a qualifying relationship with a person who is pregnant, you have a statutory right to take unpaid time off to accompany that person at up to two antenatal appointments. LSBU will, however, provide paid leave for these appointments. This could be you if you are the spouse or civil partner of the pregnant person, or you could be living with the pregnant person in an enduring family relationship (and you are not their parent, grandparent, sister, brother, aunt or uncle). In addition, you will be eligible for the time off if you are the biological parent of the expected child or is in a surrogacy situation in relation to the baby.

In the case of adoption, once you have told us that you are adopting a child, you will be entitled to time off work to attend your adoption appointments. If you are adopting a child alone, you are entitled to take paid time off to attend up to five adoption appointments. If you are adopting a child jointly, one of you can elect to take paid time off to attend up to five adoption appointments. The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments; LSBU will however provide paid leave for these appointments. The parent who takes paid time off is not entitled, later on, to take paternity leave in respect of the child.

For UK adoptions, the appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date on which the child is placed with you for adoption.

The purpose of the adoption appointment is to enable you to have contact with the child (for example, to bond with them before the placement) and for any other reason connected with the adoption (for example, to meet with the professionals involved in the care of the child).

We may ask you to provide proof, such as a letter or email from the adoption agency confirming the date and time of the appointment and that the appointment has been arranged by, or at the request of, the adoption agency. In the case of joint adopters, we may also ask you to sign a declaration confirming your decision to take either paid or unpaid time off.

If you intend to apply for a parental order and expect to become the child's legal parent in a surrogacy arrangement, you are entitled to unpaid time off work to accompany the surrogate at up to two antenatal appointments.

We expect that normally no more than half a day is needed for an antenatal/adoption appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment, including where an employee is accompanying someone to an antenatal/adoption appointment. You should endeavour to give your line manager as much notice as possible of antenatal/adoption appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Breastfeeding/expressing milk

We are committed to providing support and facilities to employees who are pregnant or who have returned to work after a period of maternity leave, to assist their transition back to work. With this in mind, we provide facilities that can be used by pregnant employees and new mothers. These facilities may be particularly useful for employees whose babies are at a nursery nearby or where the employee's home is close to the workplace. Employees can use breakout spaces to rest when they feel tired, and private spaces can be identified upon request for employees to express milk.

You should inform your line manager of your pregnancy as soon as possible so that your needs can be accommodated and support provided. Similarly, you should inform your line manager if you wish to use these facilities after returning to work from maternity leave. You should also let your line manager know of any recommendation that your doctor has made in relation to your health and wellbeing during pregnancy or during the period following the birth of your baby.

We will ensure (while also taking the needs of the business into account) that pregnant employees and new mothers are allowed reasonable flexibility in their working hours and rest breaks to allow them to make use of our facilities.

Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are pregnant or who have recently given birth. Colleagues of such employees should be sensitive to the above issues and needs and should also adopt a supportive attitude. It is a requirement of this policy that all employees respect this principle.

7. Pregnancy complications

Pregnancy-related sickness: If you are pregnant and are absent from work due to pregnancy-related illness, you will normally be able to take sick leave until you start maternity leave. If your illness is wholly or partly pregnancy-related and continues to within four weeks before your baby is due, your maternity leave period starts automatically at this time.

Premature Births: Premature birth may have an effect on the assessment of statutory maternity pay. You must notify HR and your line manager as soon as possible of the actual date of childbirth. If childbirth occurs before the date that you notified that you wanted your maternity leave to start, your maternity leave period starts automatically on the day after the date of the birth.

We recognise that a premature birth may result in additional care needs for the child both immediately after the birth and as they develop. LSBU offers a range of additional leave options to support staff in managing their caring responsibilities, as set out in our Leave Policy.

Late Births: If your baby is born after the expected week of childbirth, maternity entitlement is not affected.

Miscarriage: A miscarriage can be a distressing experience for both parents and unfortunately is not uncommon. If it happens in early pregnancy, you may well not have informed anyone at work that you or your partner are pregnant.

Should you be unfortunate enough to experience miscarriage, you may wish to consider contacting a support group with experience of helping others who have experienced miscarriage. You should also advise your line manager or HR as soon as possible, as they will be able to give support and advise you of your entitlements to leave and pay. We will provide access to an Employee Assistance Programme which may be able to provide and/or signpost support.

Still birth: The experience of stillbirth can be extremely distressing for both parents, and you may need a lot of support whilst grieving for your loss. You may wish to consider contacting a support group with experience of helping others who have had stillborn babies. You should advise your line manager or HR if you experience this tragedy as they will be in a position to advise and offer support. We provide access to an Employee Assistance Programme which may be able to provide and/or signpost support.

If your baby is stillborn or miscarried before the 24th week of childbirth, maternity/paternity leave and pay are not payable. However, in such cases, up to two weeks of paid bereavement leave may be granted at your line manager's discretion. Where such leave is granted, your line manager will confirm arrangements in writing to you and will also let HR know.

If your baby is stillborn after the start of the 24th week of pregnancy and before the expected week of childbirth, the mother is entitled to receive the benefits they would otherwise have received, had they had a live birth. This includes maternity leave and pay, and access to the two-week paid bereavement leave would also be available to both parents if they are LSBU employees, as set out in the Leave Policy.

If your baby is born alive at any stage of pregnancy but does not survive, the mother will be entitled to full maternity benefits. The two-week paid bereavement leave would also be available to both parents if they are LSBU employees, as set out in the Leave Policy.

8. Neonatal Leave and Pay

Neonatal Care Leave applies to parents of babies who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 full days or longer. These measures allow eligible parents to take up to 12 weeks of leave on top of any other leave they may be entitled to, including maternity, paternity and adoption leave. Alongside the leave entitlement, Neonatal Care Pay is available to those who meet continuity of service requirements and a minimum earnings threshold. Please see the Leave Policy for further details.

9. Disruption to UK adoptions

In the case of a child adopted within the UK, if, after you have begun your adoption leave, the expected placement does not occur, or, once the child has been placed, they die or are returned to the adoption agency, your adoption leave will end eight weeks after the end of the week (for these purposes, a week starts on a Sunday) in which you are notified that the placement will not be made; the child dies; or the child is returned. Where your adoption leave is due to end within eight weeks of the end of the week in which the event occurs, you will return to work on the scheduled end of the adoption leave.

In the event of a child's death after placement, the two-week paid bereavement leave would also be available to both parents if they are LSBU employees, as set out in the Leave Policy.

10. Other benefits during leave

During **adoption, maternity, paternity and shared parental leave**, all terms and conditions of your contract except normal pay will continue. For example, statutory and contractual holiday entitlement will continue to accrue, pension contributions will continue to be paid (with employer contributions based on normal pay for so long as statutory pay is being paid, and employee contributions based on actual pay received during leave), you will retain your ICT devices, and you will remain in any life assurance scheme associated with your pension provision. Contractual allowances will also continue, although other payments will not be paid.

An employee who has requested maternity/adoption/shared parental leave will be advised before they start that leave whether or not they have any outstanding annual leave entitlement. We may:

- require you to take such outstanding leave before commencing the leave;
- agree in conjunction with the relevant manager that you should carry some or all of the leave over and take it on return to work after the leave; or
- for holiday entitlement in excess of the statutory minimum, pay you for any outstanding holiday leave as if you were leaving.

These options will be discussed with you prior to the start of the leave.

You are reminded that all holiday (including allowance for bank holidays, closure days, and, where applicable, discretionary days) will be automatically carried over between leave years in cases of adoption/maternity leave. Where a shared parental leave period overlaps two leave years you should consider how your annual leave entitlement can be used to ensure that it is not untaken at

the end of the holiday year. Note that annual leave cannot be taken in the middle of a period of maternity, adoption, or paternity leave.

During periods of **ordinary parental leave**, all the terms and conditions of your contract, except normal pay, will continue and your continuity of employment is not affected. Annual leave will continue to accrue in the normal way.

Probation periods continue to progress during all periods of parental leave. An interim/final review (as applicable) should be done prior to leave commencing.

11. Contact during leave

Shortly before your adoption, maternity, paternity, parental or shared parental leave starts, your line manager will discuss with you the arrangements for you to keep in touch during your leave, should you wish to do so.

We reserve the right to maintain reasonable contact with you during your leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made, appropriate training to ease your return to work, or to update you on developments at work during your absence, including promotion opportunities or job vacancies which may arise.

“Keeping In Touch” days (adoption and maternity leave only)

You can agree to work for us (or to attend training) for up to 10 days during your adoption or maternity leave without that work bringing your leave to an end. These are known as "keeping in touch" (KIT) days and must be agreed in advance with your line manager.

“Shared Parental Leave In Touch” days (shared parental leave only)

You can agree to work for us (or to attend training) for up to 20 days during your shared parental leave without that work bringing your leave to an end. These are known as “Shared Parental Leave In Touch” (SPLIT) days and must be agreed in advance with your line manager.

Any work carried out on a day or part of a day shall constitute a whole for the purpose of calculating the number of KIT/SPLIT days taken. If only part of a day is worked, however, pay will be proportionate (i.e. would be calculated based on the actual hours worked). If a KIT/SPLIT day occurs during a week when you are receiving maternity/adoption/shared parental pay, this will be effectively ‘topped up’ so that you receive full pay.

We have no right to require you to carry out any work, and you have no right to undertake any work, during your leave. Any work undertaken is a matter for agreement between you and us, and all intended KIT/SPLIT days must be mutually agreed in advance of them being taken.

Any KIT/SPLIT days worked do not extend the period of leave.

Once the KIT/SPLIT days have been used up, you will lose any further entitlement to statutory pay for any week in which you agree to work for us. It may also bring your leave period to an end.

With our agreement, you may use KIT/SPLIT days to work part of a week during leave. This means that, with mutual agreement, KIT/SPLIT days can be used to effect a gradual return to work towards the end of a long period of leave, or to trial a possible flexible working pattern.

KIT days cannot be taken during the two-week period of compulsory maternity leave.

Both parents have up to 20 SPLIT days each, which can be taken as single days or in blocks of days during any period of shared parental leave. This is in addition to the 10 KIT days available to the mother/adopter as part of their adoption or maternity leave. KIT days are not transferrable into periods of shared parental leave.

12. Fixed-term staff

Where a member of staff has a fixed term contract and qualifies for adoption/maternity/paternity/parental/shared parental leave, they will be accorded the same entitlements as comparable staff employed on permanent contracts.

If the contract is to end within the period of leave, dependent upon their entitlement, any benefits due will continue up to the date of termination of the contract.

13. Returning to work

You will have been formally advised in writing by us of the end date of any period of leave (except in shared parental leave cases). You may return to work at the end of this leave period without having to provide notice; you are expected to return on the next working day after the specified date, unless you notify us otherwise. If you are unable to attend work due to sickness or injury, our normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence under our Leave Policy.

However, you also have the right to return to work at any time during your leave, subject to you following the correct notification procedures as set out below.

Rights on returning to work

In cases of **ordinary adoption, ordinary maternity or paternity leave**, you generally have the right to resume working in the same job as you occupied before commencing leave, on the same terms and conditions of employment as if you had not been absent. In this context, "job" means the nature of the work which you are employed to do in accordance with your contract, in the same capacity in which, and in the same place where, you are so employed. Continuity of employment is not affected.

If you have taken a period of additional maternity/adoption leave, you have the right to return to the same job wherever possible. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.

We recognise that returning to work from maternity/adoption leave after a significant period of time away from work can be challenging. We will take steps to ensure that your return to work is as smooth as possible and work may be handed back to you on a gradual basis. Your line manager will contact you as the end of your leave approaches to remind you of your expected date of return and the arrangements for your first day back.

Note that if you were subject to a process being carried out under of Disciplinary Policy or Performance Management Policy which was halted due to your maternity/adoption leave, this process may recommence upon your return.

Returning to work after ordinary parental leave

If you take an isolated period of ordinary parental leave of four weeks or less, you are entitled to return to the same job you were doing before your absence. You can also return to your previous job if you take a period of ordinary parental leave of four weeks or less following on immediately from a period (or consecutive periods) of maternity, adoption, paternity and/or shared parental leave (taken in relation to the same child) that did not last more than 26 weeks.

You are entitled to return to your previous job or, if that is not practical for us, to another job that is both suitable and appropriate in the circumstances if you take a period of ordinary parental leave of more than four weeks, or take a period of ordinary parental leave of four weeks or less following on immediately from a period (or consecutive periods) of maternity, adoption, paternity and/or shared parental leave (taken in relation to the same child) that lasted more than 26 weeks.

Returning to work following shared parental leave

You have the right to resume working in the same job and on the same terms and conditions when returning to work from shared parental leave if the period of leave when added to any other period of shared parental leave, statutory maternity or paternity leave taken by you in relation to the child is 26 weeks or less.

You have the right to return to the same job, wherever possible, if you have taken shared parental leave and the period of leave taken is more than 26 weeks when added to any other period of shared parental leave, statutory maternity or paternity leave taken by you in relation to the child. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.

Redundancy situations

In the event that your post is identified as potentially redundant or subject to a business re-organisation during your period of pregnancy or maternity/adoption/shared parental leave, you will be consulted in accordance with the appropriate change management procedure either utilising KIT/SPLIT days or through alternative arrangements.

If your role is affected by a redundancy situation and you have notified us of your pregnancy, are on maternity leave, or have returned to work from maternity leave and are within an additional protected period of 18 months from the first day of the Expected Week of Childbirth or actual date of birth (where notified to us), you shall be given first refusal on any suitable alternative vacancies that are appropriate to your skills. If you are not entitled to maternity leave, the protected period of pregnancy applies from when you notify us of your pregnancy until two weeks after the end of your pregnancy. Similar protection applies to employees on, or who have recently returned from, adoption leave or shared parental leave.

Where you reject an offer of suitable alternative employment, or no suitable vacancy exists, we will be entitled to dismiss by reason of redundancy.

You will only have statutory leave rights for as long as you remain an employee. Where your contract terminates during your leave, this will end your leave as well as your employment, as long as the reason for the termination of the contract is not related to the leave.

Returning early

You may return to work at any time during your leave period (except, in the case of maternity or adoption leave, during the first two weeks from the day of childbirth/placement), provided that you give the appropriate notification. The law obliges all employees who have given birth to take a minimum of two weeks of maternity leave immediately after the birth of their child, for health and safety reasons.

If you wish to return to work earlier than your expected return date, you may provide a written notice to vary the leave and must give us at least eight weeks' notice of your date of early return.

In the case of shared parental leave, this will count as one of your notifications. If you have already used your three notifications to book and/or vary leave, we do not have to accept the notice to return early but may do so at our discretion. If you fail to give us at least eight weeks' notice of your date of early return, we may postpone your return to such a date as will give us eight weeks' notice, provided that this is not later than the existing expected return date.

We may postpone your return to work from maternity/adoption leave for not more than four weeks after the notified day of return. Such written notice shall specify the reason for postponement.

If you have notified us of an early return date, but subsequently change your mind about returning to work on this date, you must give notice in writing to your line manager at least eight weeks before the earlier of the date on which you intend to return and the date on which you had previously given notice to return.

Returning to a different working pattern

If you wish to return to work and undertake a different working pattern (for example, reducing your hours or working flexibly), then you should make an application in good time in line with our Flexible Working Policy. Although we will take all reasonable steps to accommodate a request for flexible working, the full range of flexible working options will not be appropriate for all jobs across all areas.

Deciding not to return to work

If you decide during your leave that you do not wish to return to work, you should give written notice of resignation to us as soon as possible and in accordance with the terms of your contract of employment.

If your notice period would expire after your leave has ended, we may require you to return to work for the remainder of your notice period, following the end of your leave. During this time, you may be asked to take accrued but untaken annual leave, if available.

Payment of Occupational Maternity Pay, Occupational Adoption Pay, Occupational Paternity Pay or Occupational Shared Parental Pay in accordance with this policy shall be made on condition that you will be available for work for a period of at least 13 weeks from the date on which you conclude your leave period. In the event of you not being available, except by reason of redundancy, you shall refund such sum as we, at our discretion, may decide. An employee with at least 2 years' continuous service is entitled to retain the first 6 weeks' payment. Statutory payments are not refundable.

If you are unsure about whether you will return to work for 13 weeks following your leave period(s), then you can at our discretion elect to have all Occupational Maternity Pay, Occupational Adoption Pay, Occupational Paternity Pay or Occupational Shared Parental Pay paid as a lump sum (subject to the usual PAYE deductions) after you have decided to return (and up to 13 weeks after your return). The intention of this option is to prevent enhanced pay becoming repayable.

14. Foster Caring

Leave to support foster caring arrangements is covered by our Leave Policy. If you are a local authority foster parent who has been approved as a prospective adopter, and a child is placed with you in a "foster to adopt" situation, you may be entitled to adoption leave and pay, as above.

15. Fertility Treatment

We recognise the physical and emotional stress that having fertility treatment can have on employees and are genuinely committed to supporting individuals receiving fertility treatment, including:

- any form of assisted reproduction carried out by a registered medical practitioner or registered nurse (for example in vitro fertilisation (IVF), intrauterine insemination (IUI) and intracytoplasmic sperm injection (ICSI));
- any treatment carried out by a registered medical practitioner or registered nurse for the purpose of preserving fertility (for example freezing eggs, sperm, embryos or reproductive tissue); and
- any medical examination or treatment in connection with the treatment mentioned above (for example blood tests, ultrasound scans, egg collection, sperm collection, embryo transfer).

Requesting support

We understand that working while undergoing fertility treatment can be incredibly challenging. If you are finding it difficult to cope at work while you are undergoing fertility treatment, you are encouraged to speak to your line manager. If for any reason you are unable to approach your line manager, you can speak to HR or to occupational health.

We urge you to be as open as possible about any particular issues that you are experiencing or adjustments that you need to ensure that you are provided with the right level of support while you are receiving treatment.

Any health-related information disclosed by you during discussions with your line manager or HR will be treated sensitively and in strict confidence.

Time off if you are receiving fertility treatment

If you are receiving fertility treatment, we will grant you paid leave to attend up to six appointments in any 12-month period for the purpose of undergoing and recovering from assisted conception treatment.

To make a request for time off to attend a fertility treatment appointment, you should contact your line manager. You should give your line manager as much notice as possible of when you need the

time off and, wherever possible, arrange your appointments outside your core hours, or as near to the start or end of the working day as possible.

However, we understand that you may need to take time off at short notice to attend your appointments. We also understand that the amount of time that you may need off for each appointment will depend on the nature of the appointment and the type of treatment that you are receiving and therefore we need to remain flexible.

We may ask you to provide proof of the date and time of your appointment.

If you need additional time off to attend any further appointments, this will be treated in the same way as other medical appointments under our Leave Policy. You may take the time off as annual leave, unpaid leave or, in some cases, we may agree a flexible working arrangement so that you can make up lost time by working additional hours at another time.

If IVF treatment results in sickness from work, this will be treated in the same way as other sickness absence in line with our Sickness Absence Policy until you become pregnant through IVF, at which point you will qualify for protections in relation to pregnancy-related sickness, as detailed in that policy.

If you become pregnant through IVF, you will also then have all the same pregnancy and maternity rights as non-IVF pregnancies. You're still protected by law against pregnancy discrimination for two weeks after finding out an embryo transfer was unsuccessful.

Time off to accompany a person receiving fertility treatment

If you have a qualifying relationship as set out below with a person receiving fertility treatment, we will grant you paid time off to accompany that person at up to six appointments in any 12-month period.

This could be you if you are the spouse or civil partner of the person receiving fertility treatment, or you could be living with the person receiving fertility treatment in an enduring family relationship (as long as they are not your parent, grandparent, sister, brother, aunt or uncle). In addition, you will be eligible for the time off if you are the parent of any child born as a result of the treatment, or you expect to become the legal parent of any child which may be born as a result of the treatment under a surrogacy arrangement.

The fertility treatment appointment must be made on the advice of a registered medical practitioner or registered nurse.

To make a request for time off to accompany someone to a fertility treatment appointment, you should contact your line manager. You may be asked for proof of the date and time of the appointment and to provide a declaration to confirm that you are eligible for time off under this policy.

You should give your line manager as much notice as possible of when you need the time off and, wherever possible, ensure that any appointments are arranged outside your core hours or as near to the start or end of the working day as possible.

However, we understand that you may need to take time off at short notice. We also understand that the amount of time that you may need off for each appointment will depend on the nature of the

appointment and the type of treatment that the person that you are accompanying is receiving and therefore we need to remain flexible.

Working flexibly on a temporary basis

We recognise that for individuals receiving fertility treatment, the option to work flexibly on a temporary (rather than permanent) basis may be appropriate. If you feel that you would benefit from a temporary change to your working arrangement on an ad hoc basis because you are undergoing fertility treatment, you should discuss and agree these with your line manager. We will try to facilitate temporary flexible working arrangements wherever this is possible and will continue to review these to ensure that they meet your needs.

Quiet place to work

If you need a quiet space to take private calls or a place to take medication during working hours, you should speak to your line manager who will try their best to accommodate this.

Sickness

We understand that there may be times in the course of undergoing fertility treatment when you may be unwell. There is no expectation on you to work if you are unwell because of side effects related to your fertility treatment.

If you are sick and unable to work, you should follow the procedure set out in our Sickness Absence Policy. You do not have to disclose that your absence is connected with fertility treatment if you wish to keep this private. However, we want you to feel that you can be open about the reason for your leave.

Implantation

From the point of implantation of a fertilised ova, an employee is considered pregnant and has all pregnancy rights including a statutory right to paid time off for antenatal appointments, as set out above.

External sources of help

There are various organisations that provide help and support to those who are undergoing fertility treatment, including:

- [Fertility Network UK](#), which provides a wide range of resources for those affected by infertility;
- [British Infertility Counselling Association](#), which provides information about specialist fertility counsellors; and
- [Fertility Friends Support Forum](#), which is a forum community dedicated to infertility and fertility support.

16. Policy Review

All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory or service requirement or change in guidance, law, or practice. Reviews of contractual pay entitlements will be constituted by negotiation with recognised trade unions, and changes to

those aspects of policy will only take place following formal ratification by both parties. On all other elements of the policy, consultation will take place between the recognised trades unions and HR.

Appendix A: Parental Leave and Pay entitlements at a glance

The following tables detail the entitlements for the various leave and pay arrangements covered by this policy.

	Adoption	Maternity	Paternity	Parental	Shared Parental
Who is entitled?	An employee who has adopted a child, individually or as a couple, within the UK or from overseas. When adopting as a couple, they must decide which of them will take adoption leave and which will take paternity leave.	An employee who is pregnant/has given birth.	An employee who is: <ul style="list-style-type: none"> the biological father of the child, or the mother's partner, or who has adopted a child as part of a couple (but who has chosen to take paternity leave and not adoption leave), or is the partner of someone who has adopted a child who will have responsibility for the child's upbringing. 	Birth and adoptive parents of a child under the age of 18 who have responsibility for the child.	Mothers, partners, fathers, and adoptive parents.
Minimum period of continuous employment	None	None	26 weeks	One year	26 weeks
Entitlement	52 weeks	52 weeks	One or two weeks, or two non-consecutive periods of paternity leave of one week each.	18 weeks' leave before the child's 18 th birthday	52 weeks minus the maternity leave or adoption leave already taken, to be shared between the parents.
Pay	<ul style="list-style-type: none"> 20 weeks at full ordinary pay; then 19 weeks at the statutory rate, or at 90% of weekly earnings, whichever is lower. 	<ul style="list-style-type: none"> 20 weeks at full ordinary pay; then 19 weeks at the statutory rate, or at 90% of weekly earnings, whichever is lower. 	Full ordinary pay	Unpaid	Up to: <ul style="list-style-type: none"> 18 weeks' full pay; then 19 weeks at the statutory rate, or at 90% of weekly earnings, whichever is lower. Depending on how much maternity/adoption pay has already been taken.