

Family Leave Policy

Birth Parents, Non-birthing Parents, Shared Parental Leave,
Adoption and Surrogacy

Please note that this policy is an external version, and some links may not be enabled.

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1. Introduction

Unite Students respects the importance of family friendly initiatives; building a **Home for Success** for our employees means we must support them as they transition into their new family dynamics, and new relationship with their work-life balance.

We're proud to be an employer that embraces individuality, and we're passionate about building inclusive teams. We focus on creating a collaborative culture where you can be you, where your voice is heard, and where you can truly belong. We take great pride in being rated Gold Investors in People and are constantly striving to provide the highest standard of learning and development opportunities and professional pathways for our people.

We recognise that as Unite Students grows, so does the diversity of our workforce, and this policy clearly outlines the options available for all expectant parents, of all family dynamics, regardless of gender expression and/or sexual orientation. Not every parent will be in a mother-father relationship, and we recognise that every parent has the right to appropriate parental, adoption and surrogacy leave.

1.1. Purpose

This policy intends to provide clear guidelines for all Unite Students' employees, in relation to employment rights and the procedure they should follow in the event that they become pregnant, are expecting a child, become a surrogate or a surrogate parent, or wish to adopt a child whilst employed by Unite Students.

Every employee retains the right to choose to have a family, without discrimination based on pregnancy, childbirth, or parenthood. Issues arising as a result of discrimination against those individuals who have chosen to exercise their statutory rights will be dealt with under Unite Students' disciplinary procedure. Please refer to the Unite Students' Diversity, Equity, Inclusion and Belonging Policy for further information on how these choices are protected.

This policy is for guidance only and does not form part of your contract of employment.

1.2. Scope

This policy applies to all employees of the Unite Group plc, and all wholly owned subsidiaries of the company. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns unless otherwise stated.

1.3. Definitions

Below is an explanation of the terms that will be used throughout the policy, and the changes to language we have made to be inclusive of our growing workforce at Unite Students. The terminology used for paid leave entitlements will remain binary (e.g. maternity and paternity pay), this is so that the language used is consistent with the terminology used by the Government, and for ease of use.

Term	Definition
Birthing Parent	The person who will be giving, or has given, birth to the baby. This includes mothers and all birthing parents regardless of their gender expression.
CAP	<i>Company Adoption Pay</i> : this is a weekly payment made to someone who has a baby through adoption or surrogacy, and is on leave. It is enhanced based on an employees' length of service.
CMP	<i>Company Maternity Pay</i> : this is the weekly payment made to someone (the Birthing Parent) who has given birth to a baby and is on leave. It is enhanced based on an employees' length of service.
CPP	<i>Company Paternity Pay</i> : this is a weekly payment made to someone (the Non-birthing Parent) who has a baby and is on leave. It is enhanced based on an employees' length of service.
CShPP	<i>Company Shared Parental Pay</i> : this is a weekly payment made to someone who has a baby and is on leave. It is enhanced based on an employees' length of service.
EPD	<i>Expected Placement Date</i> (for Adoption). This is the date in which the child is expected to be placed with the parent/s.
EWC	<i>Expected Week of Childbirth</i> : the week, starting on a Sunday, in which the Birthing Parent's doctor or midwife expects them to give birth. This is detailed on a MATB1 certificate.
MA	<i>Maternity Allowance</i> : if an employee (Birthing Parent) does not qualify to receive SMP they may be entitled to claim Maternity Allowance which is paid directly by JobCentre Plus .

MATB1	A certificate that verifies the pregnancy. It is issued by the Birthing Parent's doctor or Midwife before the 20 th week of pregnancy.
MW	<i>Matching Week</i> : for adoption is either the end of the week you're matched with the child (UK adoption) or the date the child enters the UK or when you want pay to start (overseas adoptions).
Non-birthing Parent	The parent who has not given birth to the baby, this includes fathers, non-carrying mothers/parents and partners of the Birthing Parent.
PEEP	<i>Personal Emergency Evacuation Plan</i> : this is a plan for a person who may need assistance, to evacuate a building or reach a place of safety in the event of an emergency.
Primary Parent	For Adoption and Surrogacy, this is the person who will be taking the largest proportion of time on leave.
Qualifying Week	Means the week before the end of the 15th week before the EWC.
SAP	<i>Statutory Adoption Pay</i> : this is a weekly payment made to someone who has a baby through adoption or surrogacy and is on leave. It is a minimum amount paid by an employer.
Secondary Parent	For Adoption and Surrogacy, this is the person who will be taking shorter leave.
SMP	<i>Statutory Maternity Pay</i> : this is a weekly payment made to the Birthing Parent, who is on leave. It is a minimum amount paid by an employer.
SPP	<i>Statutory Paternity Pay</i> : this is a weekly payment made to the Non-birthing Parent who is on leave. It is a minimum amount paid by an employer.
SShPP	<i>Statutory Shared Parental Pay</i> : this is a weekly payment made to someone who has a baby and is on leave. It is a minimum amount paid by an employer.

1.4. Roles and Responsibilities

The Group People Director has overall responsibility for the effective operation of this policy although all employees have a role in its implementation.

1.4.1. Employees should:

- Familiarise themselves with this policy and comply with its requirements.

- Identify their role within the policy, and the procedure to be followed.
- Notify their Line Manager in writing of any request to take leave, using the templates created here.
- Notify their Line Manager of any changes in circumstances or dates, commitment to return to work for at least 6 months following a period of company pay (CMP, CPP, CAP, CShPP), and where required, their preferred return to work date.
- Provide appropriate documentation to their Line Manager in accordance with this Policy.
- Ensure that their Line Manager submits hours worked as KIT Days CoreHR.

1.4.2. Line Managers should:

- Familiarise themselves with this policy, the procedure that should be followed, and comply with its requirements.
- Treat all requests for leave as confidential until the employee is ready to share with the wider team (excluding any necessary reports to HR Admin).
- Acknowledge any request for leave, submit the request on CoreHR and attach the appropriate documentation (e.g. MATB1, certificate or confirmation of adoption/surrogacy).
- Complete a health and safety assessment for pregnant employees, including a PEEP, in liaison with their Health and Safety lead.
- Maintain appropriate and reasonable levels of contact with the employee during leave following guidance set out in this Policy (Section 6.2).
- Process any changes to leave, including commencing leave early (i.e. in the event of premature birth) using the request form on CoreHR.
- Log hours worked as KIT days on CoreHR.
- Make arrangements in respect of an employee's return from leave under this policy, using the request form on CoreHR.
- Notify HR Admin of any changes to the employee's circumstances.

Guidance on how to process all family leave related requests can be found here.

1.4.3. HR Admin should:

- Familiarise themselves with this policy, the procedure that should be followed, and comply with its requirements.
- Ensure that any requests for leave and pay submitted via CoreHR are dealt with sensitively, and in a timely manner.
- Ensure that the employee's file on CoreHR is updated appropriately.
- Ensure that in the event of shared parental leave, the employee's partner's organisation is contacted.
- Process Special Paid Leave, in accordance with the Line Manager' approved requests.

1.4.4. Payroll should:

- Process changes in pay, including SMP/CMP, SPP/PPP, SShPP/CSHPP, SAP/CAP, Special Paid Leave, and hours due from KIT days.

2. Birthing Parents

2.4. Eligibility

Any employee who falls pregnant, irrespective of their length of service with Unite Students, is eligible for Birthing Parent Leave. Leave for a Birthing Parent consists of up to 52 weeks leave, made up of 26 weeks' ordinary leave and up to a further 26 weeks additional leave. The additional leave must begin immediately after the ordinary leave ends. Not everyone will be entitled to pay (SMP/CMP). Entitlement to pay is set out in the following section.

Choosing to take leave is the choice of the Birthing Parent, however they must take 2 weeks of compulsory leave after giving birth.

The Birthing Parent will be referred to as "you" from here on.

2.5. Pay Entitlement

Entitlements to pay vary dependant on your length of service and salary at key dates. You may qualify for SMP, CMP or MA during your leave (please refer to definitions in Section 1.3).

2.2.1 SMP

Is payable for up to 39 weeks. SMP will stop being payable if you return to work (except for KIT days). You are entitled to SMP if:

- you have been employed by Unite Students continuously for 26 weeks, by the end of the Qualifying Week;
- your average weekly earnings during the eight weeks ending on the Qualifying Week are not less than the lower earnings limit set by the government;
- you provide a MATB1 stating your EWC;
- you give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take leave; and
- you are still pregnant 11 weeks before the EWC or have already given birth.

If you meet this criteria, and SMP is payable, you would receive the *Earnings-Related Rate* of 90% of your average weekly pay (calculated based on the eight week period ending with the Qualifying Week) for the first 6 weeks of your leave. For the remaining 33 weeks, you would receive the *Prescribed Rate* which is either a fixed statutory sum (which is set by the government for the relevant tax year) or the *Earnings-Related Rate* (whichever is lower).

2.2.2 CMP

If you have been employed by Unite Students continuously for 1 year (12 months) before the end of the Qualifying Week, you may qualify for CMP as long as you also meet the criteria for eligibility to SMP (as stated above).

If you meet this criteria, and CMP is payable, you would receive your normal rate of pay for the first 18 weeks of your leave. CMP includes any entitlement to SMP. Following this period, you are entitled to any SMP due (i.e. 21 weeks of SMP). In the event that CMP would be less than your entitlement to SMP, you will receive SMP.

Payment of CMP is conditional on you confirming in writing, before starting Birthing Parent's leave, that you intend to return to work for at least six months after your Birthing Parent's leave. If you do not return to work for this minimum period any enhanced CMP (but not SMP) must be repaid. You do not have to return CMP if Unite Students terminates your

employment, unless it was entitled to and did terminate your employment summarily or it terminated your employment pursuant to an application by you for voluntary redundancy.

SMP and CMP will be paid on your normal pay day.

2.2.3 MA

If you do not qualify to receive SMP (and therefore CMP) you may be entitled to claim MA which is paid directly by JobCentre Plus. In this circumstance, HR Admin can provide an SMP1 Form to you for completion, which can be used alongside the MATB1 (if supplied), so that you may make a claim from your local JobCentre Plus.

You may also be eligible for Shared Parental Leave, and either Statutory or Company Shared Parental Pay; further information can be found in Section 4 of this policy.

2.6. Notification of Pregnancy

You should inform Unite Students as soon as possible that you are pregnant. This is important as there may be health and safety considerations.

You must notify your Line Manager in writing of your pregnancy, EWC, and the date on which you would like your leave to commence, by the end of the Qualifying Week, or as soon as reasonably practicable thereafter. You must also supply your Line Manager with your MATB1 form. Your Line Manager will use this form to make a request for leave, using the request form on CoreHR.

2.7. Health and Safety

The following guidance is for Birthing Parents and Line Managers.

Once you have notified Unite Students of the pregnancy, your Line Manager will discuss the possible implications of the pregnancy on your duties and, if it has not already been done, will arrange for a risk assessment of the role and create a PEEP. Unite Students may seek medical advice if this is considered necessary, this will be undertaken through an occupational health assessment.

If it is determined that any aspect of the role might pose a risk to your health and safety, or that of the unborn child, the Line Manager will discuss reasonable adjustments or other preventative or protective measures that could be taken to avoid any risks identified. This may involve changing your working conditions or hours of work, offering suitable alternative work on terms and conditions that are the same or not substantially less favourable.

If there is no suitable alternative position available, you may be placed on Special Paid Leave for all or part of the pregnancy, up until the beginning of the 4th week before the EWC. Any current period of Special Paid Leave will automatically come to an end at the beginning of the 4th week before the EWC, and Birthing Parent's Leave, and if applicable pay (SMP/CMP/MA), will commence.

2.8. Appointments

2.8.1. Antenatal care

During the pregnancy the Birthing Parent will be entitled to reasonable paid time off for antenatal care. This applies to all employees and agency workers, as long as agency worker has worked in the same role with Unite Students for at least 12 continuous weeks. The Birthing Parent is required to give their Line Manager as much notice as possible of their appointment times and is asked to arrange their appointments so as to cause the least disruption to the business (i.e. by taking time at the beginning or the end of their shift). Unless it is the first appointment, the Birthing Parent may be asked to produce their ante-natal appointment card or letter to show their Line Manager that an appointment has been made and a certificate from the doctor, midwife or health visitor stating that the Birthing Parent is pregnant.

2.8.2. In Vitro Fertilisation (IVF)

For Parents that are conceiving through In Vitro Fertilisation (IVF), there are a number of ways that we can support you.

All employees going through IVF are entitled to three paid days leave per cycle for the purpose of undergoing and recovering from assisted conception treatment. This should be requested through CoreHR by the Line Manager as "Special Leave (PAID)" and entered into the

notes that it is for IVF. Any additional paid or unpaid time off will be at our absolute discretion. Should an employee require additional time off they may be able to use their holiday allowance, or if time off is required due to sickness it will be dealt with under the [Sickness Absence](#) policy. Shorter appointments should be considered general medical appointments, and time away from work should be discussed with your Line Manager.

Once you have reached implantation stage, you are required to following the Birthing Parents Section of this policy (see Section 2).

2.9. Commencing Leave

The employee is permitted to change the start date of their leave and pay at any point during the pregnancy, by providing notice in writing at least 28 days before the original intended start date or, if that is not possible, as soon as reasonably practicable.

Birthing Parent leave will start at the earliest on either:

- the intended start date (if notified in accordance with this policy);
- the day after you are absent for a pregnancy related reason during the four weeks before the EWC (if this happens you must let us know as soon as possible in writing); or
- the day after you give birth, if the baby is born before Birthing Parent leave was due to start (if this happens you must let us know as soon as possible in writing).

If the Birthing Parent is entitled to CMP, they may also be entitled to additional Special Paid Leave, at full pay, in the event that their baby is hospitalised from birth. Please refer to Section 6.5 for more information.

3. Non-birthing Parents and Secondary Parents

3.1. Eligibility

As a Non-birthing or Secondary Parent (for Adoption and Surrogacy), you may be entitled to leave and pay based on your length of service and salary at key dates. Non-birthing or Secondary Parent refers to those who have, or will have, responsibility for a child but did not give birth to them, in the following cases:

- The birth of a child where either the Non-birthing Parent is the partner of the Birthing Parent and who is also expected to have main responsibility with the Birthing Parent for the child's upbringing, or
- where the Non-birthing Parent is also the child's biological Non-birthing Parent and is expected to have responsibility for the child's upbringing.
- On the birth of a child to a surrogate where the employee or their partner is one of the child's biological parents, and they expect to obtain a parental order giving them responsibility for the child.
- Where an adoption agency places a child with the employee or their partner for adoption and they expect to have main responsibility (with their partner) for the child's upbringing, but are not the Primary Parent (i.e. taking less leave).
- Where a local authority places a child with the employee and/or their partner under a fostering for adoption arrangement and the employee expects to have main responsibility (with their partner) for the child's upbringing but is not the Primary Parent.

If the employee has 26 weeks continuous service by the end of the Qualifying Week or Matching Week, they are legally entitled to 1 or 2 consecutive weeks leave. This minimum entitlement may be extended if the employee also qualifies for CPP.

Non-birthing and Secondary Parents will be referred to as “you” from here on.

3.2. Pay entitlement

Your entitlement to pay varies dependant on your length of service and salary at key dates. If you are eligible for Non-birthing Parent or Secondary Parent Leave, you may also be eligible for either SPP or CPP (see definitions in section 1.3) as set out below. If you are not eligible for leave or pay, you may request to take unpaid leave or use your holiday entitlement.

3.2.1. SPP

SPP is payable for 1 or 2 consecutive weeks. SPP will stop being payable if you return work (except when you are keeping in touch). You are entitled to SPP if:

- If you have been employed by Unite Students continuously for 26 weeks, by the end of the Qualifying or Matching Week.

- your average weekly earnings during the eight weeks ending on the Qualifying or Matching Week are not less than the lower earnings limit set by the government;

If you meet this criteria, SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings (calculated based on the eight week period ending with Qualifying Week/Matching Week), whichever is lower.

3.2.2. CPP

If you have been continuously employed by Unite Students during the 12 month period ending with the Qualifying or Matching Week, and you are entitled to SPP, you may also qualify for CPP. CPP is inclusive of any entitlement to SPP.

If you meet these criteria, and CPP is payable, you are entitled to take up to 4 weeks consecutive leave. You would receive your normal rate of pay for the full period. This pay is inclusive of any entitlement to SPP and therefore you must be eligible for SPP in order to qualify for CPP.

Payment of CPP is conditional on you confirming in writing, before starting leave, that you intend to return to work for at least six months after Non-birthing/Secondary Parent's leave. If you do not return to work for this minimum period any enhanced CPP (but not SMP) must be repaid. You do not have to return CPP if Unite Students terminates your employment, unless it was entitled to and did terminate your employment summarily or it terminated your employment pursuant to an application by you for voluntary redundancy.

Both SPP and CPP will be paid on your normal payday.

You may also be eligible for Shared Parental Leave, and either Statutory or Company Shared Parental Pay; further information can be found in Section 4 of this policy.

3.3. Notification of Leave

To take Non-birthing Parent Leave you must notify your Line Manager in writing by the end of the Qualifying or Matching Week, or as soon as you reasonably can, stating:

- the Expected Week of Childbirth or the Expected Placement Date;
- the date you would like your leave to start;

- and the length of leave you intend to take.

You may be required to sign a declaration that you are taking Non-birthing Parent Leave to care for the child or to support your partner in caring for the child.

3.4. Appointments

3.4.1. Ante-natal appointments

You are entitled to take paid time off to accompany a Birthing Parent to up to two antenatal appointments. This applies to all employees and agency workers, as long as agency worker has worked in the same role with Unite Students for at least 12 continuous weeks. You must not take more than 6.5 hours off for each appointment, including travel and waiting time. The Line Manager is responsible for arranging paid time off to attend these appointments. This should be requested through CoreHR by Line Managers as "Special Leave (PAID)" and detailed in the notes as ante-natal appointment. If the employee wishes to take more time than is permitted, then the remaining leave will be unpaid, or may be requested as holiday entitlement by the employee.

3.4.2. In Vitro Fertilisation (IVF)

For Parents that are conceiving through In Vitro Fertilisation (IVF), there are a number of ways that we can support you.

All employees going through IVF are entitled to three paid days leave per cycle for the purpose of undergoing and recovering from assisted conception treatment or in order to support their partner if they are undergoing or recovering from assisted conception treatment. This should be requested through CoreHR by the Line Manager as "SPECIAL LEAVE (PAID)", and must be noted as IVF. Any additional paid or unpaid time off will be at our absolute discretion.

3.5. Commencing Leave

The employee is permitted to change the start date of their leave if notice is given for the following reasons:

- if you wish to start your leave on the day of the child's birth or on the day that the child is placed with you or your partner, please tell us at least 28 days before the EWC or the EPD;
- if you wish to start your leave on a specified number of days after the child's birth or placement, please tell us at least 28 days (minus the specified number of days) before the first day of the EWC or the EPD; or
- if you wish to start your leave on a specific date that is different to the original start date you informed us of, please tell us at least 28 days before that date.

If you are unable to give us 28 days' written notice as set out above, you should do so as soon as reasonably possible.

If you are a Non-birthing Parent entitled to CPP, you may also be entitled to additional Special Paid Leave, at full pay, in the event that your baby is hospitalised from birth. Please refer to Section 6.5 for more information.

4. Shared Parental Leave

4.1. Eligibility

Shared Parental Leave (ShPL) gives employees and their partners more flexibility in how to share the care of their child in the first year after birth. If both parents are eligible, they can choose how to split the available leave between themselves, and can decide to be off work at the same time or at different times.

ShPL is also available for employees who are adopting a child through a UK or overseas adoption agency, fostering a child with a view to possible adoption, or becoming a parent through a surrogacy arrangement. Please ask for further information about this as the policy differs slightly to that which is set out below.

To be eligible for Shared Parental Leave and pay, Unite Students employees must:

- be the Birthing Parent and share the main responsibility for the care of the child with the Non-birthing Parent; or
- be the Non-birthing Parent and share the main responsibility for the care of the child with the Birthing Parent however where the Non-birthing Parent is the Birthing

Parent's partner but is not a biological parent of the child, the Non-birthing Parent will only be entitled to ShPL if the other biological parent does not share the main responsibility with the Birthing Parent; and

- have at least 26 weeks' continuous service at the 15th week before the EWC;
- comply with the relevant notification and declaration requirements summarised below, including notice to end any Birthing Parent Leave, SMP or MA periods.

In addition, the **other parent** must:

- have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks prior to the EWC;
- have average weekly earnings of at least £30 during at least 13 of those weeks; and
- comply with the relevant notification and declaration requirements summarised below.

Birthing Parents cannot start ShPL until at least two weeks after birth. Non-birthing Parents should consider using Non-birthing Parents Leave before taking ShPL as once ShPL has started any untaken Non-birthing Parent Leave entitlement is lost. ShPL entitlement is additional to any Non-birthing Parent Leave entitlement.

4.2. Pay Entitlement

Entitlements to Shared Parental Pay (ShPP) vary dependant on length of service and salary at key dates. An employee may qualify for Statutory Shared Parental Pay or Company Shared Parental Pay.

4.2.1. Statutory Shared Parental Pay (SShPP)

If an employee has 26 weeks' continuous service by the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year, they may qualify for up to 39 weeks SShPP (less any weeks of SMP, MA, or SPP claimed by the Birthing Parent or Non-birthing Parent) payable at the statutory weekly rate (or 90% of the employees normal weekly earnings if lower).

4.2.2. Company Shared Parental Pay (CShPP)

If an employee has been continuously employed by Unite Students during the 12 month period ending with the Qualifying Week, they may qualify for CShPP as long as they meet the criteria for eligibility to SShPP.

If this criteria is met and CShPP is payable, the employee will receive their normal rate of pay for the first 18 weeks of their SPL. Any period of CMP or CPP for the same child will count towards entitlement to CShPP. In the event that CShPP would be less than their entitlement to SShPP the employee will receive SShPP. CShPP includes any entitlement to SShPP.

Payment of CShPP is conditional on the employee confirming in writing, before starting ShPL, that they intend to return to work for at least six months after the end of ShPL. If they do not return to work for this minimum period any enhanced CShPP (but not SShPP) must be repaid. Employees will not have to return CShPP if Unite Students terminates their employment, unless it was entitled to and did terminate such employment summarily or it terminated the employment pursuant to an application by the employee for voluntary redundancy.

SShPP and CShPP will be paid on the employee's normal payday.

4.3. Requesting Leave

Employees are encouraged to discuss informally with their manager the intention to take ShPL as soon as reasonably practicable.

In addition, not less than eight weeks before the date ShPL is intended to be taken, the employee must provide Unite Students a written opt-in notice, ideally using the **Notice of Entitlement and Intention to Take Shared Parental Leave Form**, giving:

- their name and the name of the other parent;
- if they are the Birthing Parent, the start and end dates of their leave;
- if they are the Non-birthing Parent, the start and end dates of the Birthing/Primary Parent's Leave, or if they are not entitled to Birthing Parents Leave, the start and end dates of any SMP/SAP or MA period;
- the total SPL available, which is 52 weeks minus the number of weeks' Birthing Parents Leave, SMP or MA period taken or to be taken;
- how many weeks of the available SPL will be allocated to the employee and how many to the other parent (the allocation can be changed by giving Unite Students a further written notice, and the full allocation does not need to be used);
- if claiming SShPP, the total SShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken;

- how many weeks of available SShPP will be allocated to the employee and how much to the other parent (the allocation can be changed by giving Unite Students a further written notice, and the full allocation does not need to be used);
- an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please provide as much information as possible about any future intentions; and
- declarations by the employee and the other parent that they both meet the statutory conditions to enable them to take SPL and SShPP.

If the employee is the Birthing Parent they must provide Unite Students with a 'Curtailment Notice' (contained within the Notice of Entitlement and Intention to Take Shared Parental Leave) at least 8 weeks before the date on which their Birthing Parent Leave will end. The Curtailment Notice is binding unless Birthing Parent Leave has not yet ended and one of the following applies:

- If the Curtailment Notice is given before the birth and is revoked in writing within six weeks of the birth (in this case another curtailment notice can be submitted);
- Neither Parent is entitled to ShPL or SShPP, in which case the Curtailment Notice can be revoked in writing up to eight weeks after it was given; or
- The other parent passes away (please see section 6.6 for more information).

If the Birthing Parent is entitled to MA only, their notice of curtailment must be submitted to the Jobcentre Plus and cannot be reinstated.

Employees must also provide on request a copy of the birth certificate of the child (or if a birth certificate has not been obtained, a signed declaration of the child's date and place of birth) and the name and address of the other parent's employer (or a declaration that they have no employer).

Having opted into the ShPL system, employees must book leave by giving Unite Students a period of leave notice. This may be given at the same time as the opt-in notice (if for example the Notice of Entitlement and Intention to Take ShPL Form was completed) or later, provided the notice is submitted at least 8 weeks in advance of the start of ShPL. Leave must be taken in blocks of at least one week.

Employees are entitled to submit up to three period of leave notices. If the period of leave notice gives a single continuous block of ShPL, the employee will be entitled to take the leave as detailed in the notice. However, if more than one period of leave (i.e. discontinuous period) is detailed in the notice, the leave pattern will be subject to management approval; Unite Students will attempt to accommodate the pattern but this cannot be guaranteed. An alternative pattern of leave may be suggested or discussed, or the pattern may be refused.

Where a notice detailing a period of discontinuous leave had been submitted and no agreement has been reached after two weeks the employee may:

- take the discontinuous leave as one block from the start date stated on the notice;
- take the continuous block starting from a new start date (as long as the date is later than the start date of the notification and the employee notifies their manager and HR Admin of the new date within 2 weeks and 5 days of the original notice being submitted);
- withdraw the notice, up to the 16th day after it was originally submitted (in which case it will not count towards the maximum three periods of leave notices which employees can submit).

Employees can submit a written 'Notice to Vary Period of ShPL' by emailing their Line Manager, where the variation is:

- to the start or end date (as long as the notice is submitted at least 8 weeks before the earlier of the original start date or the new start date or the original end date and the new end date as applicable);
- to cancel a period of leave at least 8 weeks before the original start date;
- to notify Unite Students that a single period of leave becomes discontinuous or vice versa. Where a discontinuous period is detailed, agreement must be reached within two weeks (see provisions above).

Variations will count as one of the three Period of Leave Notices unless:

- it is made as a result of the baby being born earlier or later than the expected week of childbirth (EWC);
- Unite Students has requested the variation; or

- Unite Students has agreed, at its discretion, to accept more than three period of leave notices.

The eight-week period of notice requirement may be modified where the baby is born early, in this case notice to vary the start date should be given as soon as reasonably practicable after the birth.

4.4. Health and Safety

Birthing Parents should refer to the guidance in Section 2.4.

4.5. Appointments

Birthing Parents should refer to the guidance in Section 2.5.

Non-birthing Parents should refer to the guidance in Section 3.4.

4.6. Commencing Leave

The employee is permitted to change the start date of their leave and pay as set out above.

If the baby is born before leave commences, the employee must notify their Line Manager as soon as reasonably possible, to ensure that the manager submits the request form to notify HR Admin as soon as possible.

If the employee is entitled to CShPP, they may also be entitled to additional Special Paid Leave, at full pay, in the event that their baby is hospitalised from birth. Please refer to Section 6.5 for more information.

5. Adoption and Surrogacy

5.1. Eligibility

Employees that are adopting, fostering a child with a view to adoption, or having a child through a surrogacy arrangement may be eligible for adoption leave and pay. This guidance can only apply to one parent (Primary Parent), the additional parent/caregiver should refer to guidance in the Non-birthing and Secondary Parents' guidance in Section 3.

In adoption cases, or fostering for adoption cases, in order to qualify for adoption leave an employee must:

- Be adopting a child through a UK adoption agency, or be a local authority foster parent who has been approved as a prospective adopter;
- Have received written notice from the adoption agency or local authority that it has matched the employee with a child for adoption, or that it will be placing a child with them under a fostering for adoption arrangement, and tells the employee the date the child is expected to be placed with them (the EPD);
- Have notified the adoption agency that they agree that the child should be placed with them on the EPD.

In a surrogacy case, employees will qualify for adoption leave if all of the following conditions are met:

- A surrogate gives birth to a child, who is biologically the child of either the employee, their spouse or partner (or both of them).
- The employee expects to be given parental responsibility under a parental order from the court. The child must live with the employee and the employee must apply for the parental order within six months of birth.

Whether the employee adopts a child or has a child through a surrogacy arrangement, only one parent will be eligible to take adoption leave, known as the Primary Parent. The other joint Parent, known as the Secondary Parent, may be entitled to Secondary Parents leave, please refer to Section 3.

If an employee adopts more than one child as part of one adoption arrangement, they will only be entitled to one period of leave. However, where there are multiple placements as part of separate adoption arrangements there may be entitlement to separate Statutory Adoption Pay for each arrangement and these may overlap.

Eligibility criteria differs for overseas adoptions and employees are advised to speak to HR Admin in this circumstance.

5.2. Pay entitlement

Adoption leave consists of up to 52 weeks leave made up of 26 weeks' Ordinary Adoption Leave and up to a further 26 weeks Additional Adoption Leave. The Additional Adoption Leave must follow on immediately from the Ordinary Adoption Leave.

Entitlements to pay vary dependant on length of service and salary at key dates. An employee may qualify for SAP and CAP during their leave.

5.2.1. Statutory Adoption Pay (SAP)

SAP is payable for up to 39 weeks. It stops being payable if the employee returns to work sooner or if the placement is disrupted. Employees are entitled to SAP if:

- they have been employed by Unite Students continuously for 26 weeks ending with Matching Week (for adoption) or by the Qualifying Week (in the case of surrogacy);
- their average weekly earnings during the eight weeks ending on the Matching or Qualifying Week are not less than the lower earnings limit set by the government; and
- they have given Unite Students relevant notification.

If the employee meets this criteria, and SAP is payable, the employee would receive the *Earnings-Related Rate* of 90% of their average weekly pay (calculated based on the eight week period ending with the Matching or Qualifying Week) for the first 6 weeks of their leave. For the remaining 33 weeks, the employee would receive the *Prescribed Rate* which is either a fixed statutory sum (which is set by the government for the relevant tax year) or the *Earnings-Related Rate* (whichever is the lower).

5.2.2. Company Adoption Pay (CAP)

If an employee has been continuously employed by Unite Students during the 12 month period ending with the Matching Week (for adoption) or the Qualifying Week (in the case of surrogacy), they may qualify for CAP as long as they also meet the criteria for eligibility to SAP.

If the criteria is met and CAP is payable, the employee would receive their normal rate of pay for the first 18 weeks of their leave. They will receive any SAP due for the remaining 21 weeks. In the event that CAP would be less than their entitlement to SAP the employee will receive SAP. CAP includes any entitlement to SAP. The remainder of the leave will be unpaid.

Payment of CAP is conditional on the employee confirming in writing, before starting Adoption leave, that they intend to return to work for at least six months after Adoption leave. If they do not return to work for this minimum period any enhanced CAP (but not SAP) must be repaid. The employee will not have to return CAP if Unite Students terminates their employment, unless it was entitled to and did terminate their employment summarily or it terminated their employment pursuant to an application by the employee for voluntary redundancy.

SAP and CAP will be paid on the employee's normal payday.

You may also be eligible to receive Shared Parental Leave as part of our Shared Parental Leave offering. Eligibility and entitlement to Shared Parental Leave is detailed in Section 4 of this policy.

Ineligibility of SAP: If an employee does not qualify to receive SAP, HR Admin will provide a SAP1 Form to the employee to confirm this. They will still be eligible to take up to 52 weeks adoption leave.

5.3. Requesting Leave

5.3.1. If adoption:

The employee must inform their Line Manager, in writing, within 7 days of the date they are told that they have been matched with a child for adoption (or where that is not reasonably practicable, as soon as reasonably practicable). When making this request, the employee must state the date on which the child is due to be placed with them, the date they would like

their adoption leave to begin, and once the employee receives the matching certificate issued by the adoption agency they must present this to the Line Manager to be forwarded to HR Admin. Their Line Manager is responsible for notifying HR Admin using the appropriate form in CoreHR.

5.3.2. If surrogacy arrangement:

The employee must inform their Line Manager, in writing, by the Qualifying Week of the surrogacy child (or where that is not reasonably practicable, as soon as reasonably practicable). When making this request, the employee must state the EWC, the date they would like their adoption leave to begin and once the child is born they must tell their Line Manager the date of birth.

The Family Leave request form must be completed in full by the Line Manager within the timeframes stated above. HR Admin will write to the employee within 28 days to confirm start and return dates assuming the employee will take their full entitlement to adoption leave.

5.4. Appointments

This applies to all employees and agency workers, as long as agency worker has worked in the same role with Unite Students for at least 12 continuous weeks.

5.4.1. If adoption:

An adoption appointment is an appointment arranged by an adoption agency (or at the agency's request) for the adoptive parent(s) to have contact with a child who is to be placed with them for adoption, or for any other purpose related to the adoption. Employees and eligible agency workers may take time off to attend an adoption appointment once the agency has notified them that a child is to be placed with them for adoption, but before the child is actually placed with them. Where the employee or eligible agency worker are adopting a child with a partner, they must decide who will be treated as the primary parent and who will be treated as the secondary parent for the purposes of time off and inform Unite Students of this decision the first time any time off for an adoption appointment is requested. The primary adopter is entitled to reasonable, paid time off for up to five adoption appointments.

A secondary adopter is entitled to reasonable, paid time off for up to two adoption appointments.

5.4.2. If surrogacy:

Employees and eligible agency workers are entitled to take paid time off to accompany the surrogate parent (the pregnant person) to up to two antenatal appointments.

In either case, each appointment can last up to 6.5 hours, including travel and wait time. The employee is required to give their Line Manager as much notice as possible of their appointment times and are asked to arrange them so as to cause the least disruption to the business, i.e. by taking time at the beginning or the end of the day wherever possible.

5.5. Commencement of Leave

An employee can amend their start date unless otherwise stated below. They will not usually be allowed to change the date less than 28 days before their leave is due to commence.

If adoption (UK): An employee can choose the date they would like their leave to start. This can either be the date on which the child is placed or any other date up to 14 days before that date.

If adoption (overseas): An employee can choose the date they would like their leave to start. This cannot begin before the child enters the UK, and the latest adoption leave can begin is 28 days' after the date of entry.

If surrogacy arrangement: Adoption leave will start on the day the child is born, unless the employee is at work, in which case it will start on the following day. The start date cannot be changed.

If the baby is born before it is anticipated leave will commence, the employee must notify their Line Manager as soon as reasonably possible, to ensure that they submit the request form to notify People Admin as soon as possible.

The employee may also be entitled to additional Special Paid Leave, at full pay, in the event that their baby is hospitalised from birth. Please refer to section 6.5 for more information.

5.6. Becoming a Surrogate

If you choose to become a surrogate, you may be eligible to Birthing Parent's leave and pay, regardless of your intention to raise the child. Please follow guidance in Section 2.

6. Information for everyone

6.1. Entitlements during leave

During leave, the employee will remain an employee of Unite Students and their terms and conditions of employment will remain the same. However, the employee will not be expected to attend work or perform any duties. It is not expected that the employee will work for anyone else or do anything to harm the business whilst they are on leave.

The employee will receive all of their benefits during their leave. In respect of any bonus eligibility, payment will be pro-rata based on the number of months worked and any period of compulsory leave during the bonus year then rounded to the nearest whole month.

6.2. Contact During Leave

The employee's Line Manager will keep in contact with the employee during their leave, this will be in ways and at times that are convenient to the employee.

6.2.1. Keeping in Touch (KIT) Days

Those on Birthing Parents Leave or Adoption Leave (Primary Parents) have the option to attend work for up to 10 KIT Days during their leave for training, team events, and/or other activity undertaken for the purposes of keeping in touch with the workplace. Please note that where an employee works for part of a day (e.g., just attending a half-day training session), this still uses a whole KIT day from the 10 available.

Those on Shared Parental Leave may ask or be asked to work (including attending training) on up to 20 KIT Days. This is in addition to any KIT days that may have been taken during any period of Birthing Parents Leave. KIT days are not compulsory and must be agreed with Unite Students.

The employee will be paid the equivalent of their normal salary for any days that they do agree to work. The payment will be based on hours worked. This payment will include any SMP/CMP, SShPP/CSHPP, or SAP/CAP the employee would have received for those days. The Line Manager must submit the worked hours through CoreHR, this will be picked up by payroll for payment.

6.3. Returning to Work

Employees are expected to return to work on the date agreed. For Shared Parental Leave, People Admin will notify the employee, in writing, of the end date of their leave; the employee is expected to return to work on the next working day.

After a period of ordinary Leave, the employee is entitled to return to exactly the same role as they occupied at the start of their leave. As far as their terms and conditions are concerned, it will be as if the employee had not been absent. At the end of a period of Additional Leave an employee is also entitled to return to exactly the same role they occupied at the start of their leave unless this is not reasonably practicable. In these circumstances, the employee's Line Manager will discuss with the employee reasons why it is not considered reasonably practicable for them to return to their role and they will advise of any alternative positions that may be available. Wherever possible, the Company will seek to find an alternative role on terms and conditions no less favourable than those that the employee enjoyed prior to their leave.

If an employee wishes to return earlier than their intended and previously notified return date, they must notify their Line Manager, in writing, at least 8 weeks before they intend to return to work.

6.3.1. Flexible Working

Should an employee wish to return on different terms and conditions they should refer to the [Flexible Working Policy](#), and submit a flexible working request in writing using the appropriate form to their Line Manager, no less than 3 weeks before they are due to return to work.

6.3.2. Resignation

If the employee decides that they do not want to return to work, they may resign from their employment in the normal way, by giving notice in writing in line with their contract of employment (in the circumstance that contractual notice is above three months, the Company will require a reduced notice of three months). Please note the conditions of Company Birthing/Non-birthing/Shared Parental/Adoption pay.

6.3.3. Redundancy

If an employee's position is affected by reason of redundancy during their leave, Unite Students will consult with the employee about this in line with Company procedures.

6.3.4. Illness

An employee may be ill on the date they are due to return to work. In this case, they must notify the Company on or before the first day they are due back that they will be absent and the reason for this. The employee must then ensure that they comply with the Company's sickness notification procedures and, where necessary, provide medical certificates for their absence.

If the employee fails to return to work for any other reason, their continued absence may be regarded as unauthorised, in which case no payments will be due to the employee and they may face disciplinary action in accordance with Unite Students' [Disciplinary Policy](#).

6.4. Holiday

An employee's holiday entitlement will continue to accrue during their leave, inclusive of public holidays.

Holiday accrued before you go on leave should be taken before leave commences, and holiday which is accrued whilst on leave in the subsequent holiday year should be taken upon return.

Holiday should be planned prior to their leave commencing and the employee should talk to their Line Manager about this at the earliest opportunity. Where the holiday year ends whilst the employee is on leave, as much holiday should be taken before the leave starts as can be accommodated.

If it is not possible to use the full holiday entitlement before the leave starts, then the employee and Line Manager should discuss whether the employee prefers to:

- End their leave early and take what would have been the final period of leave as holiday; or
- Carry over their remaining holiday entitlement to the following holiday year. However, this must be taken within 3 months of their return to work from leave.

Once agreed by the Line Manager, holiday should be requested through CoreHR in the usual way. If a holiday request clashes with a request for parental leave already approved, the Line Manager and the employee are responsible for notifying People Admin of these changes.

Approval of holiday will always be at the discretion of the Line Manager.

During leave, the employee will remain an employee of Unite Students and their terms and conditions of employment will remain the same. However, the employee will not be expected to attend work or perform any duties. It is not expected that the employee will work for anyone else or do anything to harm the business whilst they are on leave.

The employee will receive all of their benefits during their leave. In respect of any bonus eligibility, payment will be pro-rata based on the number of months worked and any period of compulsory leave during the bonus year then rounded to the nearest whole month.

6.5. Special Paid Leave

If an employee is entitled to company pay (CMP, CPP, CAP, CShPP), they may also be entitled to Special Paid Leave, at full pay, in the event that their baby is hospitalised from birth. If your baby is hospitalised from birth, for a continuous period of longer than 7 days, Unite Students will compensate you for your time not spent at home, for a maximum of 4 weeks.

In order to qualify, you must notify your Line Manager 7 days after birth of your request for Special Paid Leave, including the date in which you intend for the pay to begin. Special Paid Leave is inclusive of any entitlement to statutory pay (SMP, SPP, SAP, SShPP). You must also notify your Line Manager when your baby is discharged, and provide proof of discharge.

Special Paid Leave would start either from the end of your Company pay, or at the end of your Statutory entitlement. More information about this can be found in the FAQs.

6.6. Grief and Loss

We know that sometimes things don't go to plan, and we are here to support you through whatever challenges you may face.

Miscarriage or stillbirth:

Unite Students recognises that not every pregnancy goes according to plan, and understand how distressing it can be when things go wrong. Should these circumstances arise, Unite Students will be as sympathetic as possible to the situation and offer whatever support we can provide. If an employee miscarries at any time before the end of the 24th week of pregnancy, they are not entitled to Birthing Parent's leave or pay. However, there are the following options:

- Parental bereavement leave: this is the entitlement of up to two weeks leave. We advise all parents to choose this option. Please refer to section 4.11 in the Special Leave Policy.
- The employee should also take sick leave for as long as their medical practitioner considers necessary, and your Line Manager should conduct an Occupational Health review at the earliest convenience. This will be treated as ordinary Sickness Absence and the Unite Students' sickness absence procedures will need to be followed in the normal way.

In the unfortunate event the baby is stillborn at any time from the beginning of the 25th week of pregnancy onwards, the employee will be entitled to Birthing Parent, or Non-birthing Parent's leave and pay as planned, and the appropriate policy guidance should be followed.

All Parents are encouraged to look for guidance in the [Special Leave Policy](#) for guidance on grief and loss. We would also encourage you to take full advantage of our Employee Assistance Programme, as detailed below, which can provide support to you and your partner.