



ST. HUGH'S COLLEGE, OXFORD

## **FAMILY LEAVE POLICY**

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## Family Leave Policy

The College follows the University's schemes for family leave (maternity, adoption, paternity, neonatal, and parental leave), which are kept up to date in response to changes in statutory arrangements. If you (or your partner) become pregnant or are due to adopt a child you should notify your line manager at an early stage so that your entitlements and obligations can be explained to you.

Different types of leave are available to parents when the appropriate circumstances arise:

1. Maternity leave
2. Paternity leave
3. Adoption leave
4. Shared parental leave
5. Neonatal Care leave
6. Unpaid Parental leave

Further information on the University's schemes can be found on the [University of Oxford website](#) or from the HR department, including details on:

- Leave and pay arrangements (statutory and enhanced)
- Notification procedures
- Maternity risk assessment
- Keeping in Touch (KIT) days
- Returning to work

### 1. Maternity Leave

All pregnant employees are entitled to 52 weeks' statutory maternity leave. It is up to the individual employee to decide how much of this entitlement she wishes to take but the law requires that a minimum of two weeks' leave must be taken immediately following the birth of the child. This is known as compulsory maternity leave. Maternity leave comprises 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML).

There are two types of maternity pay: statutory pay and contractual pay. As long as the mother meets the eligibility criteria the payment, she receives will be a combination both types of pay.

If the mother satisfies certain qualifying conditions, she may be entitled to statutory maternity pay (SMP) which comprises 90% of average weekly earnings for 6 weeks and 33 weeks at the current SMP rate per week (or 90% of earnings if this is less than the current SMP rate per week.) Eligible members of staff may be entitled to the University's maternity pay scheme, which is inclusive of SMP. Please see the [University of Oxford website](#) or ask the HR department for further details.

Employees are encouraged to share the news of their pregnancy with their line manager or

the HR department as early as possible so that necessary arrangements can be made and appropriate support put in place. In order to qualify for and to claim maternity leave and pay, the mother must notify their line manager in writing no later than by the end of the qualifying week (15th week before the expected week of childbirth):

- that they are pregnant
- about the expected week of childbirth (EWC)
- about the date when they intend to start taking maternity leave
- whether they are intending on returning to work after the birth of their baby (which must be for a minimum of three months to qualify for the College's contractual pay scheme).

A maternity leave plan should be completed to collect the above information and this is available from the HR department.

All pregnant employees are entitled to paid time off to attend antenatal appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor. This entitlement applies regardless of the employee's hours of work or length of service and time off for antenatal care will be paid at the employee's normal rate of pay.

An employee should provide notification of her antenatal appointments to her line manager, once the appointments have been confirmed. The line manager should clarify with the employee what notice and information are expected from her in relation to this.

Antenatal care is not restricted to medical examinations related to the pregnancy. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

Fathers and partners of pregnant women are entitled to take unpaid time off to accompany their partners to up to two antenatal appointments. Any additional time off that might be required to accompany pregnant women to appointments should be requested as annual leave in the normal way from their line manager.

## 2. Paternity Leave

All employees have a statutory entitlement to 2 weeks' paternity leave during the first year after a child is born or placed for adoption. The pay that employees receive during Statutory Paternity Leave is usually made up of two elements: a statutory pay rate and a College enhancement which effectively 'tops up' the statutory pay rate so that employees continue to receive their normal full rate of pay during their leave.

The Oxford University Additional Paternity/Partner Leave (OUAPPL) scheme offers up to 10 weeks of paid leave to eligible new fathers/partners of new mothers/adoptioners to supplement the 2 weeks of Statutory Paternity Leave.

OUAPPL is not a statutory entitlement, and is offered by the College to allow the partner/father to care for the child during the first year after the date of birth/placement,

with the aim of allowing parents to achieve a better balance in caring for the new arrival. Further information is available from the University's [website](#) or the HR department.

### 3. Adoption Leave

Adoption leave and pay allows one member of an adoptive couple, the one who will have the primary care responsibility for the child or children, to take time off work when their new child or children start to live with them. The purpose of the adoption leave is to allow the parent to bond with, and care for, their new child or children.

Eligible employees are entitled to up to 52 weeks' statutory adoption leave (regardless of how long they have worked for the College). It is up to the employee to decide how much of that adoption leave entitlement they take, but the law requires that a minimum of two weeks' leave must be taken immediately following the placement of the child. This is known as compulsory adoption leave. Where a couple are adopting jointly they can choose which of them will take adoption leave and pay, and the other (regardless of gender) may take 'paternity' leave and pay. Parents may also be eligible to take Shared Parental Leave, subject to meeting eligibility criteria. Please see the [University of Oxford website](#) or ask the HR department for further details.

### 4. Shared Parental Leave

Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) enables eligible parents, if they so wish, to share a period of leave and of pay in the 52 weeks immediately following the birth or adoption of their child.

A mother, or primary adopter, must take the first two weeks following the birth or placement of the child as maternity or adoption leave. After that, maternity or adoption leave and pay may be curtailed and eligible parents may split the remaining 50 weeks of leave and 37 weeks of pay, between them.

Parents may be able to take SPL at the same time or at different times. The scheme is intended to provide flexibility to eligible parents and allows them the opportunity to start and stop their shared leave and to return to work between the periods of leave. Parents are not obliged to take SPL. The existing statutory rights to maternity leave, adoption leave, ordinary paternity leave and unpaid parental leave remain unchanged.

#### The College's Policy -v- Statutory Pay

College	Statutory
2 weeks' compulsory maternity/primary adopter leave paid at full rate of the employee's normal pay	up to 39 weeks paid at the statutory rate of pay
up to 24 weeks' paid at the full rate of the employee's normal pay (only in the first 26 weeks following the birth/placement of the child);	
up to 13 weeks paid at the statutory rate of pay	

up to 13 weeks of unpaid leave	up to 13 weeks of unpaid leave
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Payments under the College's ShPP Scheme consist of two elements, statutory ShPP and contractual pay. Statutory payments are incorporated into the contractual pay received under the College's ShPP Scheme, for those who are eligible. Statutory ShPP is not paid in addition to contractual pay.

Statutory ShPP is paid at a flat rate set by the government for up to 37 weeks within the 52 weeks following the birth or placement of the child. Some employees will be eligible for contractual pay, which is the contribution to total pay that the College pays over and above the statutory minimum, which takes the payments the employee receives up to their full contractual pay.

SPL and ShPP cannot commence until the end of the compulsory two-week maternity or adoption leave period.

If SPL is taken simultaneously by both parents, the entitlement to full pay is split evenly between them, ie up to 12 weeks each, and will be applied from the start of any block of SPL.

For example, if both parents (only one of whom is employed by the College) go on SPL at the same time for 24 weeks following the compulsory two-week maternity/adoption leave period (ie 12 weeks for the mother/primary adopter and 12 weeks for the second parent), the employee of the College will only be entitled to full pay for the initial 12 weeks of that period, as their partner's leave of 12 weeks will count towards the initial 24-week period upon which the entitlement to full pay is based. Where both parents are employees of the College, they would both be paid 12 weeks at their normal full rate of pay, which would add up to their maximum entitlement of 24 weeks of full pay.

## 5. Neonatal Care Leave

All employees have a statutory entitlement of up to 12 weeks of Neonatal Care Leave and Pay (see criteria below) if their child is admitted to neonatal care within the first 28 days after birth and they need to take leave away from work to care for the child.

The length of leave available mirrors the length of the Neonatal care required by the child, and length of the leave the parent needs to take to provide care. It is added to the end of any other statutory family leave period that is taken by that parent, which means that a parent may be on statutory maternity, adoption, shared parental or paternity leave whilst the child is in hospital and take NCLP long after the child's neonatal care has ended.

NCLP effectively extends other statutory family leave schemes to allow the parent to have the same amount of time at home with their new child as they would have had, had the child not required neonatal care.

You may take neonatal care leave if you have parental or other prescribed responsibility for a child who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.
- You are entitled to take neonatal care leave where you are responsible for a child receiving neonatal care that lasts for at least 7 consecutive days and starts within 28 days beginning with the day after the child's birth.
- You are entitled to take one week of neonatal care leave for each consecutive 7-day period that your child is receiving neonatal care, up to a maximum of 12 weeks.

'Neonatal care' is defined in law as medical care that may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers children receiving palliative or end of life care.

The principles are that:

- Any member of staff who qualifies for neonatal care leave and pay is entitled to up to 12 weeks leave at the rate of full pay, depending on number of full weeks the child has been in receipt of neonatal care, provided that they comply with the requirements for notification set out below.
- Neonatal Care Leave and Pay can only be taken where there is a continuous care requirement of 7 days or more, starting on the day after the date of admission.
- The length of the period of NCLP that a member of staff is entitled to is based upon the number of full weeks the baby spends in neonatal care, and is payable in full weeks.
- NCLP is only available to be taken after any statutory family leave (and before any additional non-statutory leave, including Oxford University Additional Paternity/Partner Leave (OUAPPL)). For fathers/partners this may mean that they need to adjust their planned dates of Statutory Paternity Leave. In such circumstances the normal notice requirements could be waived.
- All NCLP must be taken within 68 weeks of the baby's birth.
- You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job.

Whilst the baby is in neonatal care and where the parent is not in a statutory family leave period (ie statutory maternity, adoption, paternity or shared parental leave) notice must be given as soon as reasonably possibly (this is referred to as the 'tier one' period). This will typically only apply to fathers/partners where the two weeks of statutory paternity leave (SPL) period has been exhausted whilst the child is still in receipt of neonatal care, or they did not qualify for SPL, so they are starting NCLP immediately.

Where a parent has started an extended period of statutory family leave (maternity, adoption or Shared Parental Leave) during the period that the child is in receipt of neonatal care, and is therefore going to take NCLP after the end of such planned statutory family leave but outside of the 'tier one' period (ie the period when the child is still in hospital) the notice to take the leave are:

- If they are eligible for only a single week of leave and pay, written notice at least 15 days before the first day of neonatal care leave.
- If they are eligible for two or more weeks of leave and pay, written notice at least 28 days' notice before the first day of leave in which the period it relates to.

A form to provide notice is available from the HR department.

## 6. Unpaid Parental Leave

Parental leave is a statutory right to take unpaid time off work to look after a child or make arrangements for the child's welfare.

A maximum total of 18 weeks leave is available for each child up to their 18th birthday.

Parents can use the unpaid parental leave scheme to spend more time with children and strike a better balance between their work and family commitments.

Examples of the way that parental leave might be used are to spend more time with the child in the early years to:

- look at new schools
- settle a child into new childcare arrangements
- take some extended time off if the child is going into hospital for planned treatment (emergency leave for dependants is covered separately)
- enable the family to spend more time together, for example, taking the child to stay with grandparents

An employee qualifies for parental leave if all the following apply:

- they have one year's continuous service with the College at the date from when they wish to take the first period of leave
- they are the parent (named on the birth/adoption certificate) of a child who is under 18 years old or they have acquired formal parental responsibility for a child who is under 18 years old

Each parent can take 18 weeks' unpaid parental leave for each child. This means that both parents in a couple, if they have twins or adopt more than one child at a time, can take 18 weeks' leave for each child. No more than four weeks of such leave may be taken in any year for each child. The year for this purpose is the twelve months beginning on the date the employee first became entitled to take parental leave in respect of the child in question. Parental leave is to be taken in blocks of a week. If an employee chooses to take a block of less than a week, this will be treated as though it were a full week's leave. A 'week' equals the length of time an employee normally works in a week.

The employment contract continues during an absence on parental leave, unless it is terminated by the employer or employee. This means that an employee continues to benefit from their employment rights during parental leave, including holiday accrual.

An employee is required to give their line manager at least 21 days' notice of when they wish to take parental leave. If the employee or their partner are having a baby or adopting, notice is 21 days before the week the child is expected to be born or placed for adoption.

The line manager can, in certain circumstances, postpone a period of leave for up to six months if it considers that the operational needs of the department would be unduly disrupted if the employee took leave during the period requested. It is not possible to postpone parental leave when the application is for a period immediately after the birth or adoption of a child.

Further details are available from the HR department.

### Childcare Provisions

The University of Oxford has a number of nurseries in Oxford as well as a number of places at other nurseries in and around Oxford.

St Hugh's College has two sponsored places, which enables the College to nominate an academic or non-academic member of staff for a priority place on the nursery waiting list. This does not guarantee a place at a particular nursery, or indeed any nursery; it is merely a way of obtaining priority on the waiting list.

Further details can be obtained from the HR department, or otherwise employees should notify HR ([hr@st-hughs.ox.ac.uk](mailto:hr@st-hughs.ox.ac.uk)) if they wish to be considered for this sponsored place.

### Employee Assistance Programme

St Hugh's employees have access to AXA Health who provide advice and support 24 hours a day, 7 days a week, 365 days a year and can be contacted on: 0800 072 7 072.

Further resources are available at AXA Health online: [www.axabesupported.co.uk](http://www.axabesupported.co.uk)