

Parents Network questions and answers with HR - 03/05/2018

HR representatives in attendance: Tim Arnot (t.arnot@abdn.ac.uk) and Amanda Hopwood (a.hopwood@abdn.ac.uk)

Leave

1. *What is the difference between maternity / paternity / shared leave and **parental leave**?*

Maternity, paternity and shared parental leave are for the purposes of caring for a new born and depending on the circumstances of the individual usually carry an element of pay.

Parental leave can be taken at any time until your child is 18 years old. It is wholly unpaid. You take a total of 18 weeks per child with a maximum of 4 weeks per year per child (so 8 weeks a year if you have two children).

Parental leave must be taken in whole weeks unless your child has a disability in which case you have option of taking parental leave in single days.

You must give 21 days' notice of starting parental leave. A request for parental leave cannot be rejected however it can be postponed by a maximum of 6 months from your request.

The application form for parental leave is available here:

<https://www.abdn.ac.uk/staffnet/working-here/leave-6719.php#panel5495>

2. *I have heard that the **salary deduction incurred for unpaid leave** is now calculated on an 1/365 basis. Is that correct?*

There was a recent change in the law with regard to deductions made for participating in strike action.

For unpaid leave it varies depending on the period of leave you are taking. If for example if you took a week of parental leave your pay would be deducted at the rate of 1/52 of your annual salary. If however you took a single day of unpaid leave this would be calculated at a rate of 1 calendar in that period e.g. 1 day in July would be deducted at 1/31 of monthly salary.

3. *I'd like to ask about **keeping in touch (KIT) days** while on maternity leave. Is it best to take these when you are only getting Statutory Maternity Pay? I've read you can take up to ten during mat leave, can I take these together or do they need to be spaced out? Also if someone is hired to cover my maternity leave can my line manager refuse a KIT day if there isn't enough work for me to come in for?*

You can take your 10 days together or spaced out, as you wish.

Your line manager can refuse a KIT day, but in practice this doesn't tend to happen often at the University. How you use your KIT day is quite flexible, from a general catch up with work

to attending conferences or events.

During periods of full pay you would not receive any additional pay for KIT days as you are already in receipt of full pay. During periods of Statutory Maternity Leave you would receive the difference between full pay and Statutory Maternity Pay and during periods of no pay you would receive full pay. Bear in mind that KIT days are tax and national insurance deductible as normal and are pensionable.

Those on Shared Parental Leave are entitled to SPLIT (Shared Parental Leave In Touch) days but are allowed up to 20 days.

4. ***When my child is sick, do I need to go on sick leave myself?***

No sick leave is for when you are sick.

The University has an Urgent Domestic Distress policy which allows staff to take time to immediately care for a child or dependent and organise arrangements if further care is required. The purpose of this policy is for immediate care and making arrangements not for on-going time off.

If you are unable to make alternative arrangements you can use annual leave, unpaid leave, or if it is a serious matter your Head of School/Section may consider compassionate leave (paid or unpaid).

5. ***When taking shared maternity leave. After 26 weeks Ordinary Maternity Leave (OML) and the rest of the leave you take the policy states "You agree that you will return to post for a minimum of 6 months(26 weeks) following your period of maternity leave". When taking shared Maternity leave if Mother takes 10 weeks and the Father takes 16 weeks is the time is the return time measured pro-rata? In this example the mother would return for 10 weeks and the father 16 weeks.***

By opting in to receive Occupational Shared Parental Pay you commit to return to work for a minimum of 6 months following the period of leave. If you were to resign from your role earlier than the full 6 months you are required to repay the occupational element of the pay you received. The amount is pro-rated to the amount of time you have returned to work.

For example if you had returned to work for 3 months you would be required to repay 50% of the occupational element of the pay you received. If you return to work for 5 months you would be required to repay 16.6% of the occupational element.

6. ***I will be on mat leave as of May and as this stand, my fixed term post ends approx 4 weeks after I'm due to return to work next year. I have been told by HR that someone from the Redeployment team will contact me in due course, but I want to know what my rights and responsibilities are as someone on a fixed term contract on mat leave.***

This depends on the terms of your contract. Make an appointment with the Redeployment Team. They will gather information about keeping in touch during your leave and how you wish to be contacted. A process would be started to try to avoid redundancy.

7. *Does there have to be a certain length of time left on your contract before you can qualify for full maternity pay? I can see that you have to return to work for 6 months after maternity leave but I'm wondering if when you leave for maternity leave you only have say 2 months left on your contract, what are your options then? You would technically be up for redeployment but still have time left on your own project and potentially have further grants coming?*

You do have to be employed for a certain period in order to receive occupational maternity pay and you are expected to return to work for a period of 6 months following your leave. However if your contract was to come to an end earlier than 6 months then you would not be required to repay the occupational element of your pay because it is not your fault you have not been able to return to work for 6 months.

8. *I have a colleague who was appointed (on a substantive basis) while pregnant, and because she hadn't been employed by the University for long enough, she was only given the statutory maternity leave, which is 2 weeks, before having to start teaching. My colleague was junior, her partner was unemployed, she couldn't afford to take unpaid leave, and she felt that it might threaten her employment status to join the Union, so she didn't challenge this, but it profoundly shocked the entire School that the policy was enforced in those circumstances. Could this still happen today?*

Joining the Union does not threaten your employment status, no matter how early in your career you join. AUCU member Dannette Marie has now confirmed that you can join the Union as soon as you start working, and seek advice even before you start.¹

¹ Annette Marie (AUCU): 'Any new member of staff (Grade 5 and above) can join UCU as soon as they begin employment at the university. They can be advised as soon as they join and I'm sure there have been cases where advice has been sought about new contracts before an individual has begun their employment - especially if individuals are moving between universities and/or intending to become a member.'

I think where the confusion is - is that in general terms when someone becomes a member there is a waiting time of 3 months before they can receive legal advice from UCU lawyers. This stipulation is really to avoid the issue of individuals only joining up to receive immediate advice if there is a problem (e.g., disciplinary, threat to employment status) and then cancelling their membership once the problem has been resolved. However, what needs to be understood is that there is local discretion with regards to this stipulation. This means, that if a new member (i.e., someone who is within three months of joining) was to experience a significant issue then they should seek advice from our branch administrator (Susan Melvin) who will then advise a branch officer (i.e., Chair, Vice Chair, Secretary) who will then determine whether the issue can be resolved locally or whether it is best to seek advice from our National Officer (Mary Senior). If it is the view of the National Officer that a legal opinion is required then it will be sought. Cases that fall within the remit of the Equality Act can often be resolved (and have been) locally.

So, in short, any new member can be and will be advised by a local case-worker in the first instance. If we feel the issue is significant and it can't be resolved through the local machinery then we will take the case to the National Officer because it is likely that the issue has potential implications and/or consequences for members in the local bargaining unit (all those on Grade 5 and above) and possibly nationally.'

You are entitled to maternity / paternity leave from day 1 of your employment (and legally you must take 2 weeks as a minimum).

However you are only entitled to receive pay during maternity leave if you meet the service criteria.

To receive Statutory Maternity Pay you must have been employed for 26 weeks by the end of your 26th week of pregnancy.

To receive Occupational Maternity Pay, which the University offers additional to Statutory Maternity Pay, you must have been employed by the University for 1 year by the end of your expected week of childbirth.

If you do not meet either of these requirements you may qualify for the Maternity Allowance but this is not paid through the University and you would need to seek advice from the Job Centre.

Tim Arnot advised that the Maternity Policy is due for review by the Policy Review Group in the coming months and that he would provide feedback to that group. Tim advised that he would inform his colleagues on the group that the Parents' Network had suggested it would be helpful to new appointees and junior colleagues if the policy could account for staff who join the University either already pregnant or become pregnant very early on in their employment.

This policy would help junior colleagues arriving in Aberdeen with a partner having yet to find employment, to manage their cash-flow situation. It would enable Schools and Units to recruit the people they want when they are available on the job market, without facing difficult workload allocation decisions (especially if the newly-appointed parent is a mother recovering from childbirth and working at establishing breastfeeding: it seems difficult to expect Schools to give such a vulnerable employee a full teaching workload, and equally difficult to expect Schools to cope without the teaching provision). Finally, making it effectively possible for a junior, newly-appointed mother to receive maternity pay as well as leave, would maximize the University's chances of staff retention and fostering female talent, as it correlates neatly with the number of female professors in British universities (see <https://www.theguardian.com/education/2018/jan/21/better-maternity-leave-could-help-universities-retain-women-study>).

Tim did note that Statutory Maternity Pay, although paid to staff by the University, is actually paid by the government and so the University had no option but to follow legislation in this regard.

Flexible working arrangements

1. *If you decide to work term time, how much is your salary going to be reduced?*

Different Schools and Sections have varying definitions of 'term time', However in an example where you worked full time, 52 weeks a year but reduced to full hours but over 32 weeks a year your salary would decrease by 38.5%.

2. *The website emphasizes that requests for going part-time can be denied on the basis of operational needs for one's School or unit. Is there any legal basis on which to claim part-time in order not to be pushed out of one's job by external constraints, such as childcare?*

Employers are required by law to give consideration all requests for flexible working. An employer can reject the request on the basis of a number of reasons outlined in legislation. If employer rejects the request with in line with legislation then there is no legal recourse to challenge this. The University operates an appeals process for flexible working requests.

In Tim's experience few flexible working requests are rejected outright but in some occasions has seen negotiation between the School/Section and individual as the original request isn't workable but an alternative may be.

3. *Several people I have talked to are worried about going part-time because they believe that they may never get their full-time position back. Is this a real risk? Is there a history of this at Aberdeen?*

Yes, this is a possibility. If for example you reduced your hours to 50% FTE it is reasonable that the School/Section hire someone else at 50% FTE to ensure the same standards continue. If you then wish to increase your hours back to full time then your School/Section may not have the budget and/or work for you to undertake.

Tim couldn't comment on there being a history of this but couldn't recall instances where staff had asked to increase their hours after a flexible working request to part time.

4. *Can you start applying for going part-time while still on probation, on the understanding that going part-time would be conditional to passing the probation? Or is this not advisable, for instance could it deter HR from validating the probation?*

Yes, you can apply and go part time while on probation. Probation and going part-time are treated as two separate issues. Completing your probation is no prerequisite to going part-time. Your probation objectives may need to be adjusted if going part-time during your probation, as it would be unreasonable to expect you to achieve the same outputs as if you were working full time. .

HR do not validate probations. For Academic staff this is done by the Head of School and 2 VPs. For other staff this is done by the line manager and Head of School/Section. HR

however do issue any correspondence relating to probation.

5. *For planning purposes, what is a safe estimate of how long the procedure might take, from the point of contacting one's line manager to the point of actually going part-time?*

In receipt of a flexible working request your line manager or Head of School/Section may wish to meet with you to discuss it further. This should take place within 2 weeks of receiving the request. The decision should then be made within 2 weeks of having the meeting. Therefore it would be a maximum of 4 weeks before you were told the outcome of your request.

When the change actually commences would depend on the start date you requested and any negotiation you have had around this.

Childcare vouchers

My question to HR is which scheme would be better for me: (i) childcare vouchers or (ii) tax-free childcare. How can I get the benefits? Thanks.

This is not something the University can provide advice on. The individual may wish to seek independent financial advice.

The Childcare Voucher Scheme is however closing to new users from October 2018. This is a government directive. Anyone already using the Childcare Voucher Scheme will be unaffected until they change employer or their child turns 18. Information on joining the Scheme through the University is available on Staffnet. The University operates the scheme with Edenred.

Tax-free childcare is not administered by the University and you would have to contact your local authority to access this scheme.