

# CONDITIONS OF EMPLOYMENT

## Leave Entitlement (Academic Staff)

# CONTENTS

- Holidays ..... 4
- Special Leave ..... 4
  - Paid Bereavement Leave ..... 5
  - Paid Compassionate Leave ..... 5
  - Unpaid Parental Leave..... 6
  - Level of Unpaid Parental Leave ..... 6
  - Timing of Unpaid Parental Leave..... 6
  - Notice..... 6
  - Postponement of Leave ..... 7
  - Security of Employment ..... 7
  - Maternity Leave/Parental Leave ..... 7
  - Unpaid time off for Dependents..... 7
  - Unpaid Leave ..... 8
  - Requests to carry over annual leave ..... 8
- Sick Leave and Pay ..... 9
  - Deductions applicable when sick pay might exceed full (ordinary) pay ..... 9
- Maternity Leave/Pay..... 15
  - Time off for Ante-Natal Care ..... 15
  - Maternity Pay ..... 15
  - To qualify for SMP you must: ..... 16
  - Maternity Allowance ..... 16
  - Temporary, Fixed, Casual and Visiting Lecturer Contracts..... 16
  - Compulsory Maternity Leave..... 16
  - Notification..... 16
  - Exceptions To Notice Requirements..... 17
  - Contractual Maternity Pay ..... 17
  - Return to Work - Date of Return..... 18
  - After a period of Ordinary Maternity Leave or and Parental Leave ..... 18
  - After a period of Additional Maternity Leave ..... 18
  - Sickness at the end of Unpaid and/or Contractual Maternity Leave..... 19
  - Parental Leave..... 19
  - Employees who do not wish to return to work ..... 19
  - Employees who wish to return to work on a part-time basis ..... 19

Health and Safety .....	19
Keeping in Touch Days.....	19
Reasonable Contact .....	20
Pension .....	20
Annual Leave.....	20
Accrual of Annual Leave.....	20
Stillbirths and Deaths.....	21
Paternity Leave .....	21
Definitions .....	21
Ordinary Paternity Leave (OPL) .....	21
Ordinary Paternity Leave-Birth Entitlement.....	22
Notification.....	22
Level of payment.....	23
Ordinary Paternity Leave-Adoption.....	23
Entitlement .....	23
Notification.....	23
Level of payment.....	24
Occupational Adoption Leave .....	24
Main Carer .....	24
Qualification .....	24
Entitlement .....	24
Notification and procedural requirements.....	25
Jury Service.....	25

## HOLIDAYS

The leave year for teaching staff will be 1 August to 31 July.

The entitlement provision is for 35 days holiday (7 weeks). This means 35 week days free of any requirement to undertake any University of Wolverhampton work. In addition, there are public holidays and concessionary days, when the University is closed.

The 35 days may be taken at any time during the leave year, by agreement with the Dean of School. In order to ensure the efficient operation of Schools, it will be necessary for Deans to schedule leave periods in consultation with staff. There will be no absolute right to take leave at any given date, but normally up to 20 days continuous leave will be allowed to be taken during the period June to September inclusive, and every effort will be made to see that parents with school age children can take this leave during the school holiday period. Individual staff may ask for up to 6 weeks leave in one continuous period, and, subject to School organisation, such requests will not be unreasonably refused.

Since the main holiday period will come at the end of the leave year, Deans will have the right to specify that normally 10-15 days are taken before June in any year (or 5, in exceptional cases where the individual has requested, and been granted, permission to take 6 weeks continuous leave during the summer period).

Normally all holiday days must be taken in the leave year concerned; in exceptional cases, with the permission of the Dean of School, individuals may carry over up to 5 days into the following leave year, but these must be taken by 30 September.

In the holiday year in which your employment commences or terminates, your holiday entitlement will accrue on a pro rata basis for each complete month of service; on the termination of your employment, holiday pay will be worked out on a similar basis.

## SPECIAL LEAVE

All requests for the foregoing must be made to the Dean of School or Head of Department using form HR013 or Hr013(a), which ever is applicable.

Please note that a copy of all authorised requests for unpaid leave must be forwarded by the Dean of School or Head of Department to the Human Resources Manager as soon as possible to ensure that the appropriate adjustment is made to the employee's pay.

It is the responsibility of the School/Department to maintain accurate local records to ensure the permitted levels of leave are adhered to.

## Paid Bereavement Leave

Bereavement Leave, with pay, will normally be granted: to attend the funeral of: a close relative, namely:

- Spouse or partner (a partner is defined as a person (whether of a different sex or the same sex) who lives with the employee in an enduring family relationship but is not a blood relative);
- son/daughter;
- step son/step daughter;
- parent/parent-in-law;
- grandparent;
- brother/sister;
- step brother/step sister;
- brother/sister-in-law;
- uncle/aunt; and
- guardian/step parent.

Leave in excess of one day is only normally granted where travelling to and from the funeral necessitates an overnight stop.

Leave in excess of 2 days is normally granted where the applicant is responsible for the funeral or other associated arrangements.

The maximum amount of leave permissible is five days.

## Paid Compassionate Leave

Paid compassionate leave will normally be granted to nurse a member of immediate family who is seriously ill or a critically sick close relative (see above) for which the total entitlement, in this case, is three days in any twelve month rolling period. Consideration will be given to additional time off without pay.

Immediate Family is defined as:

- parent/parent in law;
- spouse or partner (a partner is defined as a person (whether of a different sex or the same sex) who lives with the employee in an enduring family relationship but is not a blood relative);
- son/daughter;
- step son/step daughter; and
- guardian/step parent.

## Unpaid Parental Leave

The Dean or School/Head of Department will consider requests for unpaid Parental Leave; this is leave taken to care for a child or make arrangements for the good of the child.

An employee will have the right to Parental Leave if:

- He/she has one year's continuous employment at the date of making the request.
- He/she (parent named on the birth certificate) has or expects to have responsibility for a child born or adopted on or after 15th December 1999. The right to take leave lasts until the child's 18th birthday.

Parents of disabled children will be able to take their leave entitlement up until the child's eighteenth birthday.

A disabled child is a child for whom disability living allowance is awarded.

In the case of children born or adopted between 15th December 1994 and 14th December 1999 the employee's rights last until 31st March 2005, or in the case of adoption until the child's 18th birthday if that is sooner.

## Level of Unpaid Parental Leave

Employees who qualify for parental leave are entitled to eighteen weeks for each child. In the case of multiple births, the entitlement is for each child. For example in the case of twins the entitlement would be thirty-six weeks.

In the case of staff who work part-time, the leave will be in proportion to the time worked. If an employee works two days per week then the entitlement will be thirty-six days.

## Timing of Unpaid Parental Leave

The minimum amount of leave that can be taken is one week. In normal circumstances employees would not be expected to take more than four weeks in any year; although consideration will be given to requests which exceed this limit.

Parents of disabled child have the flexibility to take leave a day at a time or longer if they wish.

## Notice

Staff must give their Dean/Head of Department the maximum notice possible to take Parental Leave. Staff must give a minimum of four weeks notice to take one or two weeks leave; six weeks notice to take three consecutive weeks leave and eight weeks notice to take four consecutive weeks leave.

The Dean/Head of Department must reply to the request for leave within a time equal to the amount of time requested.

Deans/Heads of Department can ask for evidence to support a request for Parental Leave. Staff who claim leave dishonestly will be dealt with under the University's Disciplinary Procedure.

The employee must give notice of the exact day on which parental leave will commence, except for fathers who want to take leave straight after their baby is born or the prospective adoptive parent who want to take leave straight after the child is placed with them for adoption.

The date for this leave cannot be postponed by the Dean/Head of Department.

### Postponement of Leave

A Dean/Head of Department can postpone the leave where the needs of the University, School or Department or the quality of a service make this necessary. Leave can be postponed to an agreed date but cannot be postponed for more than six months. In the event of a disagreement the University's Grievance Procedure will be invoked.

### Security of Employment

At the end of Parental Leave staff are guaranteed the right to return to their same job.

### Maternity Leave/Parental Leave

Please note that Parental Leave does not supersede Maternity Leave. On those occasions where female staff wish to take Parental Leave immediately after completing Maternity Leave, they must make a formal application to their Dean of School or Head of Department as outlined above. The date for this leave may be postponed by the Dean/Head of Department.

### Unpaid time off for Dependents

The Dean of School/Head of Department will consider requests for time off without pay for staff to attend to family emergencies. The maximum amount of permitted time off is ten days in any rolling twelve-month period.

Staff have a right to unpaid time off when:

- the dependant is ill or injured or gives birth or is assaulted;
- they are required to make arrangements for the provision of care for a dependant who is ill or injured;
- there is an unexpected disruption or termination of the arrangements for care of a dependant; or

- they have to deal with an incident which involves their child and which occurs unexpectedly in a period during which an educational establishment, which the child attends, is responsible for them.

A dependant is defined as the employee's:

- parent/step parent/guardian;
- spouse or common law partner;
- child/step child;
- a person who reasonably relies on the employee to make arrangements for the provision of care; or
- a person, who lives in the same household as the employee, this does not include some that works for the employee, a tenant, lodger or boarder.

Leave will only be granted if the employee tells his Dean of School/Head of Department the reason for their absence, in advance of the leave being required, or in the event of this not being able to be complied with as soon as practicably possible during that working day. If more than one day's leave is required then the employee should tell his Dean/Head of Department how long he/she expects to be absent from work.

### Unpaid Leave

Requests for unpaid leave which fall outside the requirements for "Parental Leave/ Time Off For Dependants" will be authorised by the relevant Dean of School or Head of Department. Where the request is for more than five days in any rolling twelve-month period the Dean or Head of Department will be expected to consult with the Human Resources Manager, Employee Relations Manager or the Deputy Director of Human Resources before approval is granted.

### Requests to carry over annual leave

Requests to carry over more than five days annual leave from one holiday year into the following year may only be granted in those circumstances where the member of staff was prevented from taking their full leave entitlement because of a specific University operational requirement. Involvement in that activity must be at the specific request of the employee's senior line manager.



## SICK LEAVE AND PAY

Subject to the provisions of this scheme a Lecturer absent from duty owing to illness (which term is deemed to include injury or other disability) shall be entitled to receive sick pay in accordance with the following scale:

<b>Length of Service</b>	<b>Sick Leave Entitlement</b>
During the first year of service:	Full pay for 1 month and after completing four calendar months' service (before the start of the period of absence through illness), half pay for 2 months
During the second year of service:	Full pay for 3 months and half pay for 3 months
During the third year of service:	Full pay for 4 months and half pay for 4 months
During the fourth and successive years:	Full pay for 6 months and half pay for 6 months

A month shall be deemed to include 22 working days (including Saturday where this is a working day).

This scale is to be regarded as a minimum and the institution has the discretion to extend the scheme in individual cases. For the purposes of this paragraph of the document, a working day is defined as any day on which the establishment is open but which does not form part of the Lecturer's personal holiday entitlement.

### Deductions applicable when sick pay might exceed full (ordinary) pay

Sick pay shall include, where appropriate, Statutory Sick Pay, and shall not exceed full (ordinary) pay. Appropriate deductions or matters affecting the amount of sick leave/pay, are detailed in the following paragraphs:

<b>Letter</b>	<b>Description</b>
<b>A.</b>	For the purpose of calculating entitlement to sick leave the year shall be deemed to begin on 1st April of each year and end on 31st March of the following year; provided that, in the case of a Lecturer whose service

	<p>commences on a date other than 1st April, such service shall be deemed for the purpose of this scheme, to have commenced on the preceding 1st April subject to the completion of four calendar months' actual service before half pay can be claimed, and provided also that in the case of the Lecturer who is absent owing to illness on 31st March of any year, such a Lecturer shall not begin new entitlement to sick leave in respect of the following year until he or she has resumed teaching duty, the period from 1st April until the return to duty deemed to be part of the preceding year for the purpose of this scheme. In the case of a Lecturer transferred from the service of one HEI to another, any sick pay paid during the current year by the previous HEI shall be taken into account in calculating the amount and duration of sick pay payable by the new HEI. Note: For the purposes of transferring sick pay entitlement continuous employment is as set out in the individual letter of contract.</p>
<b>B.</b>	<p>"Service" means employment with this institution and such other periods of employment as this institution may approve.</p>
<b>C.</b>	<p>The following deductions shall be made from sick pay where it is of an amount equal to full pay:</p> <ul style="list-style-type: none"> <li>• the amount of sickness benefit receivable under relevant legislation (provided, however, that in any case where sickness benefit is, or may subsequently prove to have been, receivable in respect of the first three days of any sickness, the amount of benefit receivable shall be deducted from such pay only if such benefit has in fact been received in respect of any such period of three days),</li> <li>• the dependency element (but not the disability element) of any treatment allowance received from the Department of Social Security.</li> </ul>
<b>D.</b>	<p>Deduction shall also be made from sick pay where it is of an amount less than full pay if a Lecturer would otherwise with the benefits receivable in respect of insurance under the relevant legislation become entitled to an amount exceeding the sum of his/her full (ordinary) pay.</p>
<b>E.</b>	<p>Benefits are regarded as receivable at the full rate in circumstances in which a Lecturer has opted under National Insurance regulations to put himself or herself outside of benefit at the full rate.</p>

<p><b>F.</b></p>	<p>Subject only to the provision at "c(i)" above, the deductions enumerated under paragraphs c, d and h, will be made if the Lecturer is eligible to receive such benefits, payments or allowances whether or not he or she takes the necessary steps to obtain it.</p>
<p><b>G.</b></p>	<p>For the purposes of this scheme a Lecturer shall be under an obligation to declare to the satisfaction of the institution his or her entitlement to benefit under the foregoing Acts (paragraph 3.3.5. above) and any subsequent alteration in the circumstances on which such entitlement is based, in default of which the institution shall be entitled to determine the benefit by reference to the maximum benefit to which the Lecturer appears entitled under the statutory provisions governing such benefits.</p>
<p><b>H.</b></p>	<p>Deductions equivalent to those set out in paragraph 3.3.5. above shall be made from the sick pay of a Lecturer who is a married woman or a widow and has elected to pay reduced contributions under the terms of the Social Security Act 1975 and Social Security Contribution Regulations 1979, provided that, where a widow is in receipt of a widow's or a widowed mother's allowance or widow's pension, regard shall be paid in calculating the amount of sick pay only to such part of the national insurance benefit receivable as is in excess of the amount received by the Lecturer from the Department of Social Security in weeks of full normal employment.</p>
<p><b>I.</b></p>	<p>Whilst sickness during a period when the institution is closed or a period forming part of the Lecturer's personal holiday entitlement will not affect the period of his or her entitlement to sick leave under paragraph 3.3.1., it will be relevant so far as deduction of benefit is concerned. Thus the rate of sick pay applicable to a Lecturer in respect of sickness during a period of closure or a period forming part of his or her holiday entitlement is the rate applicable to him or her on the last day before that period. Where a Lecturer, therefore, is ill immediately preceding such a period and</p> <ul style="list-style-type: none"> <li>• the Lecturer is on full sick pay:- he or she shall continue on sick pay, but the closure or holiday period is not counted against entitlement</li> <li>• the Lecturer is on half sick pay: - he or she shall continue on half sick pay, but the closure or holiday period is not counted against his or her entitlement.</li> <li>• the Lecturer has exhausted his or her sick pay entitlement and is not receiving any pay: - he or she shall continue to receive no pay.</li> </ul>

	<ul style="list-style-type: none"> <li>• Where a Lecturer is either on half pay or is not receiving pay he or she may be put on full pay by the procedure in paragraph "j" below</li> </ul>
<b>J.</b>	When a Lecturer is ill immediately preceding a period of closure or a period forming part of the Lecturer's personal holiday entitlement, and has exhausted his or her sick leave entitlement, or is on less than full pay, and recovers during the above period, the Lecturer shall be deemed, for the purpose of calculating the amount of salary due, to have returned to duty on the day the Lecturer is authorised medically fit to do so by means of a doctor's statement obtained for that purpose provided that he or she actually returns to duty on the first day after the said period.
<b>K.</b>	If, during a period of closure or a period forming part of the Lecturer's personal holiday entitlement he or she falls ill and becomes entitled to Statutory Sick Pay or becomes, or would, but for election to be expected from liability to pay contributions, become entitled to claim any of the benefits referred to in paragraph 3.4 (maternity leave and pay) it shall be his or her duty to notify thereof (in accordance with paragraph 3.3.14. as if the days of closure or personal holiday were working days) so that the institution may either pay Statutory Sick Pay (where appropriate) or make the appropriate deductions.
<b>L.</b>	A Lecturer who is absent for more than three working days owing to personal illness shall submit such statements as the institution at its discretion shall require provided that doctors' statements shall not be required, save in special circumstances, more frequently than on the eighth day of absence, at the end of each month of absence and on return to duty, unless fitness for return to duty has already been ascertained and the Lecturer returns to duty on the date specified on the previous doctor's statement. In the case of a prolonged or frequent absence a Lecturer may be required at any time to submit to examination by an approved medical practitioner. The Lecturer's own doctor may be present at such examination on the Lecturer's request.
<b>M.</b>	A Lecturer entering hospital or a similar institution shall submit a doctor's statement on entering and on discharge in substitution for periodic statements.
<b>N.</b>	In the case of absence due to accident attested by an approved medical practitioner to have arisen out of and in the course of the Lecturer's employment, including any extra curricular or voluntary activity

	<p>connected with the institution, full pay shall in all cases be allowed such pay being sick pay for the purposes of paragraph 3.3.2. to 3.3.13 subject to the production of self certificates and/or doctor's statements from the day of the accident up to the date of recovery and not exceeding six calendar months, after which the case will be reviewed for a decision on any extension of the period of sick pay. Absence resulting from such accidents shall not be reckoned against the Lecturer's entitlement to sick leave under 3.3.1. through such absences are reckonable for entitlement to Statutory Sick Pay.</p>
O.	<p>When the approved medical practitioner attests that there is evidence to show a reasonable probability that an absence was due to an infectious or contagious illness contracted directly in the course of the Lecturer's employment full pay shall be allowed for such period absence as may be authorised by the approved medical practitioner to be due to the illness, and such absence shall not be reckoned against the Lecturer's entitlement to sick leave under 3.3.1., though such absences are reckonable for entitlement to Statutory Sick Pay.</p>
P.	<p>Where the absence is attested by the approved medical practitioner to be due to pulmonary tuberculosis and the Lecturer carries out an approved course of treatment, full salary shall be paid in respect of the first twelve calendar months of the period of absence after attestation and further full or half pay shall be allowed at the discretion of the institution.</p>
Q.	<p>A Lecturer residing in a house in which some other person is suffering from an infectious disease shall at once notify the Human Resources Department and the Lecturer shall, if required take such precaution as may be prescribed provided that if in the opinion of the approved medical practitioner it is considered inadvisable, notwithstanding such precautions, for such a Lecturer to attend duty, full pay shall be allowed during any enforced absence from duty, such pay being sick pay for the purposes of paragraph 3.3.2. to 3.3.13. This provision will also apply where, in the opinion of any approved medical practitioner, it is inadvisable for a Lecturer to attend duty for precautionary reasons due to infectious disease in the workplace. The period of absence under this paragraph shall not be reckoned against the Lecturer's entitlement to sick leave under paragraph 3.3.1., though such absences are reckonable for entitlement to Statutory Sick Pay.</p>

<b>R.</b>	<p>If the absence of the Lecturer is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, he or she shall advise the institution forthwith, and it shall be competent to the institution to require the Lecturer to refund a sum equal to the aggregate of sick pay to him or her during the period of disability of such part thereof as is deemed appropriate but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the institution will require full details and will determine the actual proportion of sick pay to be refunded by the Lecturer.</p>
<b>S.</b>	<p>A Lecturer who is absent from work because of injury in respect of which a claim will lie in the Criminal Injuries Compensation Board, and is otherwise qualified to receive sick pay, shall receive such sick pay without the Lecturer being required to refund any proportion of it from the sum which the Compensation Board may award.</p>
<b>T.</b>	<p>Where an award has been made by the Compensation Board the institution shall be free to discount wholly or partly the period of sick leave occasioned by the injury in calculating the Lecturer's entitlement to pay as they may see fit on consideration of all the material circumstances.</p>
<b>U.</b>	<p>If the institution is of the opinion that the disability which has occasioned the Lecturer's absence from work is due to his or her own misconduct, or if the Lecturer has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to his or her recovery the payment of any sick pay under the scheme may be suspended provided that in any such case the institution shall inform the Lecturer of the grounds upon which the payment of sick pay has been suspended and that the Lecturer may, at his or her option, have recourse to the grievance procedure.</p>
<b>V.</b>	<p>Sick pay shall not be paid in case of accident due to active participation in sport as a profession, unless the institution by resolution decides otherwise, though Statutory Sick Pay may be payable.</p>

## MATERNITY LEAVE/PAY

All pregnant employees are entitled to up to 52 weeks maternity leave (26 weeks ordinary maternity leave and 26 weeks additional maternity leave) and the right to return to work regardless of the length of service or number of hours worked.

Whilst on maternity leave employees are entitled to benefit from all terms and conditions under their contract of employment, except those relating to pay.

**Note:** All calculations for maternity leave can begin on any day of the week rather than on the Sunday of the expected week of childbirth as was previously the case; this will allow Statutory Maternity Pay (SMP) to start at the same time as maternity leave.

### Time off for Ante-Natal Care

All pregnant employees (including casual and visiting lecturing staff) are entitled to time off with pay to keep appointments for antenatal care including relaxation or parent craft classes made on the advice of a registered medical practitioner, registered midwife or registered health visitor. The employee will be paid her normal hourly rate of pay.

### Maternity Pay

You are entitled to be paid for 39 of the 52 weeks maternity leave, if you meet the qualifying conditions for statutory maternity pay (SMP).

Maternity pay is made up as follows:

- 4 weeks at full pay.
- 2 weeks at 9/10th of current basic salary/wage.
- 12 weeks at half-current basic salary/wage (Contractual), plus lower rate SMP.\*
- 21 weeks at lower rate SMP or 90% of weekly earnings, whichever is the lower.

Statutory maternity pay is payable to the employee by the University on behalf of the Department for Work and Pensions. For the first 6 weeks, SMP will be offset against an employees University pay for those employees who qualify to receive both contractual maternity pay and SMP. Thereafter they will receive contractual maternity pay in addition to the lower rate of SMP.

## To qualify for SMP you must:

Letter	Description
A.	Have been employed by the University for at least 26 weeks at the 15th week before the expected week of childbirth.
B.	Have average weekly earnings in the 8 weeks up to and including the qualifying week of not less than the lower earnings limit for the payment of National Insurance contributions.
C.	Still be pregnant at the 11th week before the expected week of childbirth or have been confined by that time.

In addition, to qualify for payment of contractual maternity pay (the 12 weeks at half-current basic salary/wage, plus lower rate SMP shown above) you must be prepared to return to work for 12 weeks at your contractual hours.

**\* For the current rate of statutory maternity pay see [www.direct.gov.uk](http://www.direct.gov.uk)**

## Maternity Allowance

For those employees who are not eligible to receive SMP from the University Scheme, they may be eligible for a Maternity Allowance from the Department for Work and Pensions. Employees are advised to contact the University's Payroll Services Team to obtain advice on how to make a claim for Maternity Allowance and to obtain a copy of the SMP1 to complete in order to make a claim.

## Temporary, Fixed, Casual and Visiting Lecturer Contracts

Qualifying employees who have a temporary, fixed term, casual or visiting lecturing contract of employment will receive SMP. However, they will not be entitled to contractual maternity pay unless their contract runs for three months beyond their expected date of return subject to the scheme's provisions.

## Compulsory Maternity Leave

Staff may not return to work until two weeks after the date of childbirth.

## Notification

All employees are encouraged to notify the University that they are pregnant as soon as possible. In order to qualify for Maternity Pay and Leave you must notify the Human Resources Department in writing by completing the HR084 form, on or before the 15th week before your expected week of childbirth.



The notice must state:

- that you are pregnant; you must submit a MATB1 form in support of your request. (A MATB1 is a medical certificate confirming your expected week of childbirth. This is issued by your GP or registered midwife after 20 weeks of pregnancy);
- the expected week of childbirth, or if the birth has already occurred, the date on which it occurred; and
- the date on which you wish your leave to commence. This cannot begin before the 11th week prior to the expected week of childbirth.

The University will write to you within 28 days of receiving your notice of intention to take maternity leave, acknowledging your notice and stating your expected date of return.

**Note:** Employees can vary the date they intend their maternity leave to commence provided they give the University written notice of the new date 28 days before the date originally notified or 28 days before the new date on which you intend the maternity leave to start, whichever is the earliest. The revised date cannot be earlier than the 11th week before the expected week of childbirth.

### Exceptions To Notice Requirements

There are two exceptions to the requirement for employees to notify the University of the date on which they intend to commence maternity leave on or before the 15th week before expected week of childbirth. These are:

- If the employee is off sick and their illness is related to their pregnancy, then their Maternity Leave will commence automatically on the day after the first day of absence following the beginning of the 4th week before the expected week of childbirth. Where applicable, maternity pay entitlement will automatically commence, irrespective of whether or not they have given notice or it falls before their notified date to commence maternity leave. or
- If the childbirth occurs before the date the employee has notified, the Maternity Leave period starts automatically on the day on which the childbirth occurs.

In these circumstances the employee must inform the Human Resources Department in writing, as soon as is reasonably practicable, the date on which premature childbirth occurred or the reason for the absence and the date on which it began.

### Contractual Maternity Pay

If the employee qualifies for contractual maternity pay they must complete a HR084 form and must state on the form:

- that they intend/do not intend to return to work after their maternity leave and
- whether they wish to receive the 12 weeks at half pay during their leave or on their return to work.

Payment of the contractual pay of 12 weeks at half-pay is made on the condition that the employee returns to work immediately following their maternity leave for at least 12 weeks on the same terms and conditions used to calculate their half-pay. If an employee returns under different terms and conditions they must serve an equivalent period to 'payback' the 12 weeks half pay.

For example if they worked 37 hours per week prior to their maternity leave, then returned to work at 18.5 hours per week on the same grade they would need to work 24 weeks as the 'payback' period.

Should an employee decide at a later date not to return to work after their maternity leave, they will be required to repay the 12 weeks at half pay.

Employees who return to work immediately after their maternity, but for a period of time that does not satisfy the above conditions, will be required to repay a pro-rata amount of the 12 weeks at half pay.

### Return to Work - Date of Return

If the full entitlement of 52 weeks leave is taken, then the date the employee will be required to return to work is the first working day after the end of your 52 weeks maternity leave. This date cannot be varied by either the University or the employee.

However, the employee may choose to take less leave if they wish and can agree an alternative earlier return date.

If the employee intends to return to work on the date originally agreed, then they do not have to give the University any further notice.

If they wish to change the date of their return to work, eight weeks written notice of the date on which they intend to return should be sent to the Dean/Head of Department.

### After a period of Ordinary Maternity Leave or and Parental Leave

After a period of ordinary maternity leave, or after taking parental leave of up to 4 weeks immediately following ordinary maternity leave employees are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

### After a period of Additional Maternity Leave

After a period of additional maternity leave, employees retain the right to the same job, unless it is not reasonably practicable to do so. In this event employees have the right to return to an alternative job that is suitable and appropriate for them.

An employee's right to return is a right to return on terms and conditions that are no less favourable than those that would have applied had she not been absent. Where an employee returns from ordinary maternity leave, her seniority, pension rights and other similar rights must be as they would have been had she not been absent.

## Sickness at the end of Unpaid and/or Contractual Maternity Leave

If the employee is unable to return to work at the end of their maternity leave due to sickness, the normal University sickness procedures will apply.

## Parental Leave

If the employee qualifies for parental leave they may take up to four weeks parental leave immediately following contractual maternity leave subject to the notice requirements for taking parental leave. For further information on parental leave please refer to the University policy.

## Employees who do not wish to return to work

If an employee does not wish to return to work after their maternity leave they must give the University the notice required by their contract of employment. If contractual maternity pay has been paid during their maternity leave, they will be required to pay back these monies if they choose not to return.

## Employees who wish to return to work on a part-time basis

If the employee wishes to return to work on a part-time basis they should, as soon as reasonably practicable after the birth of the child, discuss their request with their Dean or Head of Department (see policy on Flexible working).

## Health and Safety

The University recognises that pregnant employees need to be especially vigilant in caring for their own and their unborn child's welfare. Therefore, the University will ensure that they are not subjected to any work place risks.

In practical terms there are very few areas within the University that present even minimal risk to employees who are pregnant. All risk assessments now take account of pregnant women, new mothers or nursing mothers and should be undertaken as soon as a manager is informed that an employee is pregnant.

Any worries, concerns or requests for further information please contact the Occupational Health Advisor or the University Safety Advisor.

## Keeping in Touch Days

An employee can, during maternity leave, do up to 10 days' work with pay for the University without losing statutory maternity payments for that week or bringing the maternity leave to an end. This includes any work done under the contract of employment; such work must be done with the agreement of both parties. The University has no statutory right to require work to be carried out during maternity leave and the employee has no statutory right to require work. These "keeping in touch" days may also include training or any other activity undertaken for the purposes of keeping in touch with the work place. Any days of work carried out under this provision

do not have the effect of extending maternity leave period.

### Reasonable Contact

As part of the move towards better communication during maternity leave, the University is allowed to make contact with the employee from time-to-time without the maternity leave period coming to an end. This can help to ensure that you are kept informed of developments at work, and can also help you to return to work more easily. Should you wish to discuss what is meant by "reasonable contact", please contact your Human Resources Manager.

"Reasonable contact" will be distinct from "keeping-in-touch" days.

### Pension

If the employee is a member of the pension scheme, deductions will continue to be made from their maternity pay. If they wish to continue paying contributions for any period of unpaid contractual maternity leave they should contact the Human Resources Department.

### Annual Leave

Maternity leave must be a single continuous period. Therefore it is not possible for an employee to take annual leave at the same time as maternity leave. It will though, usually be possible for employees to use any untaken annual leave either before they start their maternity leave, or once their maternity leave has finished. However, this must be in accordance with the University's usual guidance around the taking of annual leave.

The University's annual leave entitlement is made up of two elements. The 28 days of the leave entitlement is Statutory Annual Leave, which has been determined by the Working Time Directive. The balance of the total entitlement is called the Enhanced Leave Entitlement.

The Working Time Directive specifically prohibits the carrying over of the Statutory Annual Leave for one holiday year into the next.

Under the University's current regulations the maximum Enhanced Leave Entitlement that can be carried from one holiday year into the following holiday year is five days. The taking of annual leave should be incorporated into the planning around maternity leave, to ensure that you receive your full entitlement to leave, but that this is taken in accordance with the University's guidelines.

### Accrual of Annual Leave

Whilst an employee is on maternity leave they will continue to accrue their normal annual leave entitlement. For those employees whose annual leave is less than the Statutory Annual Leave entitlement as determined under the Working Time Directive they will be entitled to accrue a maximum of 28 days (inclusive of a maximum of 7

Bank holidays).

### Stillbirths and Deaths

Occasionally employees and their families suffer the tragic loss of a child during pregnancy, in the process of giving birth or after a child is born. In all circumstances the University is committed to supporting the employees and their families in a manner that is sensitive. To enable support to be delivered as quickly as possible, employees or a member's of their family are advised to make contact with a member of the Human Resources Team in the first instance when such tragic events occur.

Please note that in the event that an employee loses a child after 24 weeks of pregnancy, regardless of whether the loss occurs during pregnancy or in the process of giving birth, they will be entitled to take their full maternity leave.

In the event that an employee loses a child who survived the birthing process, even if they lived for only a short period of time afterwards, the employee will be entitled to take their full maternity leave. This entitlement exists regardless of the point in pregnancy at which the birth occurred.

## PATERNITY LEAVE

Ordinary paternity provides up to two weeks leave to employees wishing to take time off work to support their partner around the time of the birth or adoption of a child.

### Definitions

The following definitions apply throughout this policy:-

**Partner** - a partner is defined as a person (whether of a different sex or the same sex) who lives with the mother or adopter in an enduring family relationship but is not a blood relative.

**Relative** - the father, mother, grandfather, grandmother, sister, brother, aunt or uncle.

**Primary adopter** – the joint adopter who has elected to take adoption leave in respect of the child

Please note, notification of intention to take ordinary paternity leave must be provided to the employee's line manager, the Dean of School/Head of Department and the University's HR department.

### Ordinary Paternity Leave (OPL)

Employees who qualify for ordinary paternity leave may elect to take a single block of OPL of either one week or two consecutive weeks. This must be taken in full within the period of 56 days beginning with the date of the child's birth or placement with its

adoptive parent, or in the case of a child adopted from overseas, within the period of 56 days beginning with the date the child entered Great Britain. Employees may take just one period of ordinary paternity leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

### Ordinary Paternity Leave-Birth Entitlement

To qualify for ordinary paternity leave an employee must:

- Have been continuously employed for a period not less than 26 weeks by the end of the 15th week before the expected week of childbirth;
- have or expect to have responsibility for the upbringing of the child; and
- be the biological father of the child or be married to, or the partner of the child's mother.

The leave must be taken on or around the birth of the baby, (dates may be determined by the parent) during the period of 56 days beginning with:

- the date on which the child is born, or
- the first day of the expected week of the child's birth, whichever is the later.

### Notification

Applicants should notify their immediate line manager of their intention to take ordinary paternity leave (using form HR013a) in advance of the leave being taken. The employee must provide:

- The expected date of the child's birth
- The length of the period of leave the employee has chosen to take
- The date on which the employee has chosen that the period of leave should begin
- Provide a completed SC3 form found [here](#)

You must fill in this form and give it to the HR Department by the qualifying week and before you want to start receiving SPP. Special rules apply if the baby is born prematurely.

The notice must be given to the HR department by completing a HR013a form along with an SC3 form on or before the 15th week prior to the expected week of child birth. In a case where it is not reasonably possible to give this period of notice, the notice should be given at least four weeks in advance of the leave being taken. The employee, once the notice has been given, can vary either or both the length of the leave or the date on which the leave is to begin by giving the Dean /Head of Department at least 28 days' notice before the expected week of the child's birth.

## Level of payment

- 5 days at full pay
- 5 days Statutory Paternity Pay (SPP) or 90% of average earnings, whichever is the lesser amount

To qualify for SPP the employee must have been employed for a continuous period of at least 26 weeks or more by the end of the 15th week before the mother's expected week of child birth. SPP will be paid at the same rate as Statutory Maternity Pay.

## Ordinary Paternity Leave-Adoption

### Entitlement

To qualify for ordinary paternity leave an employee must:

- have been continuously employed for a period not less than 26 weeks ending with the week in which the child's adopter is notified of being matched with the child for the purposes of adoption
- not be taking adoption leave in respect of the child
- have or expect to have responsibility for the upbringing of the child
- be either married to or the partner of the child's adopter

The leave must be taken during the period of 56 days beginning from the date the child is placed with the adopter.

### Notification

Applicants should notify the Dean of School/Head of Department of their intention to take Ordinary Paternity Leave using form HR013a in advance of the leave being taken.

The employee must give:

- The date on which the child is expected to be placed with the adopter
- The length of the period of leave the employee has chosen to take, and
- The date on which the employee has chosen that his/her period of leave should begin
- Provide a completed SC3 form found [here](#)

You must fill in this form and give it to the HR Department by the qualifying week and before you want to start receiving SPP.

The notice should be given no more than 7 days after the date on which the adopter is notified of having been matched with the child for the purposes of adoption. In a case where it is not reasonably possible to give this period of notice, the notice should be given at least 28 days in advance of the leave being taken. The employee, once the notice has been given, can vary either or both the length of the leave or the date on which the leave is to begin by giving the Dean/Head of Department at least 28 days'

notice before the expected date on which the child is to be placed with the adopter.

### Level of payment

- 5 days at full pay
- 5 days Statutory Paternity Pay (SPP) that is Lower Rate SMP or 90% of average earnings, whichever is the lesser amount.

To qualify for SPP the employee must have been employed for a continuous period of least 26 weeks ending with the week the child's adopter is notified of being matched with a child. SPP will be paid at the same rate as Statutory Maternity Pay.

## OCCUPATIONAL ADOPTION LEAVE

### Main Carer

An employee who is the main carer for the adopted child(ren) may apply for adoption leave. Where both adoptive parents work for the University, adoptive leave will not be granted to both parents. The adoptive parents must elect who is the main carer and they will then qualify for the full leave entitlement; the other parent will qualify for "paternity leave".

### Qualification

The main carer must have worked for the University for more than 26 continuous weeks before the week in which the employee has been notified that an adoption agency has matched them with a child.

The Statutory Payments are only in respect of adopting children up to the age of 18 years of age. This does not include step-family adoptions or adoptions by foster parents.

### Entitlement

The entitlement is up to a maximum of 52 weeks leave; 39 weeks of the 52 weeks will be with pay made up as follows:

- 4 weeks at full pay
- 2 weeks at 9/10th of current basic salary/wage;
- 12 weeks at half-current basic salary /wage, plus lower rate SAP.
- 21 weeks at lower rate SAP or 90% of weekly earnings, which ever is the lower.
- 26 weeks unpaid leave.

Staff with less than 26 weeks continuous service ending with the week, in which the notification has been given, will only qualify for 26 weeks unpaid leave.



## Notification and procedural requirements

The prospective adoptive employee must notify the University's Human Resources Department and Dean/Head of Department at the earliest stage of their intention to take adoption leave, how much unpaid leave they wish to take and the date they wish the Adoptive Leave to commence. This must be no later than 7 days after which the employee was notified of the placement.

Pay and Leave cannot commence earlier than 2 weeks before the matching week.

The University will write, within 28 days of receiving the employee's notification, to the employee specifying their expected date of return.

Once they have received acceptance by an adoption agency they must forward a copy of the formal acceptance to Human Resources Department together with the completed HR084(a) Form with a copy to the Dean/Head of Department.

Prospective adoptive parents are asked to give as much notice as is reasonably practical of the date on which the child(ren) is to be placed with them. They are required to provide a copy of the formal notification that the adoption placement has been agreed by the authority or agency.

Employees who qualify for Adoption Leave must state on Form HR084(a): that they intend/do not intend to return to work after Adoptive Leave.

If you qualify for contractual Adoption Leave and pay you must state on form HR084(a):

- that you intend/do not intend to return to work after your adoption leave, and
- whether you wish to receive the 12 weeks at half pay during your leave or on your return to work

Payment of the 12 weeks at half pay is made on the condition that you return to work immediately following your contractual maternity leave for 12 weeks at your contractual working hours. Should you decide at a later date not to return to work after contractual maternity leave, you will be required to repay the 12 weeks at half pay.

Employees who intend to return to work before the adoption leave period you must notify both your Dean/Head of Department and Human Resources Department, in writing, at least 28 days before your intended date of return.

## JURY SERVICE

A member of staff receiving a summons to serve on a jury must report the fact to his/her Dean of School/Head of Department who shall grant him/her leave of absence unless exemption is secured.

A member of staff serving as a juror shall claim the allowance for loss of earnings to which he/she is entitled under the Jurors' Allowances Regulations currently in force.

The University of Wolverhampton will then deduct from the employee's full pay an amount equal to the allowance received. The forms issued from the court should be submitted to the Payroll Section of the Finance Department for completion.

Should Jury Service fall on a University Concessionary Day(s), staff will not be entitled to accrue time in lieu to be used at another time.