



# CONDITIONS OF EMPLOYMENT

## Leave Entitlement (Support Staff)

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## ANNUAL LEAVE

### Annual Leave

The holiday year runs from 1st August to 31 July. All holiday must be completed in the holiday year; no entitlement may be carried over into the next holiday year without the authorisation of the Dean of School/Head of Department. The maximum amount which may be carried over is 5 days.

However, in exceptional circumstances where a member of staff requests an additional carry over to enable him or her to visit relatives abroad, the Head of Department will, in conjunction with the Director of Human Resources, consider such requests favourably and the carry over regulations may be waived.

No payment will be made in lieu of holiday leave not taken.

### Basic Leave Entitlement

Leave entitlement is dependent on length of service and additional holiday entitlement will become effective on the 1st August following completion of the appropriate service as shown below:

<b>Service years</b>	<b>New 2022/23 entitlement</b>	<b>New 2023/24 entitlement</b>
<b>Up to 5 years</b>	26 days	30 days
<b>More than 5 years but less than 10</b>	26 days (no change)	30 days
<b>More than 10 years but less than 25</b>	28 days (no change)	30 days
<b>More than 25</b>	30 days (no change)	30 days (no change)

### New Entrants - Proportionate Entitlement

New entrants to the University of Wolverhampton service shall be entitled to annual leave proportionate to the completed months of service during the leave year of entry (as shown below):

Year A	August	12	21
	September	11	19
	October	10	18
	November	9	16
	December	8	14
	January	7	12
	February	6	11
	March	5	9
	April	4	7
	May	3	5
Year B	June	2	3
	July	1	2
	August	0	0

(This scale is an illustration and refers to the position of those members of staff joining the University of Wolverhampton on the first day of the month indicated).

### Sickness during annual leave

In the event of a member of staff falling sick during the period of annual leave he/she should be regarded as being on sick leave from the date of the relevant medical certificate and further annual leave shall be suspended from that date.

## Entitlement at termination of employment

A member of staff who leaves University of Wolverhampton service shall be allowed one-twelfth of his/her leave entitlement for each completed month of service in the current leave year.

## Calculation of Normal Pay during Leave

In determining the normal pay of a member of staff taking annual leave, the University of Wolverhampton will take into account (i) regular overtime payments made to staff whose terms of employment provide that they must, each month, work hours in excess of the usual hours (and for which overtime payment is made as a regular addition to salary), and (ii) any other contractual payments.

## Requests for Leave

- a) All requests for leave must be made to the Dean of School/Head of Department.
- b) Holidays must not be booked or arranged until approval has been given.
- c) It is the Dean of School/Head of Department's responsibility to ensure that all holiday periods are adequately covered by existing staff. It is therefore important, in order to avoid requests for leave being refused, that staff give as much notice as possible.
- d) Wherever possible, leave requests should be made at the beginning of the holiday year and in any event staff should give reasonable notice of requests for leave.

## On Termination of Employment

- a) Staff should ensure that they have taken their full accrued leave entitlement before the last day of employment with the University of Wolverhampton.
- b) If a member of staff, on resigning from his/her employment with the University of Wolverhampton, has taken more holiday than would have been accrued as at the last day of employment, a sum equivalent to the difference between the holiday leave taken and the accrued entitlement will be deducted from his/her last pay.

## SPECIAL LEAVE

The Dean of School/Head of Department may grant requests for, Unpaid Parental Leave, Unpaid Time Off For Dependants, Leave without pay, Paid Bereavement Leave/Paid Compassionate Leave, Paid Paternity Leave and carrying over leave from holiday year into the following holiday year.

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

### Notifying Sickness Absence

#### 1st Day of Absence

Staff must notify their Supervisor or Dean of School/Head of Department that they are unable to attend for work. Wherever possible, this should be done before 10.00 am. Staff who work shifts must notify their Supervisor or Dean of School/Head of Department before the commencement of the shift. Wherever possible this should be 3 hours before the shift is due to start. Failure to do so may result in the loss of sick pay entitlement.

#### 4th day of Absence

This includes Saturdays, Sundays, rest days, free days, Bank Holidays, etc. The absent member of staff to inform Dean of School/Head of Department that he/she is still unable to report for work and to tell him/her the expected length of absence.

**Remember:** If a member of staff expects to be absent for more than 7 days he/she should contact his/her Doctor at the earliest opportunity. He/she should tell the Doctor the date of the first day of absence and, if he confirms that the member of staff should stay away for more than 7 days, ask the Doctor for a sick note (Doctors do not have to issue sick notes for the first week of absence).

#### 8th Day of Absence

A Doctor's note must be obtained, effective from the 8th day of absence, and must be forwarded to the Human Resources Department straight away. Delays could affect any sick pay entitlement. (The first 7 days will be covered by self-certification).

### Periods of Prolonged Absence

All periods of prolonged absence must be covered by a Doctor's note which must be forwarded to Human Resources.

If a Doctor has "signed staff off" for a specific period of time, he/she must not return to work until the Doctor has certified him/her "fit for work".

### On return to work

Irrespective of length of absence the member of staff with their line manager will complete the Return to Work form and record this appropriately in Agresso.

It is important to note that failure to comply with this procedure will affect contractual sick pay which may be due.

The Offices of the Vice-Chancellor reserve the right to refer an employee to their nominated Medical Officer in cases of prolonged, frequent or long term absence.

### Sick leave/Annual leave

If a member of staff falls sick prior to or during a period of annual leave, sick leave will be substituted. A Doctor's note must be provided covering all periods of absence and the Dean of School/Head of Department must be notified immediately or as soon as possible.

For regulations regarding the payment of statutory sick pay, please refer to the Human Resources Department.

### Sick Pay Entitlement

Entitlement to sick pay is dependent on length of continuous service as shown below:

<b>Length of Continuous Service</b>	<b>Entitlement (in months) to full pay</b>	<b>Entitlement (in months) to half pay</b>
Less than 4 months	1	0
More than 4 months but less than 12	1	2
More than 1 year but less than 2	2	2
More than 2 years but less than 3	4	4
More than 3 years but less than 4	5	5
More than 4 years service	6	6

## 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, which ever 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).

### Transferring Maternity Leave to Paternity Leave

Employees who have children born on or after 3 April 2011, may if they wish transfer up to 26 weeks of their maternity leave to \*eligible employees (fathers and partners of mothers of children) when they return to work. This will enable fathers and partners of mothers of children to take up to 26 weeks Additional Paternity Leave. See Paternity Leave section for further details.

\* Please note that there is no requirement for eligible employees (fathers or partners of mothers of children) to work for the University.

### 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

There are two types of paternity leave:-

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

Additional paternity leave – up to 26 weeks leave available to employees wishing to take time off work to share the care of their child by allowing the transfer of either maternity or adoption leave, and pay, where appropriate, to them by their spouse/partner.

## 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.

### Additional Paternity Leave (APL)

Additional Paternity leave (APL) is an option that gives parents more choice about how they share the care of their children by allowing the mother to transfer some of her

maternity leave and pay to the father/partner; or in the case of adoption, for the primary adopter to transfer some of their adoption leave/pay.

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of the child's life provided that the mother has returned to work before using her full entitlement to maternity leave. Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the primary adopter has returned to work before using his or her full entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks. Additional Paternity Leave will generally commence on an employee's chosen start date specified on his/ her leave notification form.

Each parent must sign a declaration confirming their circumstances prior to the application being processed.

An employee may take just one period of additional 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.

During Additional Paternity leave the employee may receive additional statutory paternity pay in place of any unused SMP/SAP by the mother/primary adopter. It is therefore only payable if the leave period falls within the partner's 39 weeks paid maternity/ adoption leave period.

The employee's contract of employment continues in force during the period of Additional Paternity Leave and s/he is entitled to receive all his/ her benefits, except for salary. Any benefits in kind will continue during this period and contractual annual leave entitlement will continue to accrue.

Employees are encouraged to take any outstanding annual leave prior to the commencement of the Additional Paternity Leave. Employees are reminded that annual leave must be taken in the year that it is earned and therefore if the holiday year is due to end during the Additional Paternity Leave period, the employee should take his/ her outstanding entitlement before starting his/her Additional Paternity Leave.

## Additional Paternity Leave – Birth

### Entitlement

Following the birth, an employee is entitled to up to 26 weeks' additional paternity leave for the purposes of caring for a child if he/she:



- is the child's biological father, or is the mother's husband, civil partner or partner but not the child's biological father, and has or expects to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing and will be taking the leave to care for the child;
- has been continuously employed for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth;
- remains in continuous employment until the week before the first week of additional paternity leave;
- has provided the university with a leave notice, an employee declaration and a mother declaration and, where applicable, has provided evidence and further information supporting his/her claim for additional paternity leave

In addition the child's mother must:

- be entitled to maternity leave and/or statutory maternity pay or maternity allowance
- have returned to work.

## Notice

An eligible employee intending to exercise his/her right to additional paternity leave should complete form HR092 at least eight weeks prior to his/her chosen start date. This form includes:

- written notice specifying the child's expected week of childbirth and actual date of birth, and the intended start and end date for the employee's additional paternity leave;
- an "employee declaration", which is a written declaration signed by the employee stating that the purpose of the additional paternity leave is to care for the child, and that he/she satisfies the relationship eligibility conditions for additional paternity leave; and
- a "mother declaration", which is a written declaration signed by the mother stating:
  1. her name, address and national insurance number;
  2. the date on which she intends to return to work;
  3. that the employee satisfies the relationship eligibility conditions for additional paternity leave and has or expects to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing;
  4. that the employee is, to her knowledge, the only Person exercising the entitlement to additional paternity leave in respect of the child; and
  5. that she consents to the employer processing the information contained in the declaration.

- a request for the name and address of the mother's employer
- a request for a copy of the birth certificate.

An employee may bring forward their additional paternity leave start date, provided that they advise the University in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. An employee may also postpone the start date, or cancel the additional paternity leave altogether, provided that he/she advises the employer in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

On receipt of form HR092, confirmation of the additional paternity leave start and end dates will be provided in writing within 28 days.

### Level of Payment

- The number of weeks to be paid will depend on the weeks of SMP available to be transferred from the mother. Payment per week will be Statutory Paternity Pay (SPP) or 90% of average earnings, whichever is the lesser amount.
- Average weekly earnings for the period of eight weeks ending with the relevant week must not be less than Lower Earnings limit for National Insurance contributions.
- The spouse or partner should have at least 2 weeks SMP remaining upon their return to work. 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 15<sup>th</sup> week before the mother's expected week of child birth and continue to be employed for a continuous period beginning with the 15<sup>th</sup> week before the expected week of birth and ending with the week before the additional statutory paternity pay period begins
- SPP is payable whether or not the employee intends to return to work after APL.

### Additional Paternity Leave – Adoption

#### Entitlement

Following the adoption of a child, an employee is entitled to up to 26 weeks' additional paternity leave for the purposes of caring for a child if he/she:

- is married to, the civil partner of, or the partner of the primary adopter and has been matched with the child for adoption, and will be taking the leave to care for the child;
- has been continuously employed for at least 26 weeks ending with the week in which he/she was notified of having been matched with the child;
- remains in continuous employment until the week before the first week of additional paternity leave;

- has provided his/her employer with notice, that he/she wishes to take leave, an employee declaration and an adopter declaration and, where applicable, has provided evidence and further information supporting his/her claim for additional paternity leave

In addition the primary adopter must

- be entitled to adoption leave and/or statutory adoption pay
- have returned to work.

## Notice

An eligible employee wishing to exercise his/her right to additional paternity leave should complete and submit form HR093 at least eight weeks prior to the chosen start date. This form includes :

- written notice specifying the date on which they were notified as having been matched with the child, the date on which the child was placed with them and the intended start and end dates for the additional paternity leave;
- an "employee declaration", which is a written declaration signed by the employee stating that the purpose of the additional paternity leave is to care for the child, and that the employee satisfies the relationship eligibility conditions for additional paternity leave and has been matched with the child for adoption; and
- an "adopter declaration", which is a written declaration signed by the primary adopter stating:
  - his/her name, address and national insurance number;
  - the date on which he/she intends to return to work;
  - that the employee is, to his/her knowledge, the only Person exercising the entitlement to additional paternity leave in respect of the child
  - that the employee satisfies the relationship eligibility conditions for additional paternity leave; and that he/she consents to the employer processing the information contained in the declaration.
  - The name and address of the adoption agency that matched the employee with the child;
  - the name and address of the primary adopter's employer or, if the primary adopter is self-employed, their business address.

An employee may bring forward his/her additional paternity leave start date, provided that they advise the University in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. An employee may also postpone the start date, or cancel the additional paternity leave altogether, provided

that they advise the University in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

On receipt of form HR093, confirmation of the additional paternity leave start and end dates will be provided in writing within 28 days of receiving the notice.

### Level of payment

- The number of weeks to be paid will depend on the weeks of Statutory Adoption Pay (SAP) available to be transferred from the primary adopter. Payment per week will be Statutory Paternity Pay (SPP) or 90% of average earnings, whichever is the lesser amount.
  - Average weekly earnings for the period of eight weeks ending with the relevant week must not be less than Lower Earnings limit for National Insurance contributions.
  - The spouse or partner should have at least 2 weeks SAP remaining upon their return to work. To qualify for SPP the employee must have been employed for a continuous period of at least 26 weeks ending with the week in which the child's adopter is notified of being matched with the child and continue to be employed until the week before the additional statutory paternity pay period begins
- SPP is payable whether or not the employee intends to return to work after APL.
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### Additional Paternity Leave – Adoption Overseas

If an employee has adopted a child from overseas he/she may be entitled to additional paternity leave provided that the primary adopter has returned to work. Special rules apply in these circumstances. For further information please contact the HR Coordinator for your School/Department.

### Contact during additional paternity leave

Shortly before an employee's additional paternity leave is due to start, the employee's line manager will discuss the arrangements to keep in touch during the period of leave, should the employee wish to do so. The University reserves the right in any event to maintain reasonable contact with the employee from time to time during the additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease his/her return to work or simply to update him/her on developments at work during the absence.

## Return to work after additional paternity leave

Following Additional Paternity Leave an employee is entitled to return to the job he/she held before the period of leave began on the same terms and conditions.

## Early return to work after additional paternity leave

Where employees intend to return to work earlier than the end of their additional paternity leave period, they must give the University at least six weeks' notice of the date on which they intend to return. Where employees notify the University of an early return date, but subsequently change their mind about returning to work on this date, they must let the University know at least six weeks before either, the date on which they now intend to return or the date on which they had intended to return, whichever is the earlier.

## Employees who do not wish to return to work after Additional Paternity Leave

If an employee does not wish to return to work after their additional paternity leave they must give the University the notice required by their contract of employment.

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

If the employee wishes to return to work following additional paternity leave 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). Should an employee fail to give the correct notice of an early return, his/her employer may delay the employee's return so that six weeks' notice is given.

## Keeping in touch days - Working during the additional paternity leave period

Employees may carry out up to 10 days' work for the University during their additional paternity leave period without bringing it to an end.

The purpose of this provision is to allow an employee to "keep in touch" with the workplace. Work includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch. Any work carried out on a day constitutes one day's work.

An employee on additional paternity leave is not obliged to work keeping-in-touch days, nor is the University obliged to provide them.

The Additional Paternity Leave Regulations 2010 clearly state that either party may make reasonable contact from time to time during additional paternity leave (e.g. to discuss the employee's return to work), and this does not bring the Additional Paternity Leave period to an end.

## Pension

If the employee is a member of the pension scheme, deductions will continue to be made from their statutory paternity pay during both additional, and ordinary paternity pay periods. If they wish to continue paying contributions for any period of unpaid additional paternity leave they should contact the pensions team. [pensions@wlv.ac.uk](mailto:pensions@wlv.ac.uk)

# 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.