The University of Nottingham

Equal Opportunities Policy
Equal Opportunities Policy

The primary aim of the University is to sustain and improve the high quality of its provision as one of the leading research Universities in the United Kingdom.

The University seeks to create the conditions whereby students and staff are treated solely on the basis of their merits, abilities and potential, regardless of gender, race, colour, nationality, ethnic or national origin, age*, socio-economic background, disability, religious or political beliefs, trade union membership, family circumstance, sexual orientation or other irrelevant distinction.

Principles

The commitment to an Equal Opportunities policy is embodied in the following principles:

Discrimination, direct or indirect, based on a person’s gender, race, colour, ethnic or national origin, age*, socio-economic background, disability, religious or political beliefs, trade union membership, family circumstance, sexual orientation or any other irrelevant distinction, is unjust. Sexual and racial harassment are a form of discrimination and will be regarded as such.

In addition to being unjust, such forms of discrimination represent a waste of human resources and a denial of opportunity for individual self-fulfilment.

A successful Equal Opportunities policy requires the active support of the University community. The University therefore reaffirms its commitment to involve all staff and students in the implementation of this policy.

All staff are required to comply with this policy and while the University is committed to the implementation of the aim and principles set out above by training and by good personnel practice, it will not hesitate to enforce the policy through its procedures, including, where appropriate, disciplinary action

*Subject to the normal pay and retirement conventions and University regulations on admission.

As part of the University’s commitment to equality of opportunity, please also see the following enclosed policies:

- Special Leave - for urgent domestic, personal and family reasons (pages 4-5)
- Maternity Leave (pages 6-12)
- Adoption Leave (pages 13-18)
- Parental Support (Paternity & Parental Leave) (pages 19-24)
- Career Break (pages 25-28)
- Job Share (pages 29-30)
- Long Term Carers Leave (pages 31-33)
- Dignity within the University (pages 34-40)
- Flexible Working Arrangements (pages 41-43)

The Flexible Working Arrangements Policy is available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking

All other policies are available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport

The respective forms are available from the following web link: http://www.nottingham.ac.uk/hr/forms/index.aspx
Special Leave for Unplanned and Urgent Domestic, Personal and Family Reasons

Revised October 2006

Introduction

The purpose of this policy is to help employees balance the demands of domestic and work responsibilities at times of UNPLANNED and URGENT need. It enables staff to deal with an unexpected or sudden problem and make any appropriate arrangements.

Circumstances where Special Leave can be granted:

- If a dependant (see below) falls ill, gives birth or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically
- To make appropriate care arrangements for a dependant who is ill or injured
- To deal with the death of a dependant, for example, to make funeral arrangements or to attend a funeral
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the childminder or nurse fails to turn up
- To deal with an incident involving the employee's child during school hours: for example, if the child has been involved in an accident or is being suspended from school

Who is a dependant?

A dependant can be the employee's wife, husband, child or parent, or someone who lives in the same household but who is not his/her employee, lodger or boarder. A dependant may also be any person who reasonably relies on the employee for assistance on an occasion when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury, or where care arrangements are unexpectedly disrupted or terminated.

Benefits

For all employees

An employee who works for the University full time or part time, regardless of length of service or type of contract, will be entitled to apply to take a reasonable period of unpaid time off for the reasons detailed above.

For employees with a contract of employment with terms and conditions in excess of statutory

In addition to the benefits to all employees those with a contract of employment with terms and conditions in excess of the statutory will be entitled up to the first five days paid (pro rata for part time staff) in a 12 month period.

Personal health and welfare appointments

Individuals should make every effort to arrange appointments to a doctor, dentist, optician or other medical provider outside of working hours, irrespective of their working pattern. However, if this is not possible it is the normal expectation for the amount of time taken out of the working day to be made up.
Hospital appointments should also be made outside of working hours if at all possible. However the University recognises the scheduling of hospital appointments is sometimes outside the control of the individual employee. If this is the case paid time off, for those staff covered in Para 3.2, should be given for hospital appointments (ante-natal care is the exception where time is paid irrespective of when the appointment is arranged). The supervisor/manager may ask to see confirmation of the appointment e.g. appointment card or letter. The supervisor/manager should ensure that any personal information, such as the nature of the illness, must remain confidential in all cases.

**Additional information**

Where a member of staff needs to use the University telephone system, for example to make an appointment to a doctor which due to opening hours cannot be arranged outside of work, the supervisor/manager should be consulted.

**Application process**

Staff requesting Special Leave for unplanned or urgent domestic, personal and family reason should apply through their Head of School/Department or designated nominee as soon as is reasonably possible. The staff member must state the reason for the absence and how long they are expected to be away from work.

It is unlikely that staff would need to take the full entitlement in a given period as they will be required to make speedy arrangements so that they can resume work as soon as possible. However, each situation should be dealt with individually.

Contact between the employee and Head of School/Department or designated nominee during the period should be agreed at the first point of contact. In most cases the contact will be on a daily basis.

Staff requesting time off to attend a personal health and welfare appointment should do so via their supervisor/manager as soon as the appointment date is known.

The Head of School/Department or designated nominee should notify any unpaid Special Leave to the Taxation and Payroll office.

**For further information**

Contact your [Human Resources Adviser or Assistant](mailto:).
Maternity Leave Policy

Applicable to employee’s whose EWC is on or after 3 April 2011

Introduction
All employees who become pregnant will have an entitlement to maternity leave. Care should be taken to distinguish maternity leave from the potential entitlement to pay during the maternity leave period. In addition to this there are differences between benefits prescribed by law (statutory) and those provided for under the Enhanced University Maternity Pay Policy.

The University of Nottingham also has a number of other relevant policies, which the employee may wish to refer to. These are: Special Leave for Unplanned and Urgent Domestic, Personal and Family Reasons, Adoption Leave, Parental Support, Long Term Carers Leave, Career Break, Job Share and Flexible Working Arrangements.

The Flexible Working Arrangements Policy is available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking
All other policies are available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport
The respective forms are available from the following web link: http://www.nottingham.ac.uk/hr/forms/index.aspx

All employees who become pregnant may wish to contact Human Resources to arrange for a meeting with one of the Assistant Human Resources Advisers, who can talk through all the process, benefits and the important dates to remember during the maternity period.

Eligibility for maternity leave
All employees irrespective of service, will be entitled to 52 weeks’ unpaid maternity leave. Maternity leave is made up of 26 weeks’ ordinary maternity leave (OML) and 26 weeks’ additional maternity leave (AML). AML follows immediately on from OML and there can be no gap between the two. How much of this maternity leave will be paid, if any, will depend on the salary and length of service the employee has with the University. A period of compulsory maternity leave applies for the two weeks after giving birth, meaning an employee may not return to work within that period. The maternity leave period cannot be broken by any other manner of leave and must be a continuous period.

Eligibility for maternity pay
Depending on the employee’s length of service one of the following 3 options is likely to apply, providing the employee gives the correct notification and evidence to the University.

1) Statutory Maternity Pay
If an employee has 26 weeks continuous service with the University by the end of the qualifying week (QW), which is the 15th week before the expected week of childbirth (EWC), and earns above the Lower Earnings Limit for National Insurance Contributions then she may be entitled to:

- 39 weeks Statutory Maternity Pay (SMP). This is made up of:
  - 6 weeks on the ‘higher rate’ of SMP which is 9/10ths of her average weekly earnings, followed by;
- 33 weeks on the ‘lower rate’ of SMP which is the lesser of standard rate of SMP (which normally increases every year) or 90% of average earnings

The SMP period can then be followed by up to 13 weeks’ unpaid leave.

2) Maternity Allowance
If an employee is not entitled to SMP but meets qualifying conditions based on recent employment and earnings records it may be possible to claim from the Job Centre Plus Office up to:

- **39 weeks Maternity Allowance (MA)**

The MA period can then be followed by up to 13 weeks’ unpaid leave. In such cases the University will provide the employee with an SMP1 form which should be taken by the employee to Jobcentre Plus. The form explains why they do not qualify for SMP.

3) Enhanced University Maternity Pay
If an employee has a contract of employment, full time or part time, on terms and conditions in excess of the statutory, has a minimum of 52 weeks continuous service with the University, up to and including the EWC and has given notice of their intention to return to work, she may be entitled to:

- **8 weeks’ leave on full pay** (inclusive of any SMP)
- **16 weeks’ leave on half pay plus SMP** (not exceeding full pay)
- **15 weeks’ leave** on SMP at the appropriate rate
- **up to 13 weeks’ unpaid leave**

In any event, no combination of payments should exceed full pay. All maternity benefits are classed as earnings and are therefore subject to deductions for tax and National Insurance Contributions.

**Eligibility in other cases**
In the event of a stillbirth after the start of the 16th week before the expected week of childbirth, the employee shall be entitled to maternity leave as if the birth was live.

**Entitlement to time off for antenatal care**
All pregnant employees have the right to paid time off to attend antenatal care, which may include relaxation and parent craft classes (on the advice of a healthcare professional) as well as medical examinations related to the pregnancy regardless of the employee’s length of service. The employee should provide if requested, after the first appointment, evidence of appointments to their Head of Department or School (or appropriate manager).

**Commencement of maternity leave**
The employee may commence maternity leave at any time from the 11th week before the EWC, up to the day of the birth provided the required notice is given (please see below). The only exceptions to this are:
• If the employee has a sickness absence due to a pregnancy-related illness, within four weeks of the EWC, then maternity leave and payments (if eligible) will start automatically on the first day after the absence.

• If childbirth occurs before the date notified by the employee (or before any notification has been given) then maternity leave and pay where applicable starts automatically on the day after the date of childbirth. In such cases the employee should advise the University as soon as reasonably practicable. If she gives birth prematurely before or during the qualifying week, then she should also provide a MAT B2 certificate.

The employee may change her mind about when she wants to start her leave providing she gives either

a) in the case of delaying a start date 28 days written notice before the date previously notified or

b) in the case of bringing the start date forward 28 days written notice before the new start date

Notification process for commencement of maternity leave

Following confirmation of the pregnancy the employee should advise their manager as soon as possible for health and safety reasons and to help with school/departmental planning. The employee can make arrangements to meet the Assistant Human Resources Adviser at any time if they wish and in any case the employee should submit to Human Resources as early as possible but no later than the 15th week before the expected week of childbirth (unless this is not reasonably practicable):

a) a MAT B1 certificate confirming the expected week of childbirth and;

b) a University Application for Maternity Leave form, notifying when the baby is due and the date of commencement of maternity leave. This form can be found at: http://www.nottingham.ac.uk/hr/forms/index.aspx

The University, within 28 days of receiving the notification regarding maternity leave, will write confirming maternity entitlements, and the date by which the employee is expected to return to work. Human Resources will then advise the manager of the maternity dates. If the employee changes their mind about when the maternity leave is to start, 28 days written notice should be given (see above).

Contact during maternity leave

During the maternity leave period the University may make reasonable contact with an employee and vice versa. This could be to discuss a range of issues, such as plans for returning to work, or to keep the employee informed of important developments. Shortly before the employee goes on maternity leave the manager should discuss arrangements for keeping in touch during the maternity leave period should the employee wish to do so. This should also include a discussion about “Keeping in Touch Days”.

“Keeping in Touch Days”

An employee may, by agreement with the University, undertake up to ten days’ paid work – known as “Keeping in Touch Days” (KIT) - under their contract of employment during the maternity leave period. Such days are different to the reasonable contact that employees and the University may make with one another, and can help to make it easier for the employee when returning to work. There is no obligation for the employee to attend KIT days or for the University to offer such work. The employee is entitled to turn down the opportunity of working
such a day without suffering any consequences as a result. The first KIT day cannot take place within two weeks of the birth of the child.

The type of work that an employee undertakes could be a training activity, attending team away days or meetings and is subject to agreement between the manager and the employee. If the employee does any such work during agreed KIT days she should receive her normal contractual pay for the hours worked. The University reserves the right to count the amount of any maternity pay that may be received during a KIT day towards the normal contractual pay.

If the employee receives payment for a KIT day whilst in receipt of any form of maternity pay please be aware the payment will be pensionable. Where the employee is in a period of no pay any payment for KIT days will not be pensionable.

**Return to work (including employee notification required)**

An employee may not return to work within two weeks of the birth of her child and no notice to return to work is required if the employee returns on the first working day after 52 weeks’ maternity leave. Otherwise an employee may exercise the right to return to work at any time within her maternity leave period (either paid or unpaid, or during OML or AML) subject to giving 8 weeks’ written notice, directly to Human Resources, of the date on which the employee wants to return. If an employee returns to work during a period of paid maternity leave they forfeit the right to any further maternity pay. Unless otherwise notified by an employee, the University will work on the basis of the employee returning on the first working day following AML i.e. 52 weeks (one year) from the start of maternity leave. If an employee does not give the required notice to return early, then the University can postpone the return date to secure 8 weeks’ notice. This postponement can be to a date no later than the end of 52 weeks’ maternity leave.

Employees choosing to return to work at the end of OML have the right to return to the position they occupied before their maternity leave began. An employee who takes AML is also entitled to return to the position they occupied before their leave began unless there is a reason why it is not reasonably practicable for her to return to her old job, in which case the employee will be offered a similar job on terms and conditions which are not less favourable than the old job.

For babies born on or after 3 April 2011 please note that fathers/partners/civil partners will be able to take between 2 and 26 weeks of additional paternity leave once the mother has returned to work subject to her not exhausting her full statutory maternity leave and other eligibility criteria. For further details, please see the Parental Support Policy which is available from the web link:

http://www.nottingham.ac.uk/hr/guidesandsupport/maternityparentalsupportandadoption/parental/index.aspx

**Continuity of employment and other contractual entitlements**

Where an employee returns to work, the period of maternity leave will form part of their continuous employment with the University. In connection with this the University has agreed:

- Pension rights and contributions will be dealt with in accordance with the provisions of the appropriate Superannuation Scheme. Please see the pension section for further details.
- The employee will be entitled to consideration in respect of Activity/Performance Review (R&T, APM and TS staff). Further guidance is available from the following web link http://www.nottingham.ac.uk/hr/guidesandsupport/performanceatwork/apr/aprprocess.aspx
  Employees in the Operations and Facilities Family should see their manager.
Any increases to pay that the employee is awarded during her maternity leave period will be paid either during the maternity leave period itself wherever possible, or in arrears on return from maternity leave.

During the period of OML and AML the contract of employment continues, and the employee is entitled to receive all contractual benefits, other than remuneration. This means that non-cash benefits that are in existence prior to the maternity leave (such as those provided through a salary sacrifice scheme for child care vouchers, gym membership and staff cycle schemes) can be continued throughout both OML and AML. Employees should read the section regarding annual leave and pension to ensure any implications for their pension benefits and membership are understood.

Requests for flexible working arrangements (including part-time working)

Employees have the right, under certain circumstances, to request flexible working for which there are guidelines and an application form available on the Human Resources website at the following web link:

http://www.nottingham.ac.uk/hr/forms/index.aspx

If a request is made under this right to change the contractual working hours and/or pattern of work, then the School or Department will always consider such a request carefully. If such a request is turned down, the manager must objectively justify why e.g. explain why a job has to be done on a full time basis by one individual, as opposed to two people doing it on a part time basis. Employees should submit any request as far in advance as possible to allow adequate time for the request to be fully considered and where appropriate for the necessary arrangements to be put in place.

Staff not returning to work

Staff who decide not to return to work during or following a period of maternity leave must give the University written notice in accordance with their contract of employment. If an employee leaves the employment of the University for any reason before the date she has notified as the date she wants her maternity leave to start, or before she has notified a date, she loses the right to maternity leave, but she may still be eligible for SMP if she is employed after the 15th week before the expected week of childbirth. An employee who qualifies for enhanced University maternity pay but decides to resign prior to maternity leave being taken will not receive any enhanced University maternity pay beyond statutory maternity pay.

The contract of employment continues throughout the Maternity Leave, unless either:
(a) the employer expressly ends it, in which case the employee is entitled to receive whatever period of notice the contract provides for if her employment is terminated (an employee who is pregnant or on maternity leave is protected from dismissal which is wholly or partly related to the pregnancy or maternity leave);
(b) the employee expressly ends it, by resigning;
(c) it expires (e.g. ending of a fixed term contract), in which case, she is entitled to be given reasonable notice of the ending of her contract in accordance with the University policy on the ending of fixed term contracts. She is also entitled to any other relevant contractual pay including statutory redundancy pay where applicable if she is made redundant.

In such cases the right to return to the former job under the University’s Maternity Leave Policy will have been overtaken by the expiry of the contract and will cease to be applicable. All payments under the University’s Maternity Leave Policy will cease upon expiry of the contract. If, however, the employment is continued on an alternative contract, University maternity benefits will continue on the basis of that new contract. This paragraph is without prejudice to the individual’s right to receive SMP where applicable. In cases where a fixed term contract has come to an end or in a redundancy scenario, the University will not seek to recover payments made prior to the expiry of that contract under the University’s Maternity Leave Policy.
Failure to return to work after receiving enhanced University maternity pay

Employees are advised that the University reserves the right to reclaim the non-statutory element of maternity pay, if the member of staff fails to return to work and to continue in employment for at least 3 months following each period of maternity leave.

Therefore if an employee is unable to return to work after one period of maternity leave due to another pregnancy but still intends to return to work after the subsequent pregnancy, for the employee to both continue to benefit from any occupational maternity pay and not repay the non statutory element of maternity pay they must agree to return to work for a longer period of time than 3 months i.e 3 further months for each consecutive maternity leave.

Employees will be required to give a signed undertaking to make the appropriate repayment to the University should they be unable to fulfil these requirements. Please note that this repayment requirement will apply to staff who opt to take a career break immediately following maternity leave. It will not apply to those who opt to take parental leave or long term carers leave immediately following maternity leave, providing the employee returns to work for a 3 month period following the parental or long term carers leave.

Entitlement to sick pay

If an employee cannot return to work at the end of maternity leave because of illness, they should follow the normal sickness notification procedures and it shall be dealt with under the University Sick Pay Scheme and will count against the normal entitlement to paid sick leave. The same rules apply if an employee is absent from work because of illness during pregnancy, however the only exception to this is if the employee has a sickness absence due to a pregnancy-related illness, within four weeks of the EWC, then maternity leave and payments (if eligible) will start automatically on the first day after the absence.

Pension

During any period of paid maternity leave (whether this is OML or AML) the University pension contribution will be calculated as though the employee was working normally and receiving their normal salary. Therefore employee contributions continue throughout this period of paid maternity leave based on what is earned. This means that there is no suspension of membership during this time meaning all benefits where applicable, such as death in service and ill health retirement, continue based on the pensionable salary they would have been paid but for their absence.

It may be possible for employees (subject to scheme rules allowing for this) to continue to make payments to the scheme during the unpaid period. Employee’s should indicate this on their application for maternity leave. Human Resources will be responsible for informing the University Pensions Administrator, who will liaise directly with the employee regarding any options available. Where an employee elects to do this the University will pay the missing normal employer contributions for this period. There is a limited time period for this option to be exercised and for the relevant payments to be made which should be discussed with the University Pensions Administrator.

Employees should contact the University Pensions Administrator to discuss the options available during any unpaid period of maternity leave to ensure that any implications for their pension membership and benefits are understood. Staff can also contact the relevant pension scheme helpline direct, details of which can be found on: http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html
Annual Leave

- Annual leave entitlement, as defined in the contract (which incorporates any entitlement to statutory annual leave and shall not be below this minimum level of entitlement), accrues during the entire maternity leave period i.e. OML (the first 26 weeks) and AML (up to the following 26 weeks).

- An employee should ensure that annual leave accrued before and during a maternity leave period is taken within the appropriate leave year.

- Accrued annual leave may be taken immediately prior to, or immediately following maternity leave. If this option is exercised then normal notice requirements of taking annual leave should be observed.

- Where applicable and in accordance with the contract of employment, the carry forward rule may be applied.

Health and Safety

The University acknowledges the importance of protecting from avoidable risks, pregnant or breastfeeding employees, as well as the unborn child.

In accordance with the University's legal obligations the manager (or the most appropriate person in the School or Department) will carry out an assessment of the risks to all pregnant employees, new mothers and breastfeeding mothers who work for the University. It is therefore helpful for employees to inform their manager as soon as possible of the pregnancy, or if breast feeding or if childbirth was within the last 6 months.

In the event of the employee being employed on work which could involve a risk to the health and safety of a breastfeeding or expectant mother, or to that of her unborn baby, arrangements will be made to protect both the mother and the child, having regard to statutory health and safety provisions that may at the time apply. This may mean that working conditions (including the working hours and pattern of work) are altered or that another more suitable job for the duration of the pregnancy is offered. If neither of these options is possible the University is obliged to suspend the employee on full pay until they are no longer at risk.

To ensure the safety of the unborn child, staff working in radioisotope laboratories or with controlled biological and chemical materials are strongly advised they should notify their Department or School Safety Officer of their pregnancy as soon as their condition has been confirmed.

If you have any concerns about your health & safety at any time you should speak to your manager immediately or contact the University Safety Office. For further information, "The New and Expectant Mothers at Work Policy" (P2/99A) is available from the Safety Office or at: https://www.nottingham.ac.uk/safety/publications/circulars/pregnant.html

For further information

Please refer to flowcharts and frequently asked questions available from the following web links:

http://www.nottingham.ac.uk/hr/guidesandsupport/maternityparentalsupportandadoption/maternity/index.aspx

or feel free to contact your Assistant Human Resources Adviser or Adviser.

Human Resources Department

Updated December 2010
Adoption Leave Policy

Applicable for placement on or after 3 April 2011

Introduction

As part of its commitment to Equal Opportunities the University introduced an Adoption Leave Policy in 2000, which has been revised in line with the changes in legislation introduced since then. Care should be taken to distinguish adoption leave from the potential entitlement to pay during the period covered by this policy. In addition to this there are differences between benefits prescribed by law (statutory) and those provided for under the University Enhanced Adoption Pay Policy.

The University of Nottingham also has a number of other relevant policies, which the employee may wish to refer to. These are: Special Leave for Unplanned and Urgent Domestic, Personal and Family Reasons, Parental Support, Maternity Leave, Long Term Carers Leave, Career Break, Job Share and Flexible Working Arrangements.

The Flexible Working Arrangements Policy is available from the following web link:
http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx
All other policies are available from the following web link:
http://www.nottingham.ac.uk/hr/guidesandsupport
The respective forms are available from the following web link:
http://www.nottingham.ac.uk/hr/forms/index.aspx

Employees who are adopting may wish to contact Human Resources to arrange for a meeting with one of the Assistant Human Resources Adviser, who can talk through all the process, benefits and the important dates to remember during the adoption period.

An employee, who will be the main carer for the adopted child(ren)\(^1\) may apply for the benefits available within this policy. Adoption provisions will not be granted to two University employees in respect of the same adoption. If an employee is not the main carer for the adopted child they may qualify for time off with or without pay under the Parental Support Policy. Special Guardians, where the court has made a special guardianship order (SGO) are not entitled to adoption leave but may be eligible for parental leave.

Eligibility for adoption leave

To qualify for adoption leave, an employee must:

- be newly\(^2\) matched with a child for adoption by an adoption agency;
- be contracted to work full or part time and have been continuously employed in the University for a minimum period of **26 weeks** ending with the week in which they are notified of being matched with a child for adoption. The week in question starts on a Sunday and ends on a Saturday;
- notify the agency to confirm agreement with the placement;
- give the correct notification and evidence to the University.

Eligible employees who are adopting are entitled to 52 weeks’ adoption leave. This is made up of 26 weeks’ Ordinary Adoption Leave (OAL) and 26 weeks’ Additional Adoption Leave (AAL).

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\(^1\) Please note any future reference to child may also mean children

\(^2\) Adoption leave is not available to step parents who adopt their partners child, nor to foster parents who have previously fostered the child they adopt.
AAL follows immediately on from OAL and there can be no gap between the two. The adoption leave period cannot be broken by any other manner of leave and must be a continuous period.

Eligibility for adoption pay

1) Statutory Adoption Pay (SAP)

An employee who is adopting a child and who:

- has been continuously employed in the University’s service for a minimum of 26 weeks before the week the adopter is notified of having been matched with a child for adoption
- continues to work up to the date of placement* for adoption
- earns above the Lower Earnings Limit for National Insurance Contributions

may be entitled to Statutory Adoption Pay (SAP) of up to 39 weeks. Employees should refer to their Assistant Human Resources Adviser. SAP is the lesser of a flat rate (which normally increases every year) or 90% of average weekly earnings.

* Placement is when the child goes to live with the adopter(s) with a view to being adopted by them in future.

2) Enhanced University Adoption Pay

If an employee contracted to work full or part time on terms & conditions in excess of the statutory requirements has a minimum of 52 weeks continuous service with the University, ending with the week in which they are notified of being matched with a child for adoption and has given notice of their intention to return to work, they may be entitled to:

- 8 weeks’ leave on full pay (inclusive of any SAP) from the date on which the child is placed with a view to adoption followed by;
- 16 weeks’ leave on half pay plus SAP (not exceeding full pay)
- 15 weeks’ leave on SAP at the appropriate rate
- up to 13 weeks’ unpaid leave

In any event, no combination of payments should exceed full pay. All adoption benefits are classed as earnings and are therefore subject to deductions for tax and National Insurance Contributions.

3) No pay

Employees contracted to work full time or part time, who have been continuously employed in the University’s service for less than 26 weeks ending with the week in which they are notified of being matched with a child for adoption, qualify for unpaid adoption leave of up to 26 weeks.

Disrupted Placement

If after an employee has begun adoption leave:

- the expected placement did not occur
- the newly adopted child dies
- the child is returned to the adoption agency

the employee's adoption leave period ends 8 weeks after the start of the OAL period (if the placement did not occur), or 8 weeks from the end of the week in which death occurred or the child was returned to the agency (if the placement took place and disruption occurred later).
**Entitlement to time off for pre-adoption meetings**
All employees who intend to adopt a child, will be required to attend pre-adoption interviews and meetings, and may be requested to visit the child prior to adoption placement. It is expected that arrangements will be made for these meetings to take place outside their normal working hours wherever possible. Where this cannot be arranged, time off with pay will be granted for a maximum of up to three interviews and up to three visits in any twelve-month period.

**Adoption hearing**
Employees required to attend an adoption hearing at court, usually one or two years after the placement, should request time off and will be entitled to reasonable paid time off to attend. Employees should be prepared to provide, if requested by their manager, a letter from the court confirming the date(s) of the adoption hearing.

**Commencement of Adoption Leave**
An employee can choose to start their adoption leave and pay on any predetermined date:

- from the date of the child’s placement (whether this is earlier or later than expected), or;
- a fixed date which can be up to 14 days before the expected date of placement;
- in the case of overseas adoption for a child entering Great Britain adoption leave cannot begin before the child enters Great Britain and the latest it can begin is 28 days after the child entered Great Britain.

**Notification process for commencement of adoption leave**
An employee should notify their Head of School or Department or designated nominee of their intention to seek leave under this policy at an early stage. Employees are asked to give as much notice as is reasonably practical of the date on which the child is to be placed with them.

The employee should notify the Head of School or Department of when they want to take their adoption leave within 7 days of having been notified by the adoption agency of being matched with a child for adoption or, if this is not reasonably practicable, as soon as is reasonably practicable.

In the case of overseas adoption employees should notify the Head of School or Department within 28 days of receiving an official notification from the relevant domestic authority, advising the date on which the official notification was received. Employees should state the date the child is expected to enter Great Britain. Once the child enters Great Britain, employee’s should give at least 28 days’ advance notice of the date adoption leave is to start, as well as evidence (e.g. a plane ticket) confirming the child’s arrival.

The employee should then complete the application form (Adopt/2007) which is available on [http://www.nottingham.ac.uk/hr/forms/index.aspx](http://www.nottingham.ac.uk/hr/forms/index.aspx) or from their Head of School or Department, sending it to Human Resources, along with the letter from the adoption agency confirming their acceptance of the adoption placement (matching certificate).

Should an employee change their mind about the date on which they want their adoption leave to start, they should give their Head of School or Department at least 28 days’ written notice of the new date or, if this is not reasonably practicable, as soon as is reasonably practicable.

**Contact During Adoption Leave**
During the adoption leave period the University may make reasonable contact with an employee and vice versa. This could be to discuss a range of issues, such as plans for
returning to work, or to keep the employee informed of important developments. Shortly before the employee goes on adoption leave the manager should discuss arrangements for keeping in touch during the adoption leave period should the employee wish to do so. This should also include a discussion about “Keeping in Touch Days”.

“Keeping in Touch Days”

An employee may, by agreement with the University, undertake up to ten days’ paid work – known as “Keeping in Touch Days” (KIT) - under their contract of employment during the adoption leave period. Such days are different to the reasonable contact that employees and the University may make with one another, and can help to make it easier for the employee when returning to work. There is no obligation for the employee to attend KIT days or for the University to offer such work. The employee is entitled to turn down the opportunity of working such a day without suffering any consequences as a result.

The type of work that an employee undertakes could be a training activity, attending team away days or meetings and is subject to agreement between the manager and the employee. If the employee does any such work during agreed KIT days she should receive her normal contractual pay for the hours worked. The University reserves the right to count the amount of any adoption pay that may be received during a KIT day towards the normal contractual pay.

If the employee receives payment for a KIT day whilst in receipt of any form of adoption pay please be aware the payment will be pensionable. Where the employee is in a period of no pay any payment for KIT days will not be pensionable.

Return to work (including employee notification required)

No notice to return to work is required if the employee returns on the first working day after 52 weeks’ adoption leave. Otherwise an employee may exercise the right to return to work at any time within their adoption leave period (either paid or unpaid, or during OAL or AAL) subject to giving 8 weeks’ written notice, directly to Human Resources, of the date on which the employee wants to return. If an employee returns to work during a period of paid adoption leave they forfeit the right to any further adoption pay. Unless otherwise notified by an employee, the University will work on the basis of the employee returning on the first working day following AAL i.e. 52 weeks (one year) from the start of adoption leave. If the employee does not give the required notice then the University can postpone the return date to secure 8 weeks’ notice. This postponement can be to a date no later than the end of 52 weeks’ adoption leave.

Employees choosing to return to work at the end of OAL have the right to return to the position they occupied before their leave began. An employee who takes AAL is also entitled to return to the position they occupied before their leave began. However, if that is not reasonably practicable, then they are entitled to another position that is suitable and appropriate for the employee in the circumstances.

For children matched for adoption on or after 3 April 2011 please note that fathers/partners/civil partners will be able to take between 2 and 26 weeks of additional paternity leave once the main adopter has returned to work subject to them not exhausting their full statutory adoption leave and other eligibility criteria. For further details, please see the Parental Support Policy which is available from the web link:

https://www.nottingham.ac.uk/staff-handbook/section-3/parental-support-policy.php

Continuity of employment during adoption leave and other contractual entitlements

Where an employee returns to work, the period of adoption leave will form part of their continuous employment with the University. In connection with this the University has agreed:

- Pension rights and contributions will be dealt with in accordance with the provisions of the appropriate Superannuation Scheme. Please see the pension section below for further details.
- The employee will be entitled to consideration in respect of Activity/Performance Review (R&T, APM and TS staff). Further guidance is available from the following web link http://www.nottingham.ac.uk/hr/guidesandsupport/performanceatwork/apr/aprprocess.aspx. Employees in the Operations and Facilities Family should see their manager.

- Any increases to pay that the employee is awarded during an adoption leave period will be paid either, during the adoption leave period itself wherever possible, or in arrears on return from adoption leave.

During the period of OAL and AAL the contract of employment continues, and the employee is entitled to receive all contractual benefits, other than remuneration. This means that non-cash benefits that are in existence prior to the adoption leave (such as those provided through a salary sacrifice scheme for child care vouchers, gym membership and staff cycle schemes) can be continued throughout both OAL and AAL. Employees should read the section regarding annual leave and pension to ensure any implications for pension benefits and membership are understood.

**Requests for flexible working arrangements (including part-time working)**

Employees have the right, under certain circumstances, to request flexible working for which there are guidelines and an application form available on the Human Resources website at the following web link;

http://www.nottingham.ac.uk/hr/forms/index.aspx

If a request is made under this right to change the contractual working hours and /or pattern of work, then the School or Department will always consider such a request carefully. If such a request is turned down, the manager must objectively justify why e.g. explain why a job has to be done on a full time basis by one individual, as opposed to two people doing it on a part time basis. Employees should submit any request as far in advance as possible to allow adequate time for the request to be fully considered and where appropriate put the necessary arrangements in place.

**Staff not returning to work**

Staff who decide not to return to work following a period of adoption leave must give the University written notice in accordance with their contract of employment. If an employee leaves the employment of the University for any reason, before the date notified as the start date of adoption leave they lose the right to adoption leave, but will still be eligible for SAP if they qualify for SAP. An employee who qualifies for enhanced University adoption pay but decides to resign prior to adoption leave being taken will not receive any enhanced University adoption pay beyond statutory adoption pay.

The contract of employment continues throughout the adoption leave, unless either:

(d) the employer expressly ends it, in which case the employee is entitled to receive whatever period of notice the contract provides for if employment is terminated;

(e) the employee expressly ends it, by resigning;

(f) it expires (e.g. ending of a fixed term contract), in which case, the employee is entitled to be given reasonable notice of the ending of the contract in accordance with the University policy on the ending of fixed term contracts. The employee is also entitled to any other relevant contractual pay including statutory redundancy pay where applicable if made redundant.

In such cases the right to return to the former job under the University’s Adoption Leave Policy will have been overtaken by the expiry of the contract and will cease to be applicable. All payments under the University’s Adoption Leave Policy will cease upon expiry of the contract. If, however, the employment is continued on an alternative contract, University adoption benefits will continue on the basis of that new contract. This paragraph is without prejudice to the individual’s right to receive SAP where applicable. In cases where a fixed term contract has
come to an end or in a redundancy scenario, the University will not seek to recover payments made prior to the expiry of that contract under the University’s Adoption Leave Policy.

**Failure to return to work after receiving enhanced University adoption pay**

Employees are advised that the University reserves the right to reclaim the element of pay in excess of statutory benefits received under the Adoption Leave Policy if the member of staff fails to return to work for at least 3 months following adoption leave. Employees will be required to give a signed undertaking to make the appropriate repayment to the University should they be unable to fulfil this requirement. This repayment requirement will apply to staff who have been granted a career break immediately following adoption leave. It will not apply to those who opt to take parental leave or long term carers leave immediately following adoption leave, providing the employee returns to work for a 3 month period following the parental or long term carers leave.

**Entitlement to sick pay**

If an employee cannot return to work at the end of adoption leave because of illness, they should follow the normal sickness notification procedures and it shall be dealt with under the University Sick Pay Scheme and will count against the normal entitlement to paid sick leave.

**Pension**

During any period of paid adoption leave (whether this is OAL or AAL) the University pension contribution will be calculated as though the employee was working normally and receiving their normal salary. Therefore employee contributions continue throughout this period of paid adoption leave based on what is earned. This means that there is no suspension of membership during this time meaning all benefits where applicable, such as death in service and ill health retirement, continue based on the pensionable salary they would have been paid but for their absence.

*It may be possible for employees (subject to scheme rules allowing for this) to continue to make payments to the scheme during the unpaid period.* Employee’s should indicate this on their application for adoption leave. Human Resources will be responsible for informing the University Pensions Administrator, who will liaise directly with the employee regarding any options available. Where an employee elects to do this the University will pay the missing normal employer contributions for this period. There is a limited time period for this option to be exercised and for the relevant payments to be made which should be discussed with the University Pensions Administrator.

Employees should contact the University Pensions Administrator to discuss the options available during any unpaid period of adoption leave to ensure that any implications for their pension membership and benefits are understood. Staff can also contact the relevant pension scheme helpline direct, details of which can be found on: http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html

**Annual Leave**

- Annual leave entitlement, as defined in the contract (which incorporates any entitlement to statutory annual leave and shall not be below this minimum level of entitlement), accrues during the entire adoption leave period i.e. the OAL period and AAL period.

- An employee should ensure that annual leave accrued before and during an adoption leave period is taken within the appropriate leave year.

- Accrued annual leave may be taken immediately prior to, or immediately following adoption leave. If this option is exercised then normal notice requirements of taking annual leave should be observed.
• Where applicable and in accordance with the contract of employment, the carry forward rule may be applied.

For further information

Contact your Assistant Human Resources Adviser or Human Resources Adviser.

Human Resources Department

Updated December 2010
Parental Support Policy
Applicable for those with babies born on or after 3 April 2011 or for children matched for adoption on or after 3 April 2011

Introduction
The University recognises the needs of staff to balance their work commitments with that of family and parental responsibilities. As part of the University's commitment to Equal Opportunities and to help bring about this work-life balance, it has introduced the Parental Support Policy, incorporating the previous Paternity and Parental Leave Policies.

Please contact your Assistant HR Adviser if you require further information regarding this policy.

Paternity Leave supports a father/partner/civil partner to be present at the birth of the child, and/or to support the mother and care of the child. Paternity leave may also be granted to one member of a jointly adopting couple (who has chosen not to take statutory adoption leave or pay during the first 26 weeks of adoption leave), or the partner (regardless of the sex of either of the couple) of an individual adopting a child on their own, to support the adopter and/or to care for the child.

Additional Paternity Leave (APL) allows fathers/partners/civil partners to play a greater role in the first year of a child’s life and gives greater flexibility to determine how families care for their children. This is in addition to the 2 weeks ordinary paternity leave (OPL) mentioned above. Additional Paternity Leave may also be granted to the spouse or partner (of either sex) of the adopting partner (i.e. the other member of a jointly adopting couple and the person who has chosen not to take statutory adoption leave or pay during the first 26 weeks of adoption leave), or the partner (regardless of the sex of either of the couple) of an individual adopting a child on their own, to support the adopter and/or to care for the child.

Parental Leave is an entitlement allowing employees who have or expect to have the responsibility for a child (subject to eligibility) to take parental leave to look after their child and/or make arrangements for their welfare.

The University of Nottingham also has a number of other relevant policies, which the employee may wish to refer to. These are: Special Leave for Unplanned and Urgent Domestic, Personal and Family Reasons, Adoption Leave, Maternity Leave, Career Break, Job Share and Flexible Working Arrangements.

The Flexible Working Arrangements Policy is available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx
All other policies are available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport/index.aspx
The respective forms are available from the following web link: http://www.nottingham.ac.uk/hr/forms/index.aspx

PATERNITY LEAVE
Employees subject to the eligibility criteria detailed below may be entitled to 2 weeks’ Statutory Paternity Pay (SPP) or one weeks’ enhanced University paternity pay plus 1 weeks’ SPP.

Eligibility for Statutory Paternity Pay (SPP)
If the employee

- has been continuously employed in the University's service for a minimum period of either 26 weeks ending with the 15th week before the baby is due (EWC) or 26 weeks

3 Please note any future reference to child may also mean children
ending with the week in which the adopter is notified of having been matched with a child for adoption;

- continues to work up to the date of childbirth or the date of placement\(^4\) for adoption;
- has (or expects to have) main responsibility for the child’s upbringing;
- is the biological father of the child or the mother’s husband, civil partner or partner OR is married to the civil partner or partner of the child’s adopter;
- earns above the Lower Earnings Limit (LEL) for National Insurance Contributions (NIC);
- gives the correct notification and evidence to the University

then the employee will be eligible to take either one or two whole weeks’ paternity leave and should be eligible for SPP. SPP is the lesser of a flat rate (which normally increases every year) or 90% of average weekly earnings.

An employee who does not qualify for SPP may still be entitled to paternity leave providing all other eligibility criteria above are met outside of being above the LEL for NIC. Employees who do not qualify for SPP can obtain further information about any other financial support from the local Jobcentre Plus Office.

**Eligibility for Enhanced University Paternity Pay**

If an employee contracted to work full time or part time on terms & conditions in excess of the statutory requirements has been continuously employed in the University’s service for a minimum of **12 months** before the expected date of childbirth or the date of placement in the case of adoption they may be entitled to:

- **1 weeks’ leave on full pay** (inclusive of any SPP) followed by
- **1 weeks’ leave on SPP** if requested

subject to the eligibility criteria noted above (excluding the minimum earnings criteria regarding LEL for NIC)

In any event, no combination of payments should exceed full pay. All paternity benefits are classed as earnings and are therefore subject to deductions for tax and National Insurance Contributions.

**Eligibility in other cases**

In the event of a stillbirth after the start of the 16\(^{th}\) week before the expected week of childbirth, the employee shall be entitled to paternity leave as if the birth was live.

**Eligibility for Additional Paternity Leave (APL)**

Providing the father/partner/civil partner is eligible to take normal statutory paternity leave the employee should be able to take APL, as long as the mother/partner/adopter has returned to work without exhausting their full statutory maternity or adoption leave entitlement.

To be eligible for APL an employee must:

- have been continuously employed in the University’s service for a minimum period of either **26 weeks** ending with the relevant week which is the week immediately preceding the 15\(^{th}\) week before the baby is due (EWC) or 26 weeks ending with the week in which the adopter is notified of having been matched with a child for adoption;
- continues to work up to the date of childbirth or the date of placement\(^5\) for adoption;
- has (or expects to have) main responsibility for the child’s upbringing;

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\(^4\) Placement is when the child goes to live with the adopter(s) with a view to being adopted by them in future
\(^5\) Placement is when the child goes to live with the adopter(s) with a view to being adopted by them in future
• is the biological father of the child or the mother’s husband, civil partner or partner OR is married to the civil partner or partner of the child’s adopter;

The mother/adopter and the father/partner cannot take maternity leave and additional paternity leave at the same time. APL must be taken in a single continuous block in multiples of complete weeks. The minimum period is two weeks and the maximum is 26 weeks. Parents may have a gap between maternity leave ending and APL starting. The earliest that leave may commence is 20 weeks after the child is born/ or 20 weeks from the date of placement for adoption. APL must be taken before the child’s first birthday, or 52 weeks after the child’s placement for adoption. The exception to the start date, being that if the mother/adopter dies during the first year of the child’s life leave can be taken earlier and it may last up to 52 weeks ending no later than the child’s first birthday or 52 weeks beginning with the child’s placement for adoption.

**Statutory Paternity Pay during APL**

For an employee to be able to receive additional statutory paternity pay (ASPP) the mother/partner/adopter must have been entitled to maternity allowance, SMP or statutory adoption pay and must have returned to work. The rate of pay will be the same as statutory paternity pay (i.e. the lesser of the prescribed rate or 90% of the father’s normal weekly earnings). The mother/partner/adopter and father/partner will, together, be entitled to statutory maternity pay (SMP)/statutory paternity pay(SPP) for 39 weeks. Therefore the APL can be made up of

- Up to 13 weeks paid additional paternity leave
- Up to 13 weeks unpaid additional paternity leave

The number of weeks for which ASPP is payable will depend on the number of weeks the mother/partner/adopter had left of her 39 week entitlement.

**Application process for Ordinary Paternity Leave**

An employee should initially discuss the request for paternity leave with the Head of School/Department or designated nominee, as far in advance as is reasonably practical. In the case of childbirth this should be no later than the end of the fifteenth week before the baby is expected, unless this is not reasonably practicable, but in any case no later than 28 days prior to when the paternity leave should start. The employee should detail the week the baby is due, when they wish the leave to start and whether 1 or 2 weeks leave is requested.

In the case of adoption the employee should notify the University of at least 28 days before the date the paternity leave should begin, or as soon as reasonably practicable. This should ideally be no more than 7 days after the adopter is notified that they have been matched with a child or if the child is from overseas within 28 days of receiving official notification of placement of the adopted child. The employee should detail the date on which the child is expected to be placed for adoption, when they wish the leave to start and whether 1 or 2 weeks leave is requested.

The employee should then complete the application form available at http://www.nottingham.ac.uk/hr/forms/index.aspx or from the Head of School or Department. Once the application form has been completed and countersigned by the Head of School or Department or designated nominee, the employee should send it to Human Resources, along with evidence of their paternal responsibility when making their first application.

The Human Resources Department will, on receipt of an application for paternity leave (accompanied by the appropriate evidence), provide written confirmation that paternity leave has been granted, confirming if SPP or enhanced payments apply during the period of paternity leave and inform payroll accordingly.
**Commencement of Ordinary Paternity Leave**

Paternity leave can start on any day of the week on or following the child’s birth (whether this is earlier or later than expected) but must be taken within 56 days of the child’s birth or the date the child is placed with the adopter. Paternity leave cannot be taken until the baby is actually born. If the child is born early leave must be taken between the birth and 56 days from the first day of the expected week of childbirth. For adoptions from overseas the earliest paternity leave can begin is the date on which the child enters Great Britain and can only be taken during the 56 days from this date.

Employees can change their mind about the date on which they want their leave to start providing they tell the University at least 28 days in advance (unless not reasonably practicable)

**Application process for Additional Paternity Leave (APL)**

An employee should initially discuss the request for paternity leave with the Head of School/Department or designated nominee, as far in advance as is reasonably practical, however an employee should give **eight weeks** written notice before taking APL. The employee should then complete the application form available at [http://www.nottingham.ac.uk/hr/forms/index.aspx](http://www.nottingham.ac.uk/hr/forms/index.aspx) stipulating when they wish the APL to start and end. In order to take APL the employee should self certify their eligibility for APL, and sign the declaration confirming eligibility for statutory paternity leave and APL. The mother/partner is also required to sign the same form to confirm various details including when they intend to return to work. The University is able to request details from the mothers/partners employer and or request the child’s birth certificate where appropriate. If the date of the APL needs to be changed then six weeks written notice should be given before the new date.

Once the application form has been completed and countersigned by the Head of School or Department or designated nominee, the employee should send it to Human Resources, along with evidence of their paternal responsibility if this has not already been submitted for any period of Ordinary Paternity Leave previously taken.

The Human Resources Department will, on receipt of an application for additional paternity leave (accompanied by the appropriate evidence), provide written confirmation that paternity leave has been granted, confirming if SPP or enhanced payments apply during the period of additional paternity leave and inform payroll accordingly.

**Continuity of employment during Ordinary Paternity Leave (OPL) and Additional Paternity Leave (APL) and Other Contractual Entitlements**

Where an employee returns to work, the period of paternity leave and APL will form part of their continuous employment with the University of Nottingham.

In connection with this the University has agreed:

- Pension rights and contributions will be dealt with in accordance with the provisions of the appropriate Superannuation Scheme. Please see the pension section for further details.
- The employee will be entitled to consideration in respect of Activity/Performance Review (R&T, APM and TS staff). Further guidance is available from the following web link [http://www.nottingham.ac.uk/hr/guidesandsupport/performanceatwork/apr/aprprocess.aspx](http://www.nottingham.ac.uk/hr/guidesandsupport/performanceatwork/apr/aprprocess.aspx). Employees in the Operations and Facilities Family should see their manager.
- Any increases to pay that the employee is awarded during the paternity leave period will be paid either during the paternity leave period itself wherever possible, or in arrears on return from paternity leave.
During the period of OPL and APL the contract of employment continues, and the employee is entitled to receive all contractual benefits, other than remuneration. This means that non-cash benefits that were in existence prior to paternity leave (such as those provided through a salary sacrifice scheme for childcare vouchers, gym membership and Staff Cycle Scheme) can be continued throughout OPL and APL. Employees should read the section regarding annual leave and pension to ensure any implications for their pension benefits and membership are understood.

**Pension**

During any period of paid paternity leave (whether this is enhanced University paternity pay or SPP) the University pension contribution will be calculated as though the employee was working normally and receiving their normal salary such that there is no suspension of membership during this time, meaning all benefits where applicable, such as death in service and ill health retirement continue based on the pensionable salary they would have been paid but for their absence. Employee contributions continue throughout this period of paid paternity leave based on what is earned.

During any period of unpaid paternity leave please see the section below regarding pension.

**Return to work at the end of paternity leave**

When an employee returns to work from paternity leave they have the right to return to the same job on the same terms and conditions as before the paternity leave began, unless there is a reason why it is not reasonably practicable for the employee to return to the old job, in which case the employee will be offered a similar job which is both suitable and appropriate for the employee in the circumstances on terms and conditions not less favourable than the old job.

**Contact during Additional Paternity Leave (APL)**

During the paternity leave period the University may make reasonable contact with an employee and vice versa. This could be to discuss a range of issues, such as plans for returning to work, or to keep the employee informed of important developments. Shortly before the employee goes on paternity leave the manager should discuss arrangements for keeping in touch during the paternity leave period should the employee wish to do so. This should also include a discussion about “Keeping in Touch Days”.

**“Keeping in Touch Days”**

An employee may, by agreement with the University, undertake up to ten days’ paid work – known as “Keeping in Touch Days” (KIT)- under their contract of employment during the additional paternity leave (APL) period. Such days are different to the reasonable contact that employees and the University may make with one another, and can help to make it easier for the employee when returning to work. There is no obligation for the employee to attend KIT days or for the University to offer such work. The employee is entitled to turn down the opportunity of working such a day without suffering any consequences as a result.

The type of work that an employee undertakes could be a training activity, attending team away days or meetings and is subject to agreement between the manager and the employee. If the employee does any such work during agreed KIT days the employee should receive the normal contractual pay for the hours worked. The University reserves the right to count the amount of any paternity pay that may be received during a KIT day towards the normal contractual pay.

If the employee receives payment for a KIT day whilst in receipt of any form of maternity pay please be aware the payment will be pensionable. Where the employee is in a period of no pay any payment for KIT days will not be pensionable.

**Return to work (including employee notification required)**

If the employee decides to return to work early then 6 weeks notice should be given, directly to Human Resources, of the date on which the employee wants to return. If an employee
returns to work during a period of paid paternity leave they forfeit the right to any further paternity pay. Unless otherwise notified by an employee, the University will work on the basis of the employee returning on the first working day following APL i.e. 26 weeks from the start of additional paternity leave. If an employee does not give the required notice to return early, then the University can postpone the return date to secure 6 weeks’ notice. This postponement can be to a date no later than the end of 26 weeks' paternity leave.
PARENTAL LEAVE

A member of staff who works full time or part time subject to the eligibility criteria, may be entitled to **up to 13 weeks’ unpaid parental leave, or up to 18 weeks’ unpaid parental leave for parents of children with disabilities** (in total, not per annum). The parental leave entitlement applies for each child.

**Eligibility for parental leave**

A member of staff who:

- has been continuously employed in the University for a minimum period of **12 months** up to the time they want to take the leave
- is either
  - the parent of a child under 5 years of age; or
  - has adopted a child and is within 5 years of placement (up to the child’s 18th birthday if that is sooner) or
  - is the parent of a disabled child under the age of 18

should qualify for the benefits of parental leave outlined above.

**When parental leave can be taken**

The parental leave (up to 13 weeks unpaid) can be taken up to the 5th birthday of each child born. The member of staff can take leave in blocks of one normal working week or more up to a maximum of 4 weeks in a year for each child. However the parents of a child with disabilities* can take leave (up to 18 weeks unpaid) up to the child’s 18th birthday and in shorter periods than a week. In cases of adopted children, the parental leave can be taken up to the 5th anniversary of the date when the placement for adoption began or the child’s 18th birthday if this is earlier.

* a child for whom a disability living allowance has been awarded

**Application process for parental leave**

All staff must initially discuss with their Head of School or Department or designated nominee the dates on which they wish to take parental leave. They must then complete an application form which is available on [http://www.nottingham.ac.uk/hr/forms/index.aspx](http://www.nottingham.ac.uk/hr/forms/index.aspx) or from their Head of School/Department. The application must specify the dates on which the parental leave is to begin and end and must normally be submitted at least 21 days prior to the date on which the leave is to begin. Employees will be asked to supply evidence of their parental responsibility when making their first application.

Once the application form has been completed and countersigned by the Head of School or Department or designated nominee, the employee should send it to Human Resources, along with evidence of their paternal responsibility when making their first application. Human Resources will confirm in writing if the parental leave has been approved and inform payroll accordingly.

The University may **postpone** a period of parental leave if it considers that the operation of the School or Department would be unduly disrupted if the employee takes leave during the notified period of time. If this is the case, Human Resources will give written notice stating the reason for the postponement no later than 7 days after the employee has applied for the parental leave. Human Resources, after consultation with the Head of School or Department or designated nominee and the member of staff, will agree a period when the parental leave can be taken no more than 6 months after the date the employee originally wanted to start his/her parental leave. The length of the leave should be equivalent to that in the employee's original request.

However if the request was to take parental leave immediately after the birth or adoption of the child, then the University cannot exercise this right of postponement. When an employee applies to take parental leave immediately after the birth of a child, then **21 days' notice**
prior to the expected date of childbirth must be given to the University. In the case of adoption, the employee needs to give 21 days' notice of the expected date of the placement.

**Return to work from parental leave**
At the end of the parental leave, providing the leave was for a period of 4 weeks or less, an employee has the right to return to the same job as before. If the leave was for a period longer than 4 weeks, the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same status and terms and conditions as the old job.

**Continuity of employment during parental leave**
Where an employee returns to work, the period of parental leave will form part of their continuous employment with the University of Nottingham. Employment continues during any period of parental leave and all employees benefit from their statutory rights during this period however some contractual rights can be suspended. Employees should read the section regarding annual leave and pension contributions to ensure any implications for pension benefits and membership are understood.

**Requests for flexible working arrangements (including part-time working)**
Employees have the right, under certain circumstances, to request flexible working for which there are guidelines and an application form available on the Human Resources website Human Resources website at the following web link;

http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx

If a request is made under this right to change the contractual working hours and/or pattern of work, then the School or Department will always consider such a request carefully. If such a request is turned down, the manager must objectively justify why e.g. explain why a job has to be done on a full time basis by one individual, as opposed to two people doing it on a part time basis. Employees should submit any request as far in advance as possible to allow adequate time for the request to be fully considered and where appropriate for the necessary arrangements to be put in place.

**Staff not returning to work from paternity or parental Leave**
Staff who decide not to return to work during or following a period of paternity or parental leave must give the University written notice in accordance with their contract of employment.

The contract of employment continues throughout the paternity leave or parental leave, unless either

(g) the employer expressly ends it, in which case the employee is entitled to receive whatever period of notice the contract provides for if employment is terminated
(h) the employee expressly ends it, by resigning;
(i) it expires (e.g. ending of a fixed term contract), in which case, the employee is entitled to be given reasonable notice of the ending of the contract in accordance with the University policy on the ending of fixed term contracts. The employee is also entitled to any other relevant contractual pay including statutory redundancy pay where applicable if made redundant.

In such cases the right to return to the former job under the University’s Paternity Leave or Parental Leave Policy will have been overtaken by the expiry of the contract and will cease to be applicable. All payments under the University’s Paternity Leave Policy will cease upon expiry of the contract. If, however, the employment is continued on an alternative contract, University Paternity benefits will continue on the basis of that new contract. This paragraph is without prejudice to the individual’s right to receive SPP where applicable.

**Pension arrangements during paternity leave and parental leave**
Pension rights and contributions will be dealt with in accordance with the provisions of the appropriate Superannuation Scheme.

During periods of unpaid paternity and parental leave, the period will not count as pensionable service and membership will be suspended. However on returning to work, the pensionable service would start again. There may be implications for benefits such as Death in Service and Ill Health Retirement during the period of unpaid leave that employees should understand prior to taking leave.

It may be possible for employees (subject to scheme rules allowing for this) to continue to make payments to the scheme during the unpaid period. Employees should indicate this on their application for paternity (if any element is unpaid) or parental leave. Human Resources will be responsible for informing the University Pensions Administrator, who will liaise directly with the employee regarding any options available. Where an employee elects to do this the University will pay the missing normal employer contributions for this period. There is a limited time period for this option to be exercised and for the relevant payments to be made which should be discussed with the University Pensions Administrator.

Employees should contact the University Pensions Administrator to discuss the options available during any unpaid period of adoption leave to ensure that any implications for their pension membership and benefits are understood. Staff can also contact the relevant pension scheme helpline direct, details of which can be found on: http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html

Annual leave during paternity and parental Leave
During any period of paid paternity leave annual leave entitlement accrues, as defined in the contract (which incorporates any entitlement to statutory annual leave). During any unpaid paternity leave or unpaid parental leave, annual leave entitlement accrues in accordance with the Working Time Regulations i.e. pro rata based on the statutory entitlement of 24 days per full leave year.

Part time employees
Please note part time employees meeting the relevant eligibility criteria will be entitled to paternity leave/pay and parental leave on a pro rata basis.

For further information
Please contact your Assistant HR Adviser or Adviser

Updated December 2010
Career Break Policy
Updated June 2007

Introduction

The Career Break Policy was introduced as part of the University's commitment to family friendly policies, to provide staff with the opportunity, in defined circumstances, to leave their employment without a break in service to fulfil personal commitments whilst maintaining their career in the intervening period.

The purpose of the Career Break Policy

- To assist in the development, retention and return of key staff whose contribution is vital to the future needs and success of the University, where such leave provides benefit to both the University and the employee.

Eligibility for a career break

- Applications to take a career break will be considered from both full time and part time staff who have a minimum of five completed years' continuous service with the University.
- Applications under the Policy will be considered in the light of the purpose of the Career Break Policy and the compatibility of the request with the operational needs of the University.

Criteria for a career break

The application criteria are:

- To undertake caring responsibilities. (Please note that these provisions are in addition to the separate provisions for maternity leave, adoption leave, paternity leave, parental leave and long term carers leave.)
- To undertake a period of further full-time education/training (which should be relevant to the employment of the member of staff). (Please note that these provisions are in addition to the separate regulations for academic staff on study leave or leave of absence for academic purposes.)
- To undertake a period of voluntary service overseas.
- To accompany a partner (employed by the University) who is working overseas.

Period of career break

- Career breaks will be granted for a minimum period of one year and up to a maximum of three years duration.
- The period of the career break cannot exceed the duration of any existing contract of employment.
- A maximum of two career break periods will be allowed with a total number of years not to exceed five years. In order for staff to be considered for a second career break period they must have completed a minimum of five years’ continuous service with the University following any previous career break.
Application process

- Employees interested in making an application under this Policy are encouraged to seek the advice of their Human Resources Adviser at an early stage and to raise the matter informally with their Head of School/Department or appropriate manager.

- A formal application should be made by completing a Career Break Application Form (CBP/2007) also available from their Head of School/Department, which should be forwarded to the Human Resources Department, giving a minimum of four months notice of the date on which the career break is due to start. Applications giving less notice may be accepted at the discretion of the University. Where appropriate, relevant documentation must be provided to accompany the career break proposal.

- Applications under the Policy will be considered and determined by the relevant Head of School/Department. To ensure consistency of approach, the Human Resources Adviser will assist the Head of School/Department in reaching a decision on the application for a career break. The relevant Pro-Vice-Chancellor will be consulted for decisions relating to academic and related staff.

- The employee will be notified by the Human Resources Department of the decision concerning their application. In the event of an application being unsuccessful, reasons will be given to the individual concerned.

- An employee who is advised that their application under the Policy is unsuccessful, will have a right of appeal to the Pro Vice-Chancellor for Human Resources and Staff Development (or to a PVC nominated by the Registrar, where the PVC for Human Resources and Staff Development has previously been involved in the decision process) whose decision on any application will be final. Acceptance on the career break is solely at the discretion of the University and the University reserves the right to refuse a career break application.

General conditions

- During each twelve month period of the career break, the employee will be required unless impracticable to undertake five days appropriate development work/training or CPD activity normally within the relevant School/Department. The arrangements will be made by the relevant School/Department, giving at least one month’s notice to the individual concerned. The period may comprise a single week period or a number of shorter periods and the timing and nature of the development work or training activity undertaken will be at the Head of School/Departments discretion.

- If an employee is unable to attend an arranged development work/training period they must notify their Head of School/Department at the earliest opportunity. Failure to attend three consecutive arrangements without good reason will invalidate the career break.

- During the period of the career break the School/Department will make arrangements to keep the employee updated on any changes within the School/Department, or items of interest and will confirm on an annual basis the continuation of the career break arrangements.

- A career break is a period of unpaid leave and will not be regarded as a break in service.

- The employment contract continues for the period of the career break, but with no entitlement to pay or benefits. The contractual entitlements and obligations of notice, grievance and disciplinary procedures, confidentiality and not participating in other businesses remain in force.

- Employees must not undertake any paid employment (which in any way relates to their University employment) with another employer during the period of the career break without the prior approval of the University. Failure to adhere to this condition will invalidate the career break and could result in termination of the contract of employment.
• Normal incremental progression will be suspended during the period of the career break, but will recommence upon return to work.
• Pension/superannuation payments may be suspended during the period of the career break. However, employees will be given the option to continue to make payments to the scheme during the break, subject to Inland Revenue rules, and in such circumstances the University will meet the appropriate employers’ contributions. Employees are advised to speak to the University Pensions Administrator, prior to going on the career break, to discuss the options available during the career break to ensure that any implications for their pension membership and benefits are understood. Staff can also contact the relevant pension scheme helpline direct, details of which can be found on:

http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html

• There will be no entitlement to annual leave or accrual of entitlement to annual leave during the period of the career break. Any annual leave owing must be taken before the commencement of the career break.
• There will be no entitlement to sick pay whilst on the career break scheme. If the employee is unable to attend the development work/training period due to sickness, another period will be arranged at an appropriate time.
• Where an employee becomes pregnant during a career break the normal accrued Statutory Maternity Leave entitlements will apply. Where appropriate, the career break will be superseded by Maternity Leave, but the Maternity Leave will not extend the period of the Career Break, nor will there be any entitlement to Enhanced University Maternity Pay in these circumstances.
• The duration of the career break will be clearly specified and agreed before commencement of the break, and an employee will not be entitled to return to work before the expected end of the career break. It is however appreciated that there can be exceptional personal circumstances which frustrate the original purpose of a career break. If this occurs the individual concerned has no automatic entitlement to return to work prior to the expiry of the career break. However, in exceptional circumstances, the University will at its absolute discretion consider an application for an early return to work, but in such circumstances of an early return to work the University would not be expected to create a post or to move another employee out of an existing post. An unsuccessful application for an early return to work is without prejudice to the individual’s right to return to work at the expiry of their career break.

Employee Commitment

During the career break the employee will:

• Complete a period of five days appropriate development work/training or CPD activity for each twelve months of the career break, as arranged by the Head of School/Department.
• Keep themselves up to date with their career and the University’s activities.
• Let the University know of changes in their circumstances, including change of address.
• Agree to return to a substantive post at the end of the career break for a period of not less than six months.

Arrangements to return to work

• The absence of an employee for the purpose of a career break will normally be covered by an appointment on a fixed term basis.
• The employee must confirm their intention to return to work, in writing, three months in advance of the actual date of return.
• In the event the employee wishes to return to work on a different contractual basis please see the paragraph below regarding requests for flexible working arrangements.

• It is normally expected that the employee will return to their substantive post. Should this not be possible for any reason, the Human Resources Department will offer the employee every assistance in identifying suitable alternative employment within the University. In the event that redeployment is not possible, the normal arrangements for redundancy will apply, based on total continuous service including the period on career break.

Requests for flexible working arrangements (including part-time working)

Employees have the right, under certain circumstances, to request flexible working for which there are guidelines and an application form available on the Human Resources website at the following web link:

http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx

If a request is made under this right to change the contractual working hours and/or pattern of work, then the School or Department will always consider such a request carefully. If such a request is turned down, the manager must objectively justify why e.g. explain why a job has to be done on a full time basis by one individual, as opposed to two people doing it on a part time basis. Employees should submit any request as far in advance as possible to allow adequate time for the request to be fully considered and where appropriate put the necessary arrangements in place.

For further information

Contact your Human Resources Assistant or Adviser.
Job Share

Updated June 2007

Introduction

The University is aware that the needs of people who work here differ greatly. Staff wishing to progress careers can equally feel a responsibility to commitments outside work. As part of its commitment to Equal Opportunities, the University therefore adopted a job share policy. Job sharing is a variation of part time working where two people jointly share the responsibilities of one full time post. Part time employment is where employees are contracted to work less than the relevant basic week and only have responsibility for their particular post.

Eligibility for job share

The University’s Job Share policy applies equally to men and women who are existing full time members of staff and who wish their full time post to be converted to a job share. In considering requests or deciding priority between competing claims, the interests of the University will be taken into account. The hours of each partner in the job share do not have to be equal as long as the combination between the two job share partners covers the full time hours of the post.

Application process for existing staff

- Existing members of full time staff who wish to job share may indicate this by an informal approach to their Head of Department/School and subsequently by writing to their Human Resources Adviser giving a minimum of four months notice.

- The Human Resources Adviser will discuss the request with the applicant and the appropriate Head of Department/School. The attitude of the University to job share is positive but clearly its interest must be taken into account in considering applications.

- Before any application to job share is approved in principle, the Human Resources Adviser will ensure that the member of staff concerned is fully aware of the implications of amending their full time contract of employment to job share.

- Employees should understand that their pension and any respective pension benefits such as death in service and where applicable ill health retirement will be affected. Staff may wish to contact the University Pensions Administrator to ensure that any implications for their pension membership and benefits are understood. Staff can also contact the relevant pension scheme helpline direct, details of which can be found on: http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html

- Approval in principle will be conditional upon the University being able to recruit a suitable job share partner within three months of the post first being advertised. Where the University is not successful in recruiting a job share partner, a new application to job share may not be submitted for a minimum period of nine months.

- Existing staff will normally be required to continue working full time whilst a job share partner is being recruited.

- Whilst there is an expectation that the job share partner will cover some of the work during annual leave and periods of sickness it is not mandatory to cover the vacant hours of work during this time. However managers may request an increase in hours from the remaining job share partner during such periods of leave, but any changes would be by mutual consent. Any increase in hours would be paid at the employee’s basic hourly rate.
• Bank holidays and University holidays will be split, regardless of work pattern, on a pro rata basis.

**Vacant posts**

• Full time vacancies will be advertised on a job share basis unless a Head of Department/School makes a specific recommendation not to through the Authority to Fill process. The advertisement will then include the phrase ‘This post is open to Job Share’.

• Applicants for a job share post are not required to apply with a job share partner.

• Applicants must state, in a covering letter attached to their application, the days and hours they are able to work.

• All applicants will be considered entirely on their merits and the most suitable person(s) appointed. With a job share arrangement, however, it is important to ensure that there are two candidates who meet the requirements for the post and are able to work the hours required. If there is only one suitable candidate who requires a job share arrangement, but no suitable partner available, then job share will not be possible for that post and a full time appointment will have to be made.

• When a job share partner leaves, the following action will be taken by the University in relation to the remaining employee:

  1) If one of the job share partners post becomes vacant for any reason the remaining partner may be requested to work extended hours possibly up to a standard full time week. The job will be offered to the remaining job share partner on a full time basis subject to the acceptance of the conditions of appointment applicable to the full time post. Or where appropriate the remaining partner will be given the opportunity should they wish to do so to increase their hours including up to the full time hours of the post. Any change would be by mutual consent. If the remaining employee wishes to continue job sharing, the University will attempt to recruit another job share partner.

  2) If, after a period of 3 months from the date of the first advertisement, a partner has not been appointed, the remaining partner will again be offered the job on a full time basis. If the remaining partner does not accept this offer, the University will discuss with the employee concerned whether any alternative options are available. If practicable, this may include redeployment to another post within the University on the pay, terms and conditions applicable to that other post.

  3) When the procedure set out in (1) to (3) above has been exhausted and no practicable solution found, the University will be entitled to give notice of termination of the remaining job share partner’s contract of employment.

**For further information**

Contact your Human Resources Assistant or Adviser.
Long Term Carers Leave Policy
Updated June 2007

Introduction

The purpose of this policy is to enable an employee to provide substantial or full time care for a spouse, partner, civil partner, parent or any other relative who lives with and depends on them or a *dependant relative, other than children, for a period of up to a maximum of 13 calendar weeks in any period of 12 months.

*A dependant relative for this purpose is a person over 18 who is an adopter, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent. Step-relatives and half-blood relatives are also included. Relatives include adoptive relationships and relationships which would have existed but for an adoption i.e. employee's natural relatives.

Employees are eligible to apply for Long Term Carers Leave provided they have a contract of employment with terms and conditions in excess of the statutory requirements.

Benefits

In circumstances requiring complete absence from work, this will be granted for a period of up to a maximum of 13 calendar weeks in any period of 12 months on an unpaid basis. Whenever possible, the employee’s manager will consider, on a case by case basis, a temporary/ time limited flexible working arrangement after which the employee reverts back to the original working pattern e.g. a reduction of working week or homeworking for a period of up to a maximum of 13 calendar weeks, whereby the employee is paid for the hours worked on a pro rata basis. Any arrangements made should be agreed in writing and specify clear start and end dates.

Return to work

An employee is eligible to return to work in the same job. In the event that the employee wishes to return to work on a different contractual basis see below.

Requests for flexible working arrangements (including part-time working)

Employees have the right, under certain circumstances, to request flexible working for which there are guidelines and an application form available on the Human Resources website Human Resources website at the following web link:

http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx

If a request is made under this right to change the contractual working hours and /or pattern of work, then the School or Department will always consider such a request carefully. If such a request is turned down, the manager must objectively justify why e.g. explain why a job has to be done on a full time basis by one individual, as opposed to two people doing it on a part time basis. Employees should submit any request as far in advance as possible to allow adequate time for the request to be fully considered and where appropriate for the necessary arrangements to be put in place.

Staff not returning to work

Staff who decide not to return to work during or following a period of long term carers leave must give the University written notice in accordance with their contract of employment.

The contract of employment continues throughout the Long Term Carers Leave, unless either:
• the employer expressly ends it, in which case the employee is entitled to receive whatever period of notice the contract provides for if employment is terminated.

or

• the employee expressly ends it, by resigning.

or

• it expires (e.g. ending of a fixed term contract), in which case, the employee is entitled to be given reasonable notice of the ending of the contract in accordance with the University policy on the ending of fixed term contracts. The employee is also entitled to any other relevant contractual pay including statutory redundancy pay where applicable if they are made redundant.

In such cases the right to return to the former job under the University’s Long Term Carer’s Leave Policy will have been overtaken by the expiry of the contract and will cease to be applicable.

**Continuity of employment during Long Term Carers Leave**

Where an employee returns to work, any period of long term carers leave will count towards continuous service with the University of Nottingham. Employment continues during any such period and employees benefit from their statutory rights during this period, however some contractual rights can be suspended. Employees should read the sections on annual leave and pension to ensure any implications are understood particularly with regard to pension benefits and membership.

**Pension**

During periods of unpaid long term carers leave, the period will not count as pensionable service and membership will be suspended. However on returning to work, the pensionable service would start again. There may be implications for benefits such as Death in Service and Ill Health Retirement during the period of unpaid carers leave that employees should understand prior to taking leave.

It may be possible for employees (subject to scheme rules allowing for this) to continue to make payments to the scheme during the unpaid period. Employees should indicate this on their application for long term carers leave. Human Resources will be responsible for informing the University Pensions Administrator who will liaise directly with the employee regarding any options available. There is a limited time period for this option to be exercised and for the relevant payments to be made which should be discussed with the University Pensions Administrator.

Employees should contact the University Pensions Administrator to discuss the options available during any unpaid period of maternity leave to ensure that any implications for their pension membership and benefits are understood. Staff can also contact the relevant pension scheme helpline direct, details of which can be found on:

[http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html](http://www.nottingham.ac.uk/finance/noticeboard/pensions_noticeboard.html)

**Annual leave**

During any period of unpaid long term carers leave, annual leave entitlement accrues in accordance with the Working Time Regulations i.e. pro rata based on the statutory entitlement of 24 days per full leave year.
Application process

An employee should initially discuss their request for long term carers leave with their Head of School/Department or designated nominee. They should then complete the application form (LTCL/2007) available at: http://www.nottingham.ac.uk/hr/forms/index.aspx or from their Head of School or Department, sending it to the Human Resources Department.

The Human Resources Department will, on receipt of the application and after discussion with the Head of School or Department, confirm in writing whether or not the application has been granted, and if so will detail the arrangements agreed, and inform payroll accordingly.

For further information

Contact your Human Resources Assistant or Adviser.
Policy of Dignity within the University
The Promotion of Considerate Behaviour and the Prevention of Harassment and Bullying

Updated October 2007

1. Scope and Purpose of the Policy

1.1. This policy relates to everyone working or studying at the University of Nottingham. The University sees the promotion of a considerate environment as part of its commitment to equality of opportunity and will not tolerate the harassment or bullying of one member of its community by another.

1.2. The Dignity within the University Policy signifies that the University aims to provide conditions that optimise opportunities for people to fulfil their personal potential within a stimulating and supportive environment. The University accepts that such an environment cannot be created or sustained if, individually or collectively, people are subject to inconsiderate behaviour and in particular, harassment or bullying. The erosion of dignity within the University reduces a person’s ability to work or study effectively.

1.3. All members of the University community have an important role to play in creating an environment where dignity and respect for others matters. A community that tackles harassment and bullying is making a contribution to achieving equality of opportunity.

1.4. The purpose of this policy is to assist in establishing an environment in which harassment and bullying are regarded as unacceptable across the University. Individuals should have the confidence to complain about harassment or bullying, and lack of consideration, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if anyone at the University feels they are being harassed or bullied.

2. The University’s Commitment

2.1. The University is committed to preventing harassment and bullying and it is the responsibility of the Human Resources Department to issue the Dignity within the University Policy to all staff. Heads of School/Department must make sure that their staff have received awareness training and understand the context of this policy. The Academic Secretary will ensure this policy is referred to within the relevant student publications.

2.2. In addition to its commitment to equality of opportunity in the Charter and Statutes, the University has a legal obligation under the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or belief) Regulations 2003 and Employment Equality (Age) Regulations 2006 to ensure that harassment on the grounds of someone's race, sex, disability, sexual orientation, religion or belief and age does not take place at the University, both in its capacity as an employer and as an education provider. In addition, the University has a duty of care towards its staff under the Health and Safety Act 1974.

2.3. Every individual is also potentially personally liable under the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995 and the Protection from Harassment Act 1997. Allegations of harassment and bullying will be treated very seriously by the University and could result in disciplinary action being taken against the person accused. A person to whom a concern is raised should treat it seriously and sensitively, and should follow the procedures laid down in this Policy.
2.4. The University will not tolerate the victimisation of anyone raising a concern under this policy.

2.5. As allegations of harassment and bullying are very serious, the University will treat any false allegations proven to be mischievous or malicious as the subject of disciplinary action.

2.6. A person in authority who is, or has been, the subject of a complaint under these procedures must not use his/her legitimate authority to victimise a complainant. If a person in authority initiates disciplinary or grievance proceedings against an individual who has made a complaint against him/her under this Policy, he/she will be required to show that the action being taken is not victimisation. The onus of proof will be on the person in authority to show (to those considering the disciplinary or grievance case) that the action taken is reasonable in the circumstances of the case. As long as that can be established, the disciplinary or grievance proceedings may proceed in the normal manner.

3. Harassment & Bullying

3.1. Harassment and bullying have a significant adverse impact on a person’s dignity and self-respect. The remainder of the Policy addresses the problems of harassment and bullying.

3.2. Harassment and bullying involve behaviour that is unacceptable to the recipient and creates an intimidating, hostile or offensive environment for employment, study or related social activities. Harassment can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwarranted attention, to intimidation, humiliation, ridicule or offence. Bullying is the exercise of power over another person through negative acts or behaviours that undermine him/her personally and/or professionally. It is often characterised by inconsistent treatment of people. Extreme forms of harassment and bullying include physical threats or violence. Harassment and bullying may consist of a single incident, sporadic events or a continuing process. Behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated. Harassment and bullying may not always be intentional, but are always unacceptable whether intentional or not.

3.3. Harassment and bullying are to be distinguished both from the sort of vigorous academic debate which is to be encouraged in a University, and from the actions of a manager or tutor making reasonable and appropriate (but perhaps unpopular) requests of his/her staff or students. These are examples of conduct that (whether or not acceptable to the recipient) are warranted in the circumstances. Management actions that go beyond reasonable and appropriate requests within the context of the staff /student relationship may be considered to be harassment or bullying.

The defining features of harassment and bullying are therefore that the behaviour is both unacceptable to the recipient and unwarranted by the circumstances of the relationship between the parties.

3.4. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. People should feel comfortable about explaining why particular words or conduct are unacceptable to them, and should be able to expect that others will treat their views seriously.

3.5. People in positions of trust and authority, and those with a pastoral role, have a particular obligation to ensure that they do not use their power to harass other staff or students of the University.

3.6. Examples of harassment and bullying may include:
   i. derogatory name-calling;
ii. derisory remarks, verbal abuse, insults and threats;
iii. ridiculing or belittling of an individual;
iv. repeated comments in reference to personal traits or appearance;
v. assumptions based on stereotypes;
vi. verbal or practical jokes;
vii. exclusion from normal workplace conversation or social events — this may be implicit in where or when a social event is held;
viii. offensive graffiti or insignia;
ix. display or electronic transmission of offensive material;
x. physical attack;
xli. incitement of others to do any of the above.

3.7. Some of the most prevalent forms of harassment include the following:

Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, comments about dress or appearance, the display or distribution of sexually explicit material, sexual advances or physical contact, demands for sexual favours, or assault.

Racial harassment may include jokes about, or gratuitous references to a person's colour, race, religion, or nationality; and assumptions based on racial stereotypes. It can also include offensive remarks about dress, culture, or customs that have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.

Harassment of people with disabilities can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance. People may be wrongly excluded from activities because their requirements have not been considered.

Harassment on the grounds of a person's sexuality may be aimed at heterosexuals but is more usually experienced by gay men and lesbians, transsexuals or bisexuals. Examples of harassment relating to sexuality include homophobic remarks or jokes, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status. The response of lesbians and gay men to harassment may also be complicated by the fact that in order to complain about it or confront it, they may be forced to be open about their sexuality (perhaps for the first time).

Harassment on the grounds of age may include jokes about a person's age or the age of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of ageist jokes. Harassment may also take the form of individuals being ignored or overlooked because of mistaken assumptions about the person's capability and/or willingness to take part in activities, for example, exclusion of those near retirement from training and development opportunities.

The above list of examples is not exclusive and harassment can also take place on other grounds, such as a person’s religion, or any other characteristic, whether or not it makes them different from the majority or from the person who harasses them.

4. Dealing with Harassment and Bullying - General Principles

4.1. Allegations of harassment and bullying must be taken seriously, considered carefully and addressed speedily, with due regard for confidentiality.

4.2. People who feel that they are the subject of harassment or bullying (by a colleague, a student, a tutor or anyone else with whom they come into contact, in the course of
their work or study) are advised to make a note of incidents, dates, times and any witnesses, for future reference. Anyone who considers that they have been the subject of harassment or bullying has the right to be listened to and to be given informed advice on how the matter may be resolved. There are usually a number of options. Anyone who feels they have been harassed or bullied is likely to wish to speak to someone with whom they feel they share something in common. For this reason they should be able to approach one of a number of different people within the University who have been specifically trained for this role (see section 5 below).

4.3. Should the harassment or bullying occur in a group situation, the person in authority within the group has the responsibility to recognise the misconduct when it occurs and to take speedy action to stop it. It is important that it is made clear to the alleged harasser or bully that such behaviour is unacceptable to the University and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority is the person accused, others within the group should support the individual making the complaint in taking action to report the harassment or bullying.

5. Dignity Advisers within Nottingham Network (DAWNN)

5.1. The Dignity Advisers within the Nottingham Network consists of a group of people who are trained to advise on matters relating to this Policy. Students and staff can seek advice, support and guidance from a member of the Network if they have a concern about Harassment. Advisers from the Network are available to assist both the complainant and person accused. Further guidance on the role of the Adviser and who they are can be found at: [http://www.nottingham.ac.uk/hr/guidesandsupport/complaintsgrievanceanddignity/dignity/index.aspx](http://www.nottingham.ac.uk/hr/guidesandsupport/complaintsgrievanceanddignity/dignity/index.aspx) or can be requested from the Human Resources Department.

5.2. The Adviser will treat the complaint and the discussion in a confidential manner and further action will not be taken without the express permission of the individual. The University will therefore not be aware of a problem by virtue of a conversation/communication with an Adviser. Complaints of harassment and bullying can only be progressed under section 7 or 8 detailed below.

5.3. The Adviser may take notes of the meeting and in all cases those notes would be mutually agreed with the individual. No other party will have access to those notes.

6. Procedures

6.1. If a person is considering invoking any part of this procedure, they should consider, ideally in consultation with an Adviser, what would resolve the difficulty.

6.2. The person should seek an informal conclusion if they would be happy with an apology and evidence that their concerns were properly understood by the person whose behaviour they are complaining about (along with any consequential changes to working practices, as appropriate).

The person should use the formal procedure: if the informal procedure has been tried and they remain dissatisfied; OR if they feel their complaint would be redressed only through a formal route which may include disciplinary action.

6.3. Use of the formal procedure does not guarantee a disciplinary sanction. However, disciplinary action cannot normally be initiated by use of the informal procedure.

Throughout the informal (and formal) stages the person will have access to support from the Adviser.

6.4. It should be noted that whilst it is the University’s intention to keep any information provided in confidence confidential, there may be cases where information provided is
of a serious nature and the University is under an obligation to use this information in order that it fully discharges its duty of care.

7. Seeking a Conclusion Informally

The objective of the informal stage is to help to accommodate differing views and perceptions so no one needs to feel uncomfortable about their treatment in the workplace.

It is very important that the person accused knows that their behaviour is perceived as unacceptable by another individual. People often do not realise they are offending others, and will change their behaviour as soon as they know.

To inform the person accused, it may be possible to:

- talk to them, with or without a Dignity Adviser present; or
- write to them — a Dignity Adviser can help to draft a letter.

If someone has acted in such a way that an immediate response was given for example, "Don't do that", "I don't like the use of that expression" etc, it may still be advisable to follow this up with a written message stating what was objected to.

This informal process may be used more than once to address the same issue, up to the point where it is felt that no progress is being made and/or that the concerns expressed are not being treated seriously. At that point, the person may wish to make a final effort to resolve the matter without invoking the formal procedure in which case they should:

- seek the support of a Dignity Adviser (if they have not already done so);
- write to the person accused asking for a meeting to make a final effort to resolve the matter informally; and (re)stating the nature of the complaint, inviting them to be accompanied by a Dignity Adviser or a Human Resources Adviser.

The objective of meeting in this way is to allow the issues to be discussed and enable a resolution of the problem. The meeting could be facilitated by the person’s accused line manager or by the complainants’ line manager or a personal tutor of a student or by a Warden. There is no obligation upon the person accused to agree to such a meeting.

8. Making a Formal Complaint

8.1. Where a formal complaint is made, the matter will be addressed through a relevant and appropriate procedure which is dependent on whether the person being complained about is a member of staff or a student. The University will deal with cases of alleged harassment or bullying impartially and sensitively. A formal complaint should be put in writing and forwarded to:

(Where the complaint is against a member of staff)

i. the Director of Human Resources who will nominate a Human Resources Adviser to make arrangements for the complaint to be heard.

(Where the complaint is against a student)

ii. the University Assessor who will undertake an investigation. The University Assessor will be supported in the investigation by a Deputy Assessor. In the event that there is a prima facie case of harassment arrangements will be made for a Formal Disciplinary meeting to address the matter under the Code of Discipline for Students http://www.nottingham.ac.uk/academic-office/studentregistry/studentdiscipline.htm

The letter of complaint should state times, events and witnesses of events, how the complainant was feeling and any action they have taken. It should be noted that this letter of complaint will be forwarded in full to the person accused.
8.2. Complaints against staff

For complaints against staff the Human Resources Department will acknowledge the complaint and notify the person being complained about that a formal complaint has been made against them. A senior member of the School/Department will be identified by the Head of School/Department to be the Investigating Officer. Where the complaint is against the Head of School/Department, the Dean or equivalent will be responsible for the investigation. The Investigating Officer will send a copy of the complaint to the person accused who will be asked to provide a statement of response to the allegations, which should be returned within 5 working days to the Investigating Officer. The response will be forwarded to the complainant. Both parties will be given an opportunity to submit any supporting documentary evidence and a list of any witnesses. The Investigating Officer will request statements/accounts from witnesses.

8.3. Both parties will be advised that a Panel will be convened to hear the complaint.

The Human Resources Department, in cases where the person accused is a member of staff, will convene the Panel consisting of:

i. Professor or equivalent (Chair). This may be the Dean (Chair) in cases involving an academic member of staff;
ii. a senior member of staff (not from the School/Department or Central Services Department of either party);
iii. another specially trained member of staff (not from the School/Department or Central Services Department of either party) e.g. DAWNN Adviser.

8.4. Members of the Harassment Panel will be appointed by the Director of Human Resources, with a Human Resources Adviser attending in an advisory capacity.

8.5. Members of the Harassment Panel will be sent the original complaint, the response from the person accused and any documentary evidence. The Chair may identify additional information that is required and request this from the Human Resources Adviser. This information will be circulated to both parties. At the hearing the Panel will hear evidence from the complainant, the person accused and any witnesses. In certain cases the complainant may be unable to be present in the room and therefore will be available to respond to questions from an alternative site.

8.6. Based on the evidence heard and considered it is the Harassment Panel’s responsibility to determine whether the complaint of harassment or bullying should be upheld or dismissed. In arriving at this decision the standard of proof is the balance of probabilities. In addition the Panel may make recommendations for consideration by the appropriate Head of School/Department or Central Services Department.

8.7. If the complaint is upheld and the Panel believe that the findings warrant a disciplinary sanction the Panel may issue the person accused with a formal disciplinary warning with any supplementary action that is deemed appropriate. In cases where dismissal is the outcome the Panel must be satisfied that it has the authority to take this action. Where it does not the case should be referred to an appropriate Officer.

8.8. If the Harassment Panel believes that the complaint of harassment is brought with mischievous or malicious intent the Panel may refer the issue for consideration under the appropriate Disciplinary Procedure for staff and students. It does not follow that if a complaint is dismissed it was brought necessarily with mischievous or malicious intent.

8.9. For staff covered by the Statutes the Head of School/Department is asked to convey the disciplinary warning in accordance with Section 35 of the Statutes. Where the conduct may constitute good cause for dismissal or removal from office, the matter
should be referred to the Registrar who shall bring it to the attention of the Vice-Chancellor.

8.10. Individuals may appeal against the disciplinary warnings and decisions in accordance with the appeals mechanisms within the relevant disciplinary procedure.

8.11. The Human Resources Adviser is responsible for ensuring that all recommendations are considered and addressed as appropriate.

9. Rights of Representation

9.1. In a hearing held in accordance with section 8: Staff may be accompanied at the meeting by a Trade Union representative or official (certified by a relevant trade union to act in the capacity of 'companion' under Section 10 (3) of the Employment Relations Act 1999) or a work colleague. Staff who have a disability may also be accompanied by a support worker (e.g. a sign language interpreter or mental health worker) as appropriate to their requirements.

9.2. Students should refer to:

http://www.nottingham.ac.uk/academic-office/studentregistry/student discipline.htm
Flexible Working Arrangements Policy
Applicable from April 2009

Introduction
Since 6 April 2003, by law, parents of children aged under six or of disabled children aged under 17 have had the right to apply to work flexibly. From 6 April 2007, the right to request such flexible working has been extended to carers of certain adults, and from April 2009 has been extended to parents of children aged under 17. The University therefore has a statutory duty to consider these applications seriously.

The University of Nottingham also has a number of other relevant policies, which the employee may wish to refer to. These are: Special Leave for Unplanned and Urgent Domestic, Personal and Family Reasons, Parental Support, Maternity Leave, Adoption Leave, Career Break, Job Share and Long Term Carers Leave. All policies are available from the following web link: http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx
The respective forms are available from the following web link: http://www.nottingham.ac.uk/hr/forms/index.aspx

If an employee is considering making this request and is due to start their maternity/adoption leave, it may be helpful to mention this before commencing leave. An employee who does not meet the criteria will not have the right to make a request under this procedure but may still approach their manager to work flexibly.

Eligible Criteria for applying

In order to have a right to apply to work flexibly the employee:

- needs to have worked continuously as an employee of the University for the last 26 weeks or more at the date the application is made;
- should not have made a request to work flexibly (regardless of whether this was to care for an adult or child) under this right during the past 12 months from the date the application is made;
- should have responsibility for the upbringing of either a child under 17 or a disabled child under 18. This means they live with the child and can be the mother, father, adopter, guardian, special guardian or foster parent of the child; or married to or the partner of the child’s mother, father, adopter, guardian, special guardian or foster parent;
- should be making the request only in order to help care for the child;
- should make this request no later than two weeks before the child’s 17th birthday or 18th birthday where disabled.

OR
- have responsibility for (or expect to be caring for) an adult in need of care who is their spouse, partner, civil partner or relative, or an adult in need of care living at the same address as the employee;

A relative for this purpose is a mother, father, adopter, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent. Step-relatives and half-blood relatives are also included. Relatives include adoptive relationships and relationships which would have existed but for an adoption i.e. employee’s natural relatives.
The procedure for requesting to work flexibly

It is up to the employee to make a considered application in writing, using the 'Flexible Working Application Form', to their manager who will discuss the application with the Head of School/ Department or designated nominee. Employees are only able to make one application a year under the right (regardless of whether the reason has changed between caring for a child or for an adult).

Accepted applications will mean a permanent change to the employee's own terms and conditions of employment unless otherwise agreed between both parties, which will also have an impact on pension contributions and benefits such as death in service. It is important therefore that before making an application, the employee gives careful consideration to which working pattern and/or arrangements will help them best care for their child or adult dependant; any financial and pension implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the University’s business and how these might be accommodated.

Within 28 days of receiving the request, the manager must arrange to meet with the employee. This provides the manager and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns and/or arrangements should there be problems in accommodating the work pattern outlined in the employee's original application.

The employee can, if they want, bring with them a worker employed by the University as a companion, this can be the workplace trade union representative. The companion can address the meeting or confer with the employee during it, but the companion should not answer questions on the employee's behalf. If the companion is unavailable to attend the meeting, the employee should either secure an alternative companion or arrange a suitable alternative meeting date within 7 days of the original meeting date.

Within 14 days after the date of the meeting, the manager must either

a) inform Human Resources of the new arrangements who will then write to the employee to confirm a new work pattern and start date and detail whether pay and other terms and conditions will be affected;

b) write to the employee with a copy to Human Resources to provide clear business grounds (detailed below) as to why the application cannot be accepted and set out the appeal procedure. Managers should include a clear and accurate explanation about why in the circumstances there are business grounds for refusal. There is no requirement for a lengthy or complex explanation but the manager should provide the employee with a sufficient enough explanation to allow the employee to understand the decision. It is recommended, although is not essential, that the manager should also meet with the employee to talk through the reasons why the application was declined.

Where requests are accepted for changing hours of work, managers should revise the goals and targets within the Activity and Performance Review to reflect such changes.

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7 may include some element of flexibility to enable working from home for part of the working week when required, where the nature of the post allows for this such as making use of a laptop/PC or conducting research, making phone calls, or writing up work. For example on a day where an employee was required to take her mother to a weekly hospital appointment at lunchtime which was an unreasonable traveling distance from the University but where work could be conducted from home between the hours of 9am-11am and also from 3pm-5pm.
The **business case** for refusing a request made by an employee for flexible working must come from at least one of those listed below:

- burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work amongst existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the period the employee proposes to work
- planned structural changes

All **time periods** can be extended where both the manager and the employee agree. Any extensions must be recorded in writing by the manager and copied to the employee. Where a manager is absent from work due to leave or illness, an automatic extension will apply. In exceptional circumstances another manager may be designated to deal with the request. The period the manager has to arrange a meeting commences either on the day of the manager’s return or 28 days after the application is made, whichever is sooner. In such circumstances it is best to acknowledge the application and inform the employee that the extension has applied and the period in which the employee can expect to meet their manager to discuss the application.

**Appeals** should be in writing to the Head of School or Department and should be made **within 14 days** after the date they receive written notice the request has been rejected. The employee should set out the grounds for the appeal and it should be dated. The appeal meeting should be arranged **within 14 days** after receiving notification that the employee wishes to appeal. Where the Head of School or Department or designated nominee has taken the decision originally, the Human Resources Adviser will identify another manager not previously involved in the case to hear the appeal. The employee will be informed of the outcome of the appeal by the Manager who heard the appeal in writing **within 14 days** after the date of the meeting. The written decision constitutes the final decision and is the end of the formal procedure.

**Application withdrawn**
An application can be treated as withdrawn in the following circumstances:

- the employee can decide to withdraw the application, preferably in writing. In such cases the employee will not be eligible to make another application for 12 months from the date their application is made. Where an employee does not confirm their withdrawal in writing the manager should confirm the withdrawal in writing and confirm no further applications can be made for a 12 month period from the date of application;
- if the employee fails to attend 2 meetings without reasonable cause and explanation. An employee should inform their manager as soon as possible if and why they are unable to attend a meeting;
- if the employee unreasonably refuses to provide management with the required information to progress with their application.

**For further information**
Please refer to a flowchart which outlines the process and timescales available from the following web link: [http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx](http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx) or feel free to contact your [HR Adviser or Assistant HR Adviser](http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx).

**Human Resources Department**
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