



## **Scope and Purpose**

This guidance sets out the arrangements, criteria and process for applying for the following types of family leave:

- Maternity Leave and Pay
- Shared Parental Leave and Pay
- Adoption Leave and Pay
- Keeping in Touch Days

This guidance should be read in conjunction with University policy on:

- Maternity Leave Policy
- Shared Parental Leave Policy (Parental, Paternity) Policy
- Adoption Leave Policy

Useful Contacts:

- HR Employment Support Services Team, email: [hr@nottingham.ac.uk](mailto:hr@nottingham.ac.uk)
  - [Safety Office](#)
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## **MATERNITY LEAVE**

### **Your rights at work**

The two main Acts that give you rights during pregnancy and maternity are the Employment Rights Act 1996 and the Equality Act 2010. During your pregnancy, you should receive:

- The same work duties and responsibilities, unless changes arise from unrelated restructuring of work activities or adjustments that are necessary for your health and safety.
- Paid time off for attendance at antenatal appointments.
- The same training and promotion opportunities as other staff.
- A health and safety risk assessment.
- Access to the usual contractual sick pay arrangements for any pregnancy-related absence (please note that if you fall sick with a pregnancy-related illness in the 28 days before your baby is due, maternity leave will automatically begin).

### **Antenatal care**

You have a statutory right to reasonable paid time off work to attend appointments for antenatal care prescribed by a doctor, midwife or health visitor, irrespective of your length of service. You should provide if requested, after the first appointment, evidence of appointments to your Head of Department/School (or appropriate line manager/supervisor). As far as it is reasonably practicable, such appointments should be arranged at times that would cause least disruption to your work, although you should not be required to arrange such appointments outside of your normal working hours.

## **Sickness**

You should report on sickness absence in line with the normal sickness absence notification procedure. However, if your sickness absence is due to a pregnancy-related illness, within 28 days of Expected Week of Childbirth (EWC), then maternity leave and payments (if eligible) will start automatically after the first day of absence.

## **Informing your line manager**

You are encouraged to advise your Line Manager as soon as your pregnancy is confirmed to ensure any health and safety issues are taken into account and to help with departmental planning. You can also ask to see your HR Employment Support Services team at any time to discuss your entitlements and to ask any queries you may have in general. In order not to lose your right to maternity leave and pay it is important that you submit a MATB1 (form issued by midwife or GP to confirm EWC after 20<sup>th</sup> week of pregnancy) and an application for maternity leave no later than the 15<sup>th</sup> week before EWC.

## **Health & Safety**

There are specific laws which require the University as an employer to protect the health and safety of new and expectant mothers. The Management of Health and Safety at Work Regulations 1999 requires that 'suitable and sufficient' risk assessments are carried out for work activities, which take into account any specific risks to female members of staff of child-bearing age who could become pregnant, and any risks to new and expectant mothers.

A specific risk assessment should be undertaken in consultation with your line manager.

Examples of common risks include lifting and carrying loads, workstation and posture, stress levels, exposure to infectious diseases and handling chemicals. Staff working in radioisotope laboratories or with controlled biological and chemical materials are strongly advised they should notify their Department/School Safety Officer of their pregnancy as soon as their condition has been confirmed.

The outcome of the risk assessment may indicate an adjustment in work activities to remove the hazard for the period of pregnancy. Where this is not possible for operational or research reasons, then you may need to be found alternative duties of an appropriate nature, or you could be suspended from work on full pay for as long as necessary on the grounds of health and safety. In such cases, there will be no impact on the maternity leave or maternity pay.

The risk assessment will need to be reviewed on a regular basis as the risks identified will vary depending on your health and at different stages of your pregnancy and return to work phase. For further information please read the [New and Expectant Mothers at Work Policy](#), available from the Safety Office. Health and Safety Executive (HSE) has some useful [guidance](#).

The Workplace (Health, Safety and Welfare) Regulations 1992 requires that the University as an employer provides suitable facilities for pregnant mothers to rest. If you require such facilities you should speak to your line manager.

## **Maternity Leave Entitlement**

All women are entitled to up to 52 weeks' unpaid maternity leave. The law requires that a minimum of two weeks' leave is taken from the date of childbirth.

The earliest maternity leave can start from the 11<sup>th</sup> week before the expected week of childbirth.

If you give birth before your maternity leave commences you must inform the HR Employment Support Services team and your line manager (as soon as you are able) that you have given birth and the date your baby was born on the [Notification of Birth Form](#). Your maternity leave will then automatically start on the day after your baby's birth date.

In the event of a stillbirth after the start of the 16<sup>th</sup> week before the EWC, you shall be entitled to maternity leave as if the birth was live. Please be aware that the University runs a [Counselling Service](#), which is a free confidential service available to all members of University staff.

You can change your mind about when you want to start maternity leave providing you give to the Human Resources Department at least 28 days' written notice.

You are strongly encouraged to read the [Maternity Leave Policy](#), which sets out the provisions to which you are entitled in more detail.

### **Maternity Pay**

Depending on your length of service, one of the following three options is likely to apply, providing you give the correct notification and evidence to the University:

1. **Enhanced University Maternity Pay** – to qualify for Enhanced University Maternity Pay you will have a contract of employment, full-time or part-time, on terms and conditions in excess of the statutory, have a minimum of 52 weeks continuous service with the University up to and including the EWC and have given notice of your intention to return to work.
2. **Statutory Maternity Pay (SMP)** – to qualify for SMP you should have completed at least 26 weeks continuous service at the University at 15<sup>th</sup> week (qualifying week) before EWC. You must be earning above the Lower Earnings Limit for National Insurance Contributions
3. **Maternity Allowance** - if you do not qualify for either SMP or Enhanced University Maternity Pay you may be entitled to Maternity Allowance which can be claimed via your local Jobcentre Plus office. [Payroll](#) can provide you with a SMP1 form.

Please read the [Maternity Leave Policy](#) for further details. The [flowcharts](#) (which relate to service) summarise the key information you need.

Once you have completed and returned the [Maternity application form](#) and attached your MATB1, HR will send you a letter confirming your maternity pay entitlement.

You will receive any increases to pay that you are awarded during maternity leave either during maternity leave itself wherever possible, or in arrears on return from maternity leave.

### **Returning to Work**

We will assume that you will be returning to work 52 weeks from when your maternity leave starts. However, if you wish to return prior to the end of your maternity period you must give at least eight weeks' notice in writing of your intended date of return.

If you return to work during a period of maternity leave you will forfeit any further entitlement to maternity pay.

If you decide not to return to work either before or following a period of maternity leave you must give the University written notice in accordance with your contract of employment. You may be asked to work the remainder of your notice period if it expires after maternity leave.

If you qualify for Enhanced University maternity pay, but decide to resign prior to maternity leave being taken you will not receive any enhanced payments beyond the statutory payments. The University reserves the right to reclaim the non-statutory element of maternity pay from those members of staff who were eligible for enhanced maternity pay but did not return to work for 3 months following their maternity leave.

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## **ADDITIONAL PATERNITY LEAVE (APL)**

This has been replaced by Shared Parental Leave for babies born or children placed for adoption on or after 5 April 2015.

## **SHARED PARENTAL LEAVE (SPL)**

### **What is Shared Parental Leave (SPL)**

SPL is designed to allow parents to take leave flexibly in the first year of a child's life or the first year of a child's adoption placement.

Up to 50 weeks' leave and 37 weeks' pay can be shared between parents if the mother/adopter brings her/his maternity/adoption leave and pay to an end early.

The available Statutory Shared Parental Pay (SShPP) is calculated by deducting the number of week's maternity/adoption leave the mother/adopter has taken on her/his return to work or the leave curtailment date from 39.

The available SPL and pay can then be allocated between the parents as they agree. One parent can take the full amount of SPL and pay if the parents choose to allocate leave in this way.

SPL must be taken in a block of at least a week, commencing on the first day of an individual's normal working week, but does not have to be taken as a single period of leave and parents can elect to be on leave at the same time (either on maternity/adoption leave and SPL or both on SPL).

SPL and pay must be taken before the child's first birthday.

SPL is in addition to the right to paternity leave and parental leave. However, a parent who takes SPL in respect of a child before they have taken their statutory paternity leave entitlement will lose this entitlement.

There is no increase in SPL entitlement in the case of multiple births/matching; the rules apply in the usual way.

The right to SPL applies to employees who become parents (the child's mother and father, or the spouse or partner of the child's mother (if not the father), including a civil partner or same sex partner) who have main responsibility for the care of a child with the other parent/partner.

### **Calculation of Entitlement**

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL.

This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child.
- The adopter can take SPL after taking at least two weeks of adoption leave.
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where the mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave whilst the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their Request for SPL or in any subsequent variation notice.

If the employee is eligible to receive it, ShPP may be paid for some, or all, of the SPL period.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

### **Eligibility for Statutory Shared Parental Pay**

Shared Parental Pay mirrors the current maternity pay provision.

To qualify for Statutory Shared Parental Pay (SShPP) the employee, as well as having the appropriate continuity of service (employment by the employer for at least 26 weeks at the 15<sup>th</sup> week before the child's due/matching date and still an employee in the first week of SPL) must also have earned an average salary of the lower earnings limit or more for the 8 weeks prior to the 15<sup>th</sup> week before the child's due date or placement.

SShPP is paid for up to 37 weeks at the lesser of:

- Standard statutory rate of ShPP or
- 90% of average weekly earnings (if this is less than the standard rate)

If the employee's employment comes to an end during the period of entitlement of SShPP then any remaining weeks will usually be payable unless they start working for someone else.

### **Eligibility for Enhanced ShPP**

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/placement date and has given notice of their intention to return to work following SPL, the employee may be entitled to;

- 6 weeks leave on full pay (inclusive of any SShPP)
- 16 weeks' leave on half pay plus SShPP (not exceeding full pay)
- 15 weeks' leave on SShPP at the appropriate rate
- Up to 13 weeks' unpaid leave

Enhanced ShPP for eligible employees will only be paid if the employee takes one block of leave.

In any event, no combination of payments should exceed full pay and enhanced ShPP is not payable in addition to enhanced maternity pay. All benefits are classed as earnings and are therefore subject to deductions for Tax and National Insurance Contributions.

## **Returning to Work**

We will assume you will be returning to work following a period of SPL. If you wish to return ahead of your notified date, you will need to give at least eight weeks' notice in writing of your intended date of return.

If you decide not to return to work either before or following a period of SPL you must give the University written notice in accordance with your contract of employment. You may be asked to work the remainder of your notice period if it expires after SPL.

If you qualify for Enhanced University ShPP, but decide to resign prior to the SPL being taken you will not receive any enhanced payments beyond the statutory payments. The University reserves the right to reclaim the non-statutory element of maternity pay from those members of staff who were eligible for enhanced ShPP, but didn't return to work for three months following their SPL.

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## **ADOPTION LEAVE**

### **Adoption Leave Entitlement**

From 5 April 2015, adoption leave becomes a day one right and will no longer need 26 weeks' continuous employment to be eligible.

An employee who will be the main carer for the adopted child(ren) may apply for Adoption Leave. 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](#).

Adoption leave can start from the date of the child's placement or a fixed date, which can be up to 14 days before the expected date of placement. For overseas adoption, adoption leave will begin after the child has entered Great Britain; the latest it can begin is 28 days after the child has entered Great Britain.

In the event of a disrupted placement, the adoption leave period ends eight weeks after the start of Ordinary Adoption Leave (OAL) period (if the placement did not occur) or eight weeks from the end of the week in which death occurred of the child was returned to the agency (if the placement took place and disruption occurred later).

Please refer to the [Adoption Leave Policy](#), which sets out the provisions to which you are entitled in more detail.

### **Adoption Pay**

Depending on your length of service one of the following three options is likely to apply, providing you give the correct notification and evidence to the University:

1. **Enhanced University Adoption Pay** – to qualify for Enhanced University Adoption Pay you will have a contract of employment, full-time or part-time, on terms and conditions in excess of the statutory, have a minimum of 52 weeks continuous service with the University, ending with the week in which you are notified of being matched with a child for adoption and have given notice of your intention to return to work

2. **Statutory Adoption Pay (SAP)** – to qualify for SAP you should have completed at least 26 weeks continuous service at the University before the week the adopter is notified of having been matched with a child for adoption and continues to work up to the date of placement for adoption. You must be earning above the Lower Earnings Limit for National Insurance Contributions
3. **No pay** – if you have been continuously employed in the University's service for less than 26 weeks ending with the week in which you are notified of being matched with a child for adoption you will qualify for unpaid adoption leave of up to 26 weeks.

Please read the [Adoption Leave Policy](#) for further details. The [flowcharts](#) (which relate to service) summarise the key information you need.

Once you have completed [Adoption Application Form](#) (with matching certificate), Human Resources will send you a letter detailing your adoption pay entitlement.

You will receive any increases to pay that you are awarded during adoption leave either during adoption leave itself wherever possible, or in arrears on return from adoption leave.

### **Pre-Adoption Meetings**

You will be given time off with pay for a maximum of up to three interviews and up to three visits in a 12 month period. As far as is reasonably practical pre-adoption interviews and meetings should be arranged to take place outside of working hours.

### **Adoption Hearing**

You will be entitled to reasonable paid time off to attend adoption hearings. You should be prepared to provide, if requested by your line manager, a letter from court confirming the date(s) of the adoption hearings.

### **Returning to Work**

We will assume that you will be returning to work 52 weeks from when your Adoption Leave starts. However, if you wish to return prior to the end of your adoption period you must give at least eight weeks' notice in writing of your intended date of return.

If you return to work during a period of adoption leave you will forfeit any further entitlement to adoption pay.

If you decide not to return to work either before or following a period of adoption leave you must give the University written notice in accordance with your contract of employment. You may be asked to work the remainder of your notice period if it expires after adoption leave.

If you qualify for enhanced University adoption pay, but decide to resign prior to adoption leave being taken will not receive any enhanced payments beyond the statutory payments. The University reserves the right to reclaim the non-statutory element of adoption pay from those members of staff who were eligible for enhanced adoption pay but did not return to work for three months.

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## **CONTRACTUAL ENTITLEMENTS DURING MATERNITY/SHARED PARENTAL LEAVE & ADOPTION LEAVE**

### **Salary Sacrifice**

You should be aware that sacrificed salary cannot count towards the state benefits of Statutory Maternity/Paternity/Adoption Pay and Maternity Allowance. Essentially, if by sacrificing your salary, for things like the childcare voucher scheme (or pension contributions, gym membership or the cycle scheme) your earnings for the purposes of the LEL for NIC go below £97 per week you may

not qualify for SMP/MA/SPP/SAP. In these cases, you should consider whether to amend or suspend such arrangements to ensure you do not lose out on maternity/paternity benefits. If you participate in a form of salary sacrifice, further advice and help can be sought from the Childcare voucher provider, Pensions Administrator, Payroll or Human Resources. Where applicable, it is recommended that you contact the childcare voucher provider to inform them of the pregnancy as soon as possible.

### **Non Cash Benefits**

During the entire period of Maternity/Paternity/Adoption Leave you are entitled to receive all Terms and Conditions, except remuneration. This means that non-cash benefits that are in existence prior to the leave (such as those provided through a salary sacrifice scheme for child care vouchers, gym membership and staff cycle schemes) can be continued throughout the leave period.

### **Pension**

During any period of paid maternity/paternity/adoption leave the University pension contribution will be calculated as though you are working normally and receiving your 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 you would have been paid, but for your absence. Employee contributions continue throughout this period of paid maternity/paternity/adoption leave based on what is earned.

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, so that membership may be continuous. Employees should indicate this on their application for maternity/paternity/adoption leave. Human Resources will be responsible for informing the University Pensions Administrator, who will liaise directly with the employee regarding any options available.

You should contact the Pensions Administrator to discuss the options available during any unpaid period of maternity/paternity/adoption leave to ensure any implications for pension membership and benefits are understood or contact the relevant pension scheme helpline direct. Details of the help lines can be found on the [Finance Department](#) web site.

### **Holiday Entitlement**

You will accrue annual leave during your maternity/paternity/adoption leave at the contractual rate in addition to Bank Holidays and University closure days (pro-rata for part-time staff). If your parental leave period is likely to cross two annual leave years and it is impractical to take all the leave in the year in which it was accrued (in line with the Annual Leave Policy) you may carry over the accrued annual leave, but must use these days within three months following your return to work, except where an alternative timescale is agreed with your manager due to operational requirements.

You can take accrued annual leave prior to going on maternity/paternity/adoption leave. However, if the baby is born early, your annual leave will be carried forward as maternity leave begins automatically the day after birth.

Accrued annual leave can be taken immediately following the end of the maternity/paternity/adoption leave period prior to you physically returning to work. It may also be used to consider a phased return to work with the agreement of your line manager.

To help calculate annual leave entitlements see the online calculators available from the [Human Resources Department](#) web site.

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## **Appraisal and Development Conversation (ADC)**

Where leave has been planned in advance, such as maternity/shared parental/adoption leave, it is recommended that an Appraisal and Development Conversation (ADC) takes place prior to your leave period commencing. This will enable achievements and contributions to be recorded ahead of your leave. On your return from leave, an ADC should also take place to agree future objectives.

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## **PATERNITY LEAVE - Ordinary Paternity Leave (OPL)**

### **OPL Entitlement**

You are eligible to two weeks leave regardless of service to allow you to care for your child and partner. If you have more than six months service at the 15<sup>th</sup> week before the baby is due then you may qualify, subject to various criteria (same as Additional Paternity Leave, see section on APL), 2 weeks Statutory Paternity Pay (SPP). If you have more than 12 months service when the baby is born/adopted then you will qualify for one week's normal pay followed by SPP.

For more detailed information, please read the [Parental Support Policy](#).

### **Applying for OPL**

If you intend to take Paternity Leave, please complete the [application form](#) by the end of the 15<sup>th</sup> week before the baby is due or 14 days before the expected date of placement (for adoption).

You can change your mind about when you want to start paternity leave providing you give to the Human Resources 28 days' written notice.

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## **KEEPING IN TOUCH (KIT) DURING MATERNITY/PATERNITY/ADOPTION LEAVE**

While on maternity/paternity/adoption leave you are entitled by agreement with the University to undertake up to 10 days' **paid** work – known as “Keeping in Touch Days” (KIT). The type of work that you undertake on KIT days is a matter for agreement with your Head of Department/School. They may be used for any activity which would ordinarily be classed as work under the contract of employment, but could be to attend a conference, undertake a training activity or attend a team meeting.

### **SPLiT Days**

Each parent entitled to SPL or ShPP will have an individual entitlement to Shared Parental Leave in Touch (SPLiT) days for up to 20 each, either continuously or odd days, without bringing their SPL or ShPP to an end early.

SPLiT days are in addition to the 10 'Keeping in Touch' (KIT) available during maternity/adoption leave.

If you attend a KIT/SPLiT day, you will be paid your normal contractual rate of pay for the hours worked. KIT/SPLiT days can be of any duration with the agreement of both parties, however the University reserves the right to count the amount of any maternity/paternity/adoption pay that may be received during a KIT/SPLiT day towards the normal contractual pay due. Therefore, if you work during a period of no pay you will be paid for the hours worked on your KIT/SPLiT day at your normal rate of pay. Your line manager is responsible for informing Payroll of the dates and hours of work on KIT/SPLiT days.

You may wish to use the KIT - Optional Contact Record available at:

<http://www.nottingham.ac.uk/hr/guidesandsupport/maternalparentalsupportandadoption/kitdays.aspx>

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## **SUPPORT PROVIDED BY THE UNIVERSITY**

### **Other University Policies**

There are a number of other relevant policies, which you may refer to, these are:

- Special Leave for Unplanned and Urgent, Domestic, Personal and Family Reasons.
- Parental Support Policy (includes Parental Leave and Paternity Leave).
- Career Break Policy.
- Job Share Policy.
- Flexible Working Arrangements Policy.

### **Childcare Vouchers**

You can apply for childcare vouchers to help cover the costs of childcare – ranging from nursery fees to au pairs – which are non-taxable and exempt from National Insurance contributions. Vouchers are provided to University staff by Edendred. If you wish to apply for vouchers visit [www.childcarevouchers.co.uk](http://www.childcarevouchers.co.uk) or call 0800 247 12333. When ordering vouchers online you need to quote UNIV9241.

### **Nursery Scheme**

You can opt to join our Nursery Tax Scheme (certain conditions apply) which is a form of salary sacrifice reducing the cost of childcare to parents using the University Day Nursery, Playcentre Day Care, Playscheme or TLC to qualify. The monthly limit on vouchers does not apply to the Nursery Tax Scheme. If you would like more information on the Nursery Tax scheme please contact the [Financial and Business Services Department](#), tel: 0115 846 7191.

### **University Nursery**

The University of Nottingham provides the following childcare services on the University Park Campus:

- Day Nursery (4 months – 5 years).
- Play Centre Day Care (1.5 years – 5 years).
- Play Centre Play Scheme (4 years - 12 years).
- Toy Library (birth – 8 years).

Please see [Child Care Services](#) web site for more information on this and other provision.

### **TLC (owned by Busy Bees) Nursery**

This is a private day nursery, situated on the University Park campus next to the Sports Centre. The nursery is purpose-built and caters for children aged 6 weeks to 5 years. For more information visit [TLC web site](#).

## **FURTHER INFORMATION – WEB LINKS**

The current Statutory Maternity Pay (SMP), Statutory Adoption Pay (SPP) and Statutory Paternity Pay (SPP) rate is available on the [Department for Work and Pensions web site](#).

Information on maternity allowance is also available on the [Department for Work and Pensions web site](#).