

HR Services

Employee Handbook



Maternity, Paternity and Adoption Leave Policy

1. Policy Statement

We are committed to equality and diversity and the provision of practices which enable staff members to manage their work/life balance.

The purpose of this policy is to set out the provisions for maternity leave and pay, spouse or partner leave and pay and adoption leave and pay for our staff members. The provisions are in accordance with the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006.

2. Maternity Leave

2.1. Entitlement

All pregnant staff members have a statutory entitlement up to a maximum of 52 weeks' Maternity Leave.

This applies:

- whether she is employed on a fixed term or permanent contract, casual or hourly paid contract; and
- regardless of the number of hours worked per week; and
- regardless of her length of service; and
- whether or not she intends to return to work after childbirth.

2.2. Starting maternity leave

A pregnant staff member can start her maternity leave at any time she chooses after the beginning of the 11th week before the week in which the baby is due, unless:

- she is absent from work due to a pregnancy related illness at anytime after the beginning of the fourth week before the expected week of childbirth but before the notified date. In this case her maternity leave will start automatically on the day after her first day of absence. She must notify UEL

that she is absent from work wholly or partly because of her pregnancy and of the date on which her absence for that reason began as soon as is reasonably practicable.

- If she gives birth unexpectedly before the date notified or before she has notified a date her maternity leave period will start automatically on the day after her baby is born. She must notify UEL as soon as is reasonably practicable of the date of birth.
- A pregnant staff member may continue working up to the date of her childbirth provided that this does not contravene health and safety regulations (See Appendix B).

2.3. Maintaining contact during the maternity leave period

The staff member's line manager will maintain reasonable contact with her from time to time during her maternity leave. This may be to discuss the staff member's plans to return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to keep her informed and update her on future developments at work during her absence.

2.4. 'Keeping-in-touch' days

Except during the first two weeks after childbirth, the staff member may, by agreement with her line manager undertake up to 10 days work (or to attend training) for which she would be paid, during either Ordinary Maternity Leave (OML) or Additional Maternity Leave (AML) without that work bringing the period of maternity leave to an end and without loss of a week's Statutory Maternity Pay (SMP), Occupational Maternity Pay (OMP) or Maternity Allowance (MA). These are known as 'keeping-in-touch' days.

We will not require a staff member to carry out any work, and the staff member has no right to undertake any work, during her maternity leave. Any work undertaken, including any work done on 'keeping-in-touch' days, is entirely a matter for agreement between the staff member and her line manager. Any 'keeping-in-touch' days worked do not extend the period of maternity leave.

2.5. Payment for 'Keeping-in-touch' days

Any payment made to the staff member for work done on keeping-in-touch days will be appropriate to his/her pay band as set out in his/her contract of employment. Set out below are the University's arrangements for the payment of 'Keeping-in-touch' days (KIT) days':

Payment for KIT days will not exceed full pay.

If a staff member works for less than a full day during his/her maternity/adoption pay or maternity/adoption leave period, this will count as one KIT day for the purposes of the 10-day maximum, although where a payment is made, the staff member will be paid for the actual hours worked. A KIT day will be equivalent to the number of hours worked for that day.

A staff member will either receive a payment appropriate to his/her pay band as set out in his/her contract of employment or the equivalent time off in lieu (TOIL) for any KIT days worked.

Where a staff member works a KIT day whilst receiving the University's Occupational Maternity Pay (OMP) or Occupational Adoption Pay (OAP) at the full pay rate, no payment/TOIL would be given.

Where a staff member works a KIT day whilst receiving the University's OMP or OAP at the half pay rate plus Statutory Maternity Pay or Statutory Adoption Pay, the payment made will be topped up to the level of full pay for the day worked.

Where a staff member works a KIT day during a period of Statutory Maternity/Adoption Pay/unpaid maternity/adoption leave period, payment/TOIL would be given at their normal hourly rate appropriate to his/her pay band for the number of hours worked. To illustrate, a staff member who has taken no KIT days who is on unpaid maternity/adoption leave and who works 1 hour, s/he will be paid for 1 hour's work or will receive the equivalent of 1 hour TOIL. Their remaining KIT days balance will be 9 days.

KIT days will only be processed upon receipt by HR Services of the relevant authorisation. Please see Appendix E.

3. Maternity Pay

3.1. Statutory Maternity Pay

Staff members who are pregnant or who have just given birth are entitled to a maximum of 39 weeks Statutory Maternity Pay (SMP) if:

- they have worked for UEL for a continuous period of at least 26 weeks ending with the qualifying week – that is, the 15th week before the expected week of childbirth and are still employed during that week;
- their average weekly earnings in the eight weeks up to and including the qualifying week (or the equivalent period for monthly paid staff) have been

at least equal to the lower earnings limit for National Insurance contributions;

- they are still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth)
- they provide a MATB1 form stating their expected week of childbirth;

3.2. The rate of SMP

The first six weeks of SMP are paid at 90% of the staff member's average weekly earnings.

The remaining 33 weeks are paid at the lesser of the SMP standard rate or 90% of the staff member's average weekly earnings.

SMP is payable only when the staff member is not attending work. It cannot be paid over and above her normal salary. SMP is paid whether or not the staff member intends to return to work after maternity leave. As long as the staff member qualifies for SMP, she will receive SMP if she leaves before SMP starts or during the maternity pay period.

If a staff member is due to commence a second or third period of maternity leave, she may not be entitled to statutory maternity pay (SMP) if she has, within the last 12 months, returned to work following period of maternity leave during which she received SMP. HR Services will confirm eligibility to the staff member regarding such circumstances.

3.3. Occupational Maternity Pay

Staff members may also be entitled to UEL's occupational maternity pay (OMP). In order to qualify for it a staff member must:

- have completed at least 1 year's service at UEL at the 11th week before the expected week of childbirth; and
- state in writing that she intends to return to work after her confinement; and
- agree in writing to repay the full amount of occupational maternity pay received for the period of OML (less any entitlement to SMP) if she fails to return to work following maternity leave for a period of at least 13 weeks.

A staff member who is eligible for occupational maternity pay (OMP) may receive:

- 18 weeks at full pay (this includes the entitlement to 6 weeks SMP at the 90% rate) and 21 weeks at the standard rate SMP; or

- 10 weeks full pay (this includes the entitlement to 6 weeks SMP at the 90% rate), 16 weeks half pay plus standard rate SMP (except where the half-pay and SMP or any other benefits exceed full pay) and the remaining 13 at standard rate SMP.

3.4 Maternity Allowance

Staff members who do not qualify for SMP or OMP may be eligible for Maternity Allowance (MA) which is a state benefit. HR Services will complete the Department for Work and Pensions form SMP1 and send it to the staff member. Form SMP1 will help staff members to claim for MA from the Social Security/Job Centre plus offices.

4. Notification requirements

4.1. Before the start of maternity leave

In order to assist UEL to discharge its responsibilities towards the health and safety of the pregnant staff member and her unborn child, the staff member should notify their line manager and HR Services in writing as early as possible in the pregnancy.

To claim maternity leave, a staff member must notify her manager, no later than the end of the 15th week before the expected week of childbirth or as soon as reasonable practicable. Her notice must:

- be in writing to line manager and/or nominated HR Manager
- confirm that she is pregnant
- confirm the expected week of childbirth (i.e. the week in which her baby is due)
- enclose form MAT B1 given to her by a registered general practitioner or registered midwife
- state the date when she wants her maternity leave to start or when her last day at work will be, which must be a date no earlier than the beginning of the 11th week before the expected week of childbirth

4.2. Before receiving maternity pay

For the purposes of claiming SMP and/or OMP, the staff member must give at least 28 days notice of the date she wishes to start receiving SMP and/or OMP if she has not already done so when giving the required notice for maternity leave. The notice must:

- be in writing
- provide medical evidence of the date her baby is due and, where

appropriate, born (this will normally be a maternity certificate (form MAT B1)

Please note HR Services cannot start paying SMP and/or OMP until the maternity certificate has been received.

4.3. Notification by UEL

Once notification of the intended start of maternity leave has been received HR Services will notify the staff member of the date on which her leave will end, including the end date of AML and her entitlement to maternity pay within 28 days of the staff member's notification. If the staff member changes the date on which she wishes her leave to start UEL will notify her of the end date of her maternity leave within 28 days of receiving her notification.

4.4. Failure to give the required notifications

Staff members who fail to give the required notifications stated above within the specified time limits may lose their rights to SMP and/or OMP and to start maternity leave on their intended start date. The time limits can be extended only in circumstances where it was not reasonably practicable for the notification in question to have been given any earlier.

4.5. Changing of maternity leave dates

Once a staff member has notified her line manager and HR Services of her intended maternity leave start date, she may change this date as long as she notifies them, in writing, of the new start date by whichever is the earlier of:

- 28 days before the date she originally intended to start her leave; or
- 28 days before the new start date she wants to start her leave

Unless it is not reasonably practicable to do either of the above, the staff member must notify her line manager and HR Services as soon as reasonably practicable.

4.6. Returning early from OML and AML

If the staff member intends to return to work before the end of her OML and AML period, she may do so as long as she gives her line manager and HR Services 8 weeks notice, in writing, of the date of her return.

If the staff member wishes to return to work earlier or attempts to return to work earlier than the end of her OML or AML without giving 8 weeks notice, UEL is entitled to postpone her return until the required 8 weeks notice is given in writing. If a staff member's return has been postponed under these circumstances, she will not be entitled to receive pay if she returns to work during the period of postponement.

Please note that due to health and safety reasons a staff member is not permitted to return to work within the first two weeks of giving birth.

5. Returning to work after maternity leave

5.1. The right to return on the same terms and conditions of employment

If a staff member returns to work following a period of OML or AML then she will normally return on the same terms and conditions, to the same job, on the same grade, working hours and pattern which applied before her maternity absence, unless a redundancy situation arises or there is some other reason why it is not reasonably practical to return to her original job e.g. reorganisation. In these circumstances she is entitled to be offered a suitable alternative vacancy, where one is available provided that (i) the work to be done in that post is both suitable and appropriate for her to do in the circumstances, and the capacity and place in which she is to be employed and (ii) the terms and conditions of her employment are not substantially less favourable to her than if she had continued to be employed under the original contract.

5.2. Returning to work later than previously notified

A staff member who wishes to return to work before the end of her maternity leave and has given UEL the proper notification as set out in 4.5 above, is entitled to change her mind. In these circumstances, the staff member is required to give UEL notice of this new, later date of return at least 8 weeks before the earlier date.

5.3. Resigning during or after maternity leave

A staff member who does not wish to return to work after her OML or AML must provide the notice of resignation required by her contract of employment. If a staff member resigns instead of taking maternity leave she forfeits her right to return to work at a later date.

If a staff member resigns before the date she has notified or before she has notified a date, she loses the right to maternity leave but will still be eligible for SMP if she is employed after the 15th week before the expected week of childbirth.

5.4. Returning to work on a part-time or job share basis

Staff members do not have an automatic right to return to work on a part-time or job share basis. UEL will, however, take all reasonable steps consistent with legislative and operational requirements to support the needs of staff members with regards to flexible working arrangements.

Staff members should discuss any intended changes to working hours and pattern informally with their line managers at anytime before making a formal application. Please see our Flexible Employment Policy.

6. Annual Leave

Annual leave is unaffected by OML and AML and continues to accrue normally. A staff member cannot take annual leave during her maternity leave, but subject to the leave policy arrangements, annual leave can be taken immediately before or after maternity leave.

7. Sick Leave

Maternity leave will not be treated as sick leave and will not therefore, be taken into account for the calculation of sick leave entitlement.

If a pregnant staff member is absent from work due to illness unrelated to her pregnancy she will normally be able to take sick leave until she starts her maternity leave. The normal rules relating to notification procedures, sick notes, sick leave and sick pay entitlements in accordance with the requirements of our Code of Practice on the Management of Sickness Absence apply.

UEL reserves the right to automatically start a staff member's maternity leave if she is absent from work for a pregnancy related illness during the four weeks before her expected week of childbirth, regardless of her notified date of intention to start maternity leave. In such instances the maternity leave period

will start on the day after the first day of absence following the beginning of the fourth week before the expected week of childbirth. This applies even if the day of absence is before the notified date of the staff member's intention to start her maternity leave.

If the staff member is required by UEL to start her maternity leave then her entitlement to sick leave will cease and she will be transferred over to maternity pay, providing that she has qualified for it.

If a staff member is unable to return to work at the end of her ordinary or additional maternity leave due to illness, the normal contractual arrangements for sickness absence will apply.

8. Dismissal on grounds of maternity

A staff member has the right not to be dismissed, treated unfairly or unlawfully discriminated against for any reason connected with her pregnancy or maternity leave. This right applies regardless of her length of service.

If a staff member is dismissed on grounds unrelated to her pregnancy or maternity leave before the date she has notified or before she has notified a date, she loses the right to maternity leave but will still be eligible for SMP if she is employed after the 15th week before the expected week of childbirth.

9. Recourse to Grievance Procedure

If a staff member is dissatisfied with any decision made in respect to their maternity, paternity or adoption rights they may use our Staff Grievance Procedure.

10. Other leave entitlements

10.1. Parental Leave

Female staff members who have completed one year's service with UEL may apply to take up to 4 weeks' additional unpaid leave at the end of their OML and/or AML. Likewise, fathers may apply to take parental leave at the end of paternity leave. Staff members may apply to take parental leave at the same time when they notify UEL of their pregnancy and maternity leave start date.

Otherwise, the staff member is required to give at least 21 days notice before they can take parental leave. The request needs to be in writing addressed to their line manager and HR Services.

10.2. Time off for dependants

All staff members are entitled to take a reasonable amount of unpaid time off work to deal with an emergency or unexpected situation involving a dependant. A dependant can include the husband, the wife or partner, child or parent of the staff member. It also includes someone who lives in the same household as a member of the family. For example, this could be an elderly aunt or grandparent. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, such as a live-in housekeeper. Please see our Flexible Employment Policy.

10.3. Ordinary Spouse or Partner leave

10.3.1. Entitlement

Staff members who are the biological father, mother's husband or partner or the adoptive parent's partner, and who will have or expect to have responsibility for the upbringing of a child may, subject to the requirements below, be entitled to two weeks paid spouse or partner leave at full pay following the birth or adoption of a child. This entitlement subsumes the right to two weeks Statutory Paternity Pay.

To receive SPP and the University's Occupational Paternity Pay you must:

- be continuously employed by UEL during the pregnancy for
 - 26 weeks ending with the 15th week before the baby is due (the 'qualifying week') and
 - from the 15th week before the baby is due up to the date of birth
- have average earnings over a set period above a set amount which is at or above the Lower Earnings limit for National Insurance purposes which applies at the end of the 15th week before the week the baby is due – HR Services will advise you of this.

Spouse or partner leave can be taken from the date of the birth or up to eight weeks from the birth and can be taken in blocks of one or two weeks. There is no additional leave for multiple births.

10.3.2. Notification

Staff members must provide written notification to their line manager and HR Services at least 15 weeks before the EWC or within 7 days of being matched if adopting, of their intention to take spouse or partner leave, whether they wish to take one or two weeks' leave and the date on which they intend to start leave.

Staff members will be able to change their mind about the date on which they want their leave to start provided they inform their line manager and HR Services 28 days in advance (unless not reasonably practical).

10.3.3. Self-certificate

Staff members wishing to take spouse or partner leave will have to complete a self-certificate as evidence of their entitlement to spouse or partner leave pay. The self-certificate will include a declaration that the staff member meets the eligibility conditions and provides the information specified above as part of the notice requirements.

10.4. Adoption Leave

10.4.1. Entitlement

Staff members who are intending to adopt a child may be entitled to up to 52 weeks Adoption Leave. This is made up of 26 weeks Ordinary Adoption Leave (OAL), normally paid, followed by 26 weeks Additional Adoption Leave (AAL) (some of which may be unpaid) by a UK Adoption Agency. This leave can be taken by either of the adoptive parents.

To qualify for adoption leave, the staff member must be newly matched with a child for adoption and have worked continuously for UEL for 26 weeks leading into the week in which they are notified of being matched with a child for adoption.

Where both adoptive parents work for the same employer only one is entitled to adoption leave – the other adoptive parent is entitled to spouse or partner leave (see Ordinary spouse or partner leave above).

10.4.2. Statutory Adoption Pay

During their adoption leave most staff members will be entitled to Statutory Adoption Pay (SAP) which will be paid for 39 weeks at the standard rate.

Staff members who qualify for adoption leave will also qualify for SAP provided that they have average weekly earnings below the Lower Earnings Limit for NI contributions. Staff members in low-income families may be able to seek financial support from Local Authorities and may be entitled to Tax and Council Tax Credits.

10.4.3. Occupational Adoption Pay

Staff members may be entitled to Occupational Adoption Pay (OAP). To qualify for occupational adoption pay they must:

- have completed at least 1 year's service up to the week of being notified of the match; and
- state in writing that they intend to return to work after their adoption leave; and
- agree in writing to repay the full amount of OAP received for the period of OAL (less any entitlement to SAP) if they fail to return to work following adoption leave for a period of at least 13 weeks

Subject to the above staff members will receive OAP as follows:

- 18 weeks at full pay plus 21 weeks at standard rate SAP or
- 10 weeks at full pay, 16 weeks at half pay plus standard rate SAP and the remaining 13 weeks at standard rate SAP

The date and method of payment of OAP will be the same as for maternity pay. The same provisions regarding incremental rises, pay awards, annual leave will apply and pensions will apply. Adoption leave will not be treated as sick leave and will not be counted towards entitlements to sick leave.

10.4.4. Notification

An adoptive parent must give written notification to their line manager and HR Services within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practical. They will need to state when the child is expected to be placed with them and when they want their adoption leave to start.

An adoptive parent can choose to start their leave from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement but no later than the expected date of placement.

Adopters may change the date on which they wish to start leave providing they give written notification to their line manager and HR Services at least 28 days in advance (unless it is not reasonably practical to do so). They will have to notify UEL of the date they expect any payments of SAP or OAP to start at least 28 days in advance unless this is not reasonably practical.

A staff member must give at least 8 weeks written notice to their line manager and HR Services if they intend to return before the end of the full leave entitlement.

10.4.5. Notification by UEL

Once written notification has been received, HR Services will notify the staff member in writing of his or her entitlements to adoption pay and leave and of the date his or her adoption leave will end within 28 days of the staff member's notification.

10.4.6. Documentary evidence to demonstrate eligibility for SAP

To demonstrate their eligibility for SAP, Staff members will need to provide documentary evidence – a “matching certificate” from their adoption agency as evidence of their entitlement to SAP or OAP and adoption leave. The matching certificate should include basic information on matching and expected placement dates and name and address of the adoption agency. Staff members will also need to declare in writing that they have chosen to receive SAP rather than Statutory Paternity Pay (SPP).

10.4.7. Maintaining contact during the adoption leave period

The staff member's line manager will maintain reasonable contact with the staff member from time to time during his or her adoption leave. This may be to discuss the staff member's plans to return to work, to discuss any special arrangements to be made or training to be given to ease his or her return to work or simply to keep the staff member informed and update him or her on future developments at work during his or her absence.

10.4.8. 'Keeping-in-touch' days

The staff member may, by agreement with his or her line manager undertake up to 10 days work (or to attend training) for which he or she would be paid,

during either OAL or AAL without that work bringing the period of adoption leave to an end and without loss of a week's SAP or OAP. These are known as 'keeping-in-touch' days.

We will not require a staff member to carry out any work, and the staff member has no right to undertake any work, during his or her adoption leave. Any work undertaken, including any work done on keeping-in-touch days, is entirely a matter for agreement between the staff member and his or her line manager. Any payment made to the staff member for work done on keeping-in-touch days will be commensurate with his or her grade and post as prescribed in the staff member's contract of employment. Any keeping-in-touch days worked do not extend the period of adoption leave.

10.4.9. Annual Leave

Annual leave is unaffected by OAL and AAL and continues to accrue normally. A staff member cannot take annual leave during her maternity leave, but subject to the leave policy arrangements, annual leave can be taken immediately before or after maternity leave.

10.4.10. Return to work after adoption leave

Staff members are entitled to return to the same job if they return after ordinary adoption leave. If they return during or after additional adoption leave they will be entitled to return to the same job or if that is not reasonably practical to a suitable alternative post on terms and conditions no less favourable.

Staff members also have statutory protection in regard to any detriment or dismissal in connection with adoption leave.

11. Additional spouse, partner or adoption leave and pay

11.1 Entitlement

Staff members who are eligible will be entitled to take up to 26 weeks' additional leave to care for a child under the age of one if the child's mother, or - in the case of adoptions, primary adopter - returns to work without exercising their full entitlement to maternity leave. Leave can only be taken once the mother has returned to work and the child is over 20 weeks old or the child has been with its adoptive parents for 20 weeks.

To be eligible for additional spouse, partner or adoption leave (ASPAL) you must:

- be continuously employed by UEL for at least 26 weeks ending with the relevant week and remain in employment until you start your ASPAL. In the case of birth the relevant week is 15th week before the baby is due and in adoption it is the week that the adopter is matched with the child for adoption.
- Be taking time off work to care for your child during your partner's 39 week statutory maternity pay (SMP), maternity allowance or statutory adoption pay.
- The child's mother or - in the case of adoptions, primary adopter - must have returned to work.

11.2 Additional spouse, partner or adoption pay (ASPAP)

To be eligible for additional spouse, partner or adoption pay (ASPAP) you must meet the following conditions:

- have average earnings over a set period above a set amount which is at or above the Lower Earnings limit for National Insurance purposes which applies at during the eight weeks prior to the relevant week. That is eight weeks ending with the 15th week before the week the baby is due in the case of birth or the eight weeks ending with the week of matching for adoption; HR Services will advise you of that.
- Be taking time off work to care for your child during your partner's 39 week statutory maternity pay (SMP), maternity allowance or statutory adoption pay.
- Your partner has returned to work.
- There is at least two weeks of the mother's or adopter's SMP or maternity allowance period remaining.

ASPAP will be paid at the standard rate of Statutory Maternity Pay for the remainder of the 39 week SMP period. It will be unpaid for the remaining period of ASPAL.

Example: A staff member's partner returns to work at the end of the 23rd week of the SMP period. The staff member commences ASPAL and ASPAP at the start of the 24th week of the SMP period and will be taking 26 weeks' ASPAL in total. He or she will be entitled to be paid at the standard SMP rate for 16 weeks with the remaining 10 weeks being unpaid.

11.3 Notification

Staff members wishing to take ASPAL must provide written notification to their line manager and HR Services at least eight weeks before their intention to take

ASPAL and must state how much leave they wish to take and the date on which they intend to start and finish ASPAL. HR Services will confirm entitlement within four weeks.

Staff members will be able to change their mind about the date on which they want their leave to start, provided they inform their line manager and HR Services at least six weeks before the original start date and the new start date. If staff provide less than six weeks notice and it is not reasonably practical to accommodate the change the ASPAL will start on the previously notified start date or will be deferred until the six weeks' notice is given.

If a staff member on ASPAL wishes to return from leave earlier than originally notified, he or she must give at least six weeks notice before the new return date. In the case of notice of less than six weeks and where it is not possible to accommodate the change UEL may postpone the staff member's return to work until full notice is given.

11.4 Declaration

Both the mother, or in the case of adoptions, the primary adopter, and staff member wishing to take ASPAL will be required to provide a signed declaration in the form of a self-certificate as evidence of their entitlement to ASPAL. The information to be provided on the self-certificate will be as follows:

- Declaration that the staff member is the biological father or the husband, civil partner or partner of the mother or primary adopter and he or she is taking leave for the purposes of caring for the child.
- Expected week of child birth or placement, if adoption applies.
- Child's date of birth.
- Date staff member wishes to start ASPAL.
- Date staff member wishes to return from ASPAL.
- Name and full address of the mother or primary adopter.
- Mother or primary adopter's National Insurance number.
- Date the mother or primary adopter intends to return to work.

To be eligible for ASPAP the following must be provided:

- Date mother or primary adopter's statutory, maternity allowance or adoption pay period began.
- Date ASPAP is expected to begin.
- Date ASPAP is expected to stop.

It is the responsibility of the staff member to inform UEL if he or she is no

longer eligible for ASAPL or ASPAP due, for example, to a change in the staff member's or family circumstances.

11.5 Returning to work after ASPAL

A member of staff returning from a single period of ASPAL lasting 26 weeks or less is entitled to return to the same job as he or she was employed in before his or her absence. Where the member of staff takes a longer period of leave or two or more consecutive periods of ASPAL he or she is entitled to return to the same job unless this is not practicable, in which case he or she is entitled to return to a suitable alternative job.

11.6 'Keeping in touch' days

During a period of ASPAL the staff member will be entitled to work or undertake training of up to 10 days without loss of ASPP and without bringing the period of ASPAL to an end.

Where a staff member works a KIT day during a period of ASPAP or unpaid ASPAL, payment or TOIL would be given at their normal hourly rate appropriate to his/her pay band for the number of hours worked. For example, a staff member who has taken no KIT days who is on unpaid ASPAL leave and who works one hour will be paid for one hour's work or will receive the equivalent of one hour TOIL. Their remaining KIT days balance will be nine days.

KIT days will only be processed upon receipt by HR Services of the relevant authorisation. Please see Appendix E.

(Policy agreed at JSCNC on 29 June 2011)

Appendix A

General Definitions

Week's pay

For the purposes of maternity, spouse/partner and adoption pay a week's pay is the amount payable to the staff member under their contract of employment if the staff member works throughout their normal hours in a week. Where there are no normal hours a week's pay is the staff member's average pay in the 12

week period preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

Childbirth

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks

Expected week of childbirth - EWC

This is the calendar week in which the baby is expected (Sunday to Saturday).

Appendix B

Time off for antenatal care

All pregnant staff members are entitled to take time off on full pay during their normal working hours to receive antenatal care on the advice of a registered medical practitioner, registered midwife or registered health visitor. In order to minimise disruption to teaching and services appointments should be arranged, wherever possible, as far in advance as possible and as close as possible to the start or end of the working day. Antenatal care is not restricted to medical examinations and includes relaxation classes and parent-craft classes, as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

The staff member should inform her manager that she will be absent as far in advance of her appointment as possible about the date and time of any appointment and give a best estimate of how long she will be absent, including travelling time. Except in the case of her first appointment, the staff member must be prepared to show her manager on request her appointment card or some other documentation showing that an appointment has been made and a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that she is pregnant.

There will be no deduction of salary for attendance at notified antenatal appointments.

Compulsory Maternity Leave

Legislation prohibits a staff member from returning to work for a short period immediately after childbirth. This is known as the compulsory maternity leave period. Compulsory maternity leave lasts for two weeks from the date of childbirth and no staff member can, under any circumstances, choose to return to work within the first two weeks of giving birth. If, therefore, the staff member's baby arrives later than expected and she has exhausted her 26 weeks OML, entitlement to leave will automatically be extended to allow for this compulsory period

Health and Safety

UEL has a legal responsibility under the Management of Health and Safety at Work Regulations 1999 to assess the risks to the health and safety of all staff members including women who are pregnant, mothers who have given birth within the last 6 months and mothers who are breastfeeding and to take appropriate action. If, despite taking all reasonably practicable measures a significant risk still remains we will:

- (i) temporarily adjust the staff member's working conditions and/or hours of work;
- (ii) if it is not reasonable to do so, or would not avoid the risk; offer her suitable work if any is available on the same terms and conditions under which she is normally employed;
- (iii) or if this is not feasible; suspend her from work on full pay until either the risk no longer exists or until her maternity leave starts, whichever happens first or following maternity leave suspend her from work on full pay until the risk no longer exists.

Appendix C

Early Births

If a staff member's baby arrives early, that is, before the MAT B1 could be issued (e.g. premature births) or before the staff member has notified the date of the start of her maternity leave, the maternity leave period starts automatically on the day after the date of the birth even if this is before the beginning of the 11th week before the expected week of childbirth. To preserve

her rights to maternity leave and pay, evidence of both the expected date of birth and the actual date of birth should be given to her line manager and forwarded to HR Services as soon as is reasonably practicable.

Stillbirths

In the event of a stillbirth occurring before the 24th week of pregnancy, the normal rules relating to notification procedures, sick notes, sick leave and sick pay entitlements in accordance with the requirements of UEL's Sickness Absence Scheme apply.

If a stillbirth occurs after 24 weeks of pregnancy, that is, after or at the start of the 16th week before the expected week of childbirth, the staff member will be entitled to maternity leave and pay subject to the normal qualification criteria.

ASPAL if the mother or co-adopter dies

In the event of the mother's or co-adopter's death before the child's first birthday or during the first year of placement, provided the staff member has not taken all of his or her ASPAL entitlement they are entitled to take extended additional paternity leave. This can be for any period from the mother/co-adopter's death until the child's first birthday or first anniversary of placement, Additional statutory paternity pay is payable throughout the mother/co-adopter's SMP period. If the staff member has already completed their period of ASPAL they cannot request further additional paternity leave. If the staff member is currently on ASPAL the leave period may be extended until the child's first birthday. The qualification criteria for additional paternity leave and pay in the event of the mother's death are essentially the same for additional paternity leave in normal conditions.

Breastfeeding

UEL will, on request, make every reasonable effort to provide suitable facilities for staff members who are breastfeeding to express and safely store their milk at work.

Fertility Treatment

Leave of absence with pay may be granted by the Dean of School or Director of Service or nominee, as appropriate, for a staff member, when required, to

attend for fertility treatment. This is on the understanding that the staff member will attempt to minimise the number of working hours lost and, where a full day's absence is incurred, that this will be recorded as sickness absence in accordance with the Sickness Absence scheme.

Interruption to work

If a staff member's return from maternity leave is unreasonably interrupted, she may instead return to work when work resumes, or as soon as reasonably practicable.

Appendix D

Method of payment

Maternity pay, adoption pay and ASPAL will be paid into the staff member's bank account on the same date as she or he would have received her or his salary and will be subject to the usual deductions for income tax, national insurance and pension contributions.

Incremental Increases

The staff member shall be entitled to receive the normal annual increment on her scale in accordance with her contract of employment to take effect from the normal incremental date.

Pay Awards

If a pay award is implemented within the maternity pay period, it will be reflected in maternity pay. This also applies to backdated awards.

Pension Scheme

Conditions relating to the continuation of pension contributions and length of pensionable service during maternity leave, adoption leave or ASPAL are determined by the specific pension scheme. For further information, please contact the Payroll Manager.

Appendix E

Notification of Keeping in Touch Day(s) (Maternity/Paternity Adoption Leave)
