

# RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT AND PARENTAL LEAVE POLICY

## **Management Guidance**

This document provides additional guidance for managers, employees and HR in the handling of Maternity, Adoptive, Paternity and Parental leave. It includes the Research Council's Maternity, Adoptive, Paternity and Parental leave policy which is contractual. The additional guidance which is shaded is not intended to be legally binding and does not form part of the Maternity, Adoptive, Paternity and Parental leave policy.

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## DEFINITIONS

- **EWC** - expected week of childbirth. This refers to the week, beginning with midnight between Saturday and Sunday, during which it is expected that the baby will be born. The EWC is used for calculating both Statutory Maternity Pay (SMP) and Research Council Maternity Pay.
- **SMP** - Statutory Maternity Pay. This is a benefit paid by employers on behalf of the Government for 39 weeks.
- **QW - QUALIFYING WEEK** - the 15th week before the start of the week in which the baby is due.
- **MPP** - Maternity Pay Period. This is the period of time during which SMP is payable. SMP cannot be paid earlier than the 11th week before the EWC but subject to conditions, a woman has some flexibility as to exactly when it does start.
- **OML** - Ordinary Maternity Leave; this is the first 26 weeks of maternity leave.
- **AML** - Additional Maternity Leave. This follows on from the end of OML and can be taken for a further 26 weeks.
- **MATB1** - certificate issued by a Doctor or Midwife to a woman showing the date on which the baby is expected or was born.
- **SAP** - Statutory Adoption Pay. This is a benefit paid by employers on behalf of the Government. The rate of pay is similar to SMP.
- **OAL** – Ordinary Adoptive Leave lasts for the initial 26 week period from when adoptive leave commences.
- **AAL** – Additional Adoptive Leave that lasts for up to 26 weeks.
- **MATCHING CERTIFICATE** - certificate issued by adoption agency confirming named person (s) has been matched with a child for adoption.
- **CONTINUOUS SERVICE** - periods of employment with the employer (Research Council) without a break of 4 weeks or more.
- **ORDINARY MATERNITY SUPPORT LEAVE** – Also referred to as Paternity Leave. This is a 10-day period that can be taken after the birth/adoption.
- **ADDITIONAL MATERNITY SUPPORT LEAVE** – This can be taken where the mother/principal carer returns to work before using all of their leave entitlement and can be transferred to give additional maternity support leave. This can be taken for between 2-26 weeks starting from the 20<sup>th</sup> week after the child was born/adopted.
- **STATUTORY MATERNITY SUPPORT PAY, ALSO REFERRED TO AS STATUTORY PATERNITY PAY (SPP)**- This is a benefit paid by employers on behalf of the Government.
- **ADDITIONAL STATUTORY MATERNITY SUPPORT PAY – ALSO REFERRED TO AS ADDITIONAL STATUTORY PATERNITY PAY (ASPP)** – benefit paid by employers on behalf of the Government.
- **GOV.UK** - <https://www.gov.uk/> – more information on the various benefits and advice can be found here.

# RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT AND PARENTAL LEAVE POLICY

## Policy Statement

The Research Council is committed to providing a fair, consistent and effective approach to the application of Maternity, Adoptive, Maternity Support and Parental leave provision. The Research Council wants to ensure that all employees are informed of their rights surrounding Maternity, Adoptive, Maternity Support and Parental leave and their employment.

This policy outlines the Research Council's approach to Maternity, Maternity Support, Parental and Adoptive leave, outlining entitlements to pay, benefits and duration of leave as well as procedural compliance issues

The Maternity, Adoptive, Maternity Support and Parental Policy applies to Research Council employees. This includes those employed on temporary or fixed term contracts but does not include visiting workers, students or those workers provided by a third party agency. For the purpose of simplifying this document only, all those persons to whom this Maternity, Adoptive, Maternity Support and Parental Leave Policy applies, shall be termed "employees" throughout. In so doing, this does not in any way confer employment rights upon any such category of person where the same do not exist under statute.

The Maternity, Adoptive, Maternity Support and Parental Leave Policy and Procedure are agreed with the Trade Union Side and comply with legislation.

The UK Shared Business Services Ltd (SBS) provides HR Services across the Research Councils. However some employees are deployed at establishments/facilities/ships that do not access services from the SBS. In these cases references to the SBS or System (Employee Self Service) will not apply and employees should refer to their Research Council HR team for assistance.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers or individuals have any doubt as to whether the Travel, Subsistence and Expenses Policy should apply, advice should be sought from the Research Council HR team.

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## 1. Principles

- 1.1 All applications by eligible employees for Maternity, Maternity Support, Parental and Adoptive leave should be considered by the Research Council.
- 1.2 In accordance with the Research Council's Equalities & Diversity policy, applications for Maternity, Maternity Support, Parental and Adoptive leave must be dealt with equitably.
- 1.3 All employees are entitled to leave which they qualify for in line with this policy.
- 1.4 It is important to note that Maternity/Adoptive Pay is distinct from Maternity/Adoptive Leave. The Maternity/Adoptive Pay will not cover the full period of available leave.

## 2. Maternity leave

### 2.1 Introduction

- 2.1.1 All pregnant employees, regardless of their length of service or hours of work, are entitled to a period of 52 weeks' Maternity leave.
- 2.1.2 This is made up of 26 weeks 'Ordinary Maternity Leave (OML) and up to an additional 26 weeks' Additional Maternity leave (AML), which begins the day after OML finishes.
- 2.1.3 During OML and AML, employees are subject to their contractual obligations and duties to the Research Council, in particular, confidentiality, good faith and exclusive service.
- 2.1.4 An employee is eligible for Maternity leave, provided that:
  - a) She notifies the Research Council of her intention to take Maternity leave in writing before the end of the 15th week prior to EWC (or if this is not possible, as soon as is reasonably practicable thereafter);
  - b) She provides a MATB1 form signed by her midwife or GP confirming the EWC; and
  - c) She notifies the Research Council of the date she intends to start her Maternity leave (at least 4 weeks before beginning Maternity leave).
- 2.1.5 These rules should be brought to the attention of any female employee as soon as she is known to be pregnant.

#### Maternity risk assessments:

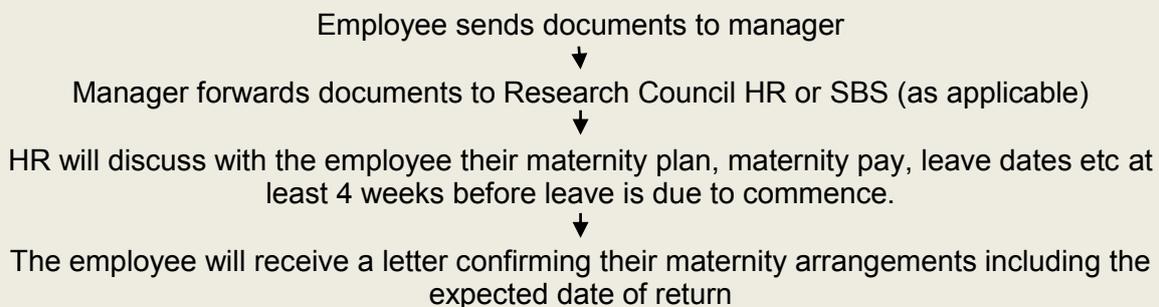
- managers are responsible for ensuring that a risk assessment is carried out for a pregnant employee.
- Maternity risk assessments will be carried out by an appropriate Health & Safety employee.
- Pregnant employees can request a risk assessment and may seek further guidance from their Research Council HR team.

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## 2.2 Maternity Leave

- 2.2.1 An employee's Maternity leave details will be confirmed in writing stating the employee's expected date of return from Maternity leave, which will be 52 weeks from the start of their Maternity leave, unless the employee informs them otherwise within 4 weeks of receiving her written notification.
- 2.2.2 The employee may take up to 14 weeks' maternity leave before the EWC. Since the Maternity Pay Period cannot start until the beginning of the 11th week before the EWC or the child's birth, any leave taken before this 11th week where the child has not yet been born will be unpaid (unless taken as annual leave).
- 2.2.3 Once Maternity leave has commenced, the employee will be eligible to take up to a maximum of 52 weeks' leave i.e. 26 weeks' OML followed by 26 weeks of AML.

Flowchart for Maternity leave request:



- 2.2.4 The SBS must be advised of the Maternity pay and leave arrangements as far in advance as possible, and at least four weeks before Maternity leave is due to begin so that the woman can be excluded from Statutory Sick Pay (SSP) if she is off work for pregnancy-related illness or injury during the four weeks before the EWC. This is because SMP and SSP are mutually exclusive.

## 2.3 Change of Maternity leave date

- 2.3.1 If the employee subsequently wants to change the date that she wishes her Maternity leave to start, she should notify the Research Council at least 4 weeks before the old or new start date, whichever is the earlier (or, if this is not possible, as soon as is reasonably practicable beforehand). However, employees should note that the new start date must not be before the 14<sup>th</sup> week before the EWC.

## 2.4 Ante-Natal Care

- 2.4.1 Pregnant employees have the right to paid, reasonable time off for antenatal care, although, wherever possible, employees should arrange appointments at the start or end of the working day. Antenatal care includes appointments with GPs, hospital clinics, relaxation and parent-craft classes as well as appointments for antenatal care.
- 2.4.2 Employees should advise their managers that they will be absent as far in advance as possible. Except for the first appointment, she may be asked to produce a certificate of

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pregnancy and proof that the appointment has been made, prior to permission being granted for time off.

### Occupational health referral

- managers with concerns about the impact of the employee's work on their pregnancy should request for the employee to be referred to Occupational Health.
- The employee may also be able to self-refer to Occupational Health.

## 2.5 Statutory Maternity Pay (SMP) - Entitlement

2.5.1 A woman who qualifies for SMP under the criteria set out below and is absent from work because of pregnancy or childbirth will be paid SMP for the Maternity Pay Period, being a period of leave of up to 39 weeks, even if she has resigned and does not intend to return to work with the Research Council after her childbirth.

2.5.2 To qualify for SMP an employee must:

- a) have been continuously employed by the Research Council (whether or not she is at work) for at least 26 weeks ending within the 15th week prior to EWC – the qualifying week.
- b) have average weekly earnings of more than the lower earnings limit for the payment of National Insurance contributions in the eight weeks prior to the qualifying week; and
- c) still be pregnant at the 11th week before the EWC, or have given birth by this time; and
- d) inform the Research Council (in writing if so requested) at least 4 weeks before her leave begins, or as soon as reasonably practicable, that she will be (or is) absent from work because of pregnancy or childbirth; and
- e) produce a statement from a registered medical practitioner or certified midwife giving the EWC; and
- f) have stopped work wholly or partly because of pregnancy or childbirth.

2.5.3 If the above conditions are satisfied a woman will qualify for SMP and will also be entitled to 52 weeks' Maternity leave (26 weeks' OML and 26 weeks' AML).

### New starters taking Maternity leave:

- In the event that an employee starts work with the Research Council whilst pregnant, the previous employer of the individual may be obliged to pay for the SMP.
- This provision only applies if the employee qualified for SMP whilst working with the previous employer.

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### **2.6 Payment of SMP**

- 2.6.1 SMP is payable only for complete weeks. It cannot be paid earlier than the 11th week before the EWC unless the child is born earlier, in which case the SMP will start the day after the birth.
- 2.6.2 All women who qualify for SMP are eligible to receive 6 weeks' payment at the higher rate (calculated as 90% of their average gross weekly earnings for the eight weeks up to and including the last pay day before the qualifying week). This is followed by 33 weeks' payment at the lower rate of SMP, which is at a national set rate reviewed annually. It will be issued on the normal pay days.
- 2.6.3 Each employee's SMP will be paid subject to deductions for tax, National Insurance and pension contributions in the usual way. If a woman does not qualify for SMP she may be eligible for Maternity allowance.

### **2.7 Research Council Maternity Pay**

- 2.7.1 An employee will qualify for the Research Council Maternity Pay provided that she:
  - a) has 26 weeks continuous service with the Research Council at the beginning of the 15<sup>th</sup> week before the EWC;
  - b) gives written notification at least 4 weeks before the Maternity leave is due to begin;
  - c) provides medical evidence of the due date which must be provided to the Research Council no later than the end of the 15<sup>th</sup> week prior to EWC. This is normally in the form of the MATB1 signed by the doctor or midwife.
  - d) remains employed by the Research Council.
- 2.7.2 A female employee, who qualifies for Research Council Maternity Pay, is entitled to receive payments during her Maternity leave for 39 weeks (Maternity Pay Period). Research Council Maternity Pay provides that the first 26 weeks of the Maternity Pay Period will be paid at the full rate of Research Council pay; the following 13 weeks will be paid at the SMP rate.
- 2.7.3 All payments made to such an employee during the Maternity Pay Period are inclusive of that employee's entitlement, if any, to SMP.
- 2.7.4 The Maternity Pay Period starts no earlier than the beginning of the 11th week before the EWC unless the employee gives birth before that week in which case the Maternity Pay Period begins automatically and it starts no later than the week of childbirth.
- 2.7.5 An employee who is ineligible under the Research Council's Paid Maternity Pay may still qualify for SMP.

### **2.8 Maternity Allowance**

- 2.8.1 A woman who is not entitled to SMP may be eligible for Maternity allowance. Maternity allowance is paid for up to 39 weeks and is not subject to tax and National Insurance. It is not paid while a woman is working. It is paid to qualifying new and expectant mothers with

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less than 26 weeks' employment at the Qualifying Week. The allowance will have to be claimed by completing a form that is available from Jobcentre Plus or downloading the form from the Jobcentre Plus website.

### 2.9 Statutory right to return to work

- 2.9.1 No woman may return to work within the two-week period immediately following the birth of her child.
- 2.9.2 The right to return to work within and up to the end of a period of 52 weeks from the beginning of the Maternity leave period is a statutory right for employees.
- 2.9.3 An employee returning from OML has the right to return to the job in which she was employed prior to the commencement of Maternity leave on the same terms and conditions.
- 2.9.4 An employee returning from AML or from a period of parental leave taken immediately after AML, has the right to return to the job in which she was employed prior to the commencement of Maternity leave or, if that is not reasonably practicable (e.g. due to redundancy), to another job which is both suitable and appropriate for her in the circumstances and on comparable terms and conditions. Management will consult with the employee about any proposed changes to their job towards the end of their leave if this is likely to be the case.
- 2.9.5 If a redundancy situation occurs during maternity leave, the employee must have the same consultation as other staff. If the employee is selected for redundancy whilst on maternity leave a written statement outlining the reason for selection must be supplied to the employee.

If an employee is on maternity leave and a redundancy situation arises the manager must consult the Research Council HR team. The same will apply to staff on adoptive or maternity support leave. Where it is not practicable by reason of redundancy for the Research Council to continue to employ her under her existing contract of employment, she should be offered suitable alternative employment, which is both suitable and appropriate for her to do in the circumstances and she is employed on terms which are not substantially less favourable to her than if she had continued to be employed in her previous job. Managers should speak to their Research Council HR team for guidance before making any redundancies.

- 2.9.6 If a woman wishes to modify her hours or working arrangements upon return they should refer to the Research Council's Flexible Working Policy. Please note a request to return to flexible working must be submitted 14 weeks in advance.
- 2.9.7 It will be assumed that a woman will return from Maternity leave at the end of the 52 week period unless an earlier date has previously been agreed between the parties. Should the employee wish to change this date, they must give the Research Council 8weeks' notice in writing before their intended date of return, otherwise the Research Council may delay their return for 8 weeks or until the end of their AML period, whichever is the earlier.

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### **2.10 Failure to return to work**

- 2.10.1 Should an employee decide not to return to work after Maternity leave, she is required to notify the Research Council HR team of this decision immediately.
- 2.10.2 If an employee does not notify the Research Council HR team and does not return to work on the due date, the Research Council will treat this matter as unauthorised absence and the employee may be subject to the Research Council's Disciplinary Procedure.
- 2.10.3 An employee who resigns because she does not intend to return to work after the child is born, but later wishes to return because of a radical change in circumstances such as the child's stillbirth, has no absolute right to return but may be allowed to do so if at all possible.
- 2.10.4 Employees must return to work after the end of the AML period. If they are sick and unable to attend work for any reason they must provide a doctor's certificate. Provided that employees comply with this requirement, they will be treated as being absent due to sickness.

### **2.11 Sickness during Maternity leave**

- 2.11.1 Research Council paid sick leave is not allowed during paid or unpaid Maternity leave. If an employee is eligible for SMP or Maternity Allowance she will not be entitled to SSP until after the Maternity Pay Period, being 39 weeks. If an employee is not entitled to SMP or Maternity Allowance, she cannot receive SSP for 18 weeks. SSP is not payable whilst an individual is in receipt of SMP. Such employees may, after such times, be entitled to SSP provided that a medical certificate of incapacity is submitted so that eligibility for SSP can be determined.

### **2.12 Sickness before and after Maternity leave**

- 2.12.1 Normal provision for Research Council paid sick leave applies before and after Maternity leave subject to the provisions the Sickness Absence Management Policy. Entitlement to Research Council paid sick leave and to SSP for pregnancy-related sickness absence ceases at the beginning of the fourth week before the EWC.
- 2.12.2 If a woman is absent due to pregnancy related sickness during or after the 4th week before the EWC, her Maternity leave will be deemed to have commenced and either SMP, Maternity Allowance or Research Council Maternity pay will then be paid if appropriate.
- 2.12.3 Where a woman has provided at least 4 weeks' written notification of her intention to return to work from Maternity leave on a specific date, but cannot return due to illness (whether pregnancy or non-pregnancy related), Research Council sick leave will be allowed if a medical certificate of incapacity is provided.

### **2.13 Childbirth and Stillbirth/Miscarriage**

- 2.13.1 Where an employee has a stillbirth after the 24th week of pregnancy, the employee will be entitled to the same amount of Maternity leave and pay as if her baby was born alive.
- 2.13.2 Where an employee has a miscarriage before the 24th week of pregnancy, she will not be eligible for Maternity leave or pay but she may be eligible for Research Council sick pay. Please see the Research Council Sickness Absence Management Policy.

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### **3. Adoptive leave**

#### **3.1 Introduction**

- 3.1.1 The principal carer will be entitled to Adoptive leave if they have been newly matched with a child up to the age of 18, as long as the child is newly placed for adoption (and placed by an accredited adoption agency), and the principal carer has been employed by the Research Council for at least 26 weeks by the week in which they were notified of the match.
- 3.1.2 Adoptive leave allows for 26 weeks of ordinary Adoptive leave (OAL) followed immediately by 26 weeks of additional Adoptive leave (AAL), which begins the day after OAL finishes. Adoptive leave can start up to four weeks before the date of placement.
- 3.1.3 The start date of Adoptive leave and pay may be changed as long as 4 weeks' notice of the change is given.
- 3.1.4 The partner (the person not designated as principal carer) is entitled to paid leave equivalent to Research Council paid Maternity Support leave if they have at least 26 weeks' service with the Research Council ending with the week in which the principal carer was notified of the match. They must also notify the Research Council of their intention to take Maternity Support leave within one week of the date of the match.
- 3.1.5 The principal carer can only take one period of leave even if more than one child is placed for adoption at one time.
- 3.1.6 Both Adoptive parents may apply for up to four days' paid leave for pre-adoption formalities. This leave should be applied for in writing to the employee's manager with supporting documentation.
- 3.1.7 During OAL and AAL, employees are subject to their contractual obligations and duties to the Research Council, in particular, confidentiality, good faith and exclusive service.

#### **3.2 Statutory Adoptive Pay (SAP)**

- 3.2.1 A principal carer will be entitled to receive 26 weeks' OAL (paid at SAP rate) followed by 26 weeks' AAL (13 weeks paid at SAP rate, 13 weeks unpaid), provided they have average weekly earnings greater than the lower earnings limit and they comply with the relevant notification procedures set out below.
- 3.2.2 If adopting from within the UK, an employee will qualify for SAP if:
  - a) They have been continuously employed by the Research Council for at least 26 weeks into the week in which they were notified of having been matched with the child;
  - b) They can provide a copy of the matching certificate given by the adoption agency;
  - c) They have notified the agency that they agree that the child should be placed with them; and

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- d) Within one week of the date on which they were matched, they have notified the Research Council of when they wish the adoption leave and pay to begin, which may start no earlier than the 14<sup>th</sup> day before the expected date of placement of the child and the latest it can start is generally the date of the placement (the Research Council should have at least 4 weeks' notice of the start of the adoption leave and pay).

3.2.3 If adopting from overseas, an employee will qualify for SAP if:

- a) They have been continuously employed by the Research Council for at least 26 weeks by the time they wish to begin their leave and pay;
- b) They have received official notification, which confirms the adopter has been assessed and approved as a suitable parent;
- c) They give the Research Council notice in writing within 4 weeks of receiving official notification, or within 4 weeks of completing the 26 weeks' service if that is later (the Research Council must have at least 4 weeks' notice of the start of the Adoptive leave and pay); and
- d) They must give the Research Council evidence that the child has entered Great Britain.

3.2.4 An employee who is eligible for SAP may also qualify for the Research Council's paid Adoptive leave.

### **3.3 Research Council Adoptive Pay**

3.3.1 A principal carer who qualifies under the Research Council Adoptive Pay is entitled to receive payments during Adoptive leave for a continuous period of 39 weeks (Adoption Pay Period). The first 26 weeks will be on the full rate of Research Council pay, the next 13 weeks will be on SAP rate.

3.3.2 All payments made to such an employee during the Adoption Pay Period are inclusive of that employee's entitlement to SAP. The principal carer will then be entitled to 13 weeks' unpaid leave. An employee will qualify for Research Council Adoptive Pay, provided that they:

- a) have 26 weeks continuous service with the Research Council ending with the week in which they were notified of the match;
- b) can provide a copy of the matching certificate given by the UK adoption agency and they have notified them that they agree for the child to be placed with them or they can provide official notification of adoption from overseas;
- c) can provide a date when the child is due for placement or an estimate of when the child will enter Great Britain;
- d) have notified the Research Council of when they wish the adoption leave and pay to begin within one week of the date on which they were matched (the Research Council must have at least 4 weeks' notice of the start of the Adoptive leave and pay); and
- e) remain employed by the Research Council.

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3.3.3 The SBS will confirm in writing the employee's Adoptive leave details within 4 weeks of receiving their written notification.

### **3.4 Statutory right to return to work**

3.4.1 The right to return to work within and up to the end of a period of 52 weeks from the beginning of the Adoption leave period is a statutory right for employees.

3.4.2 An employee (who is the principal carer) returning from OAL has the right to return to the job in which they were employed prior to the commencement of OAL on the same terms and conditions.

3.4.3 An employee (who is the principal carer) returning from AAL, or from a period of parental leave taken immediately after AAL, has the right to return to the job in which they were employed prior to the commencement of Adoption leave, or if that is not reasonably practicable (e.g. due to redundancy), to another job, which is both suitable and appropriate and on comparable terms and conditions. Management will consult with the employee about any proposed changes to their job at the end of their leave if this is likely to be the case.

3.4.4 If a redundancy situation occurs during Adoption leave, the employee must have the same consultation as other staff. If the employee is selected for redundancy whilst on Adoption leave a written statement outlining the reason for selection must be supplied to the employee.

3.4.5 If the employee wishes to modify their hours of working arrangements they should refer to the Research Council's Flexible Working Policy. Requests for such a change must be applied for 14 weeks in advance.

3.4.6 It will be assumed that the employee (principal carer) will return from Adoption leave at the end of the 52 week period unless an earlier date has previously been agreed between the parties. If the employee (principal carer) wishes to change this date they must provide the Research Council with at least 8 weeks' notice in writing of their return date, otherwise the Research Council may delay their return for 8 weeks or until the end of their AAL period, whichever is the earlier.

### **3.5 Failure to return to work**

3.5.1 Should an employee decide not to return to work after Adoptive leave, they are required to notify the Retained HR team of this decision immediately.

3.5.2 Employees must return to work after the end of the AAL period. If they are sick and unable to attend work for this reason they must provide a doctor's certificate. Provided that employees comply with this requirement, they will be treated as being absent due to sickness.

3.5.3 Should employees fail to return to work on the agreed return date, the Research Council will treat this as an unauthorised absence. Such employees may, therefore, be subject to the Research Council's Disciplinary Procedure.

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### **4. Maternity Support leave (also referred to as Paternity leave)**

#### **4.1 Introduction**

4.1.1 Maternity Support leave (also referred to as Paternity leave) is available to the biological father of the child, the mother's or principal carer's spouse and/or partner who has or expects to have the main responsibility (apart from the child's mother or principal carer) for the child's upbringing. (A "Partner" is defined as a person, whether of different or same sex, who lives with the mother/principal carer and the child in an enduring family relationship but is not the mother/principal carer's parent, grandparent, sister, brother, aunt or uncle).

4.1.2 Where eligible, employees will be entitled to Maternity Support Leave as follows:

- a) Two weeks' Ordinary Maternity Support leave;
- b) Up to a further 26 weeks' Additional Maternity Support leave (starting no earlier than 20 weeks after the child's birth or the placement for adoption).

4.1.3 During Maternity Support leave, employees are subject to their contractual obligations and duties to the Research Council, in particular, confidentiality, good faith and exclusive service.

4.1.4 Employees are encouraged to consult their Research Council HR team to ascertain the total eligible leave available to them.

#### **4.2 Ordinary Maternity Support leave**

4.2.1 Where eligible, an employee may take a total of two weeks' Ordinary Maternity Support leave within three months following the date of birth or adoption. This is in addition to the employee's normal annual holiday entitlement.

4.2.2 In order to qualify for Ordinary Maternity Support leave, employees must have 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth (EWC), or in the case of adoption by the week in which the child's principal carer is notified as having been matched with the child (within the UK) or the official notification is received (Overseas).

4.2.3 Employees must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or support the child's mother/principal carer.

4.2.4 Within these parameters, the employee may choose to begin their leave on:

- a) the date on which the child is born/placed/enters Great Britain, or
- b) the date falling such number of days after the birth/placement/entry as specified in the employee's notice to the Research Council, or
- c) a predetermined date specified in the notice, which is later than the first day of EWC/placement/entry.

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4.2.5 Ordinary Maternity Support leave cannot begin before the day of the child's birth/placement/entry, and must be completed within a period of three months starting from the date of birth/placement/entry.

4.2.6 No additional paid time off will be granted for multiple births/adoptions at the same time.

### **4.3 Notification to request Ordinary Maternity Support leave - Birth**

4.3.1 Employees wishing to request Ordinary Maternity Support leave should give the Research Council at least 4 weeks' written notice of their intention to take Ordinary Maternity Support Leave.

4.3.2 To make a request to take Ordinary Maternity Support leave, employees should complete the H210 form, available on the System to indicate the date the baby is due and to confirm the date that they wish for paid Ordinary Maternity Support leave to commence.

4.3.3 A copy of the MATB1 form signed by the midwife or GP confirming the EWC at the earliest opportunity should also be submitted with the request. (Ideally the original MATB1 form should be provided however, if the original is not available, a copy will suffice).

4.3.4 Upon receipt, the SBS will, on behalf of the Research Council, formally respond to the employee in writing to confirm the relevant start and end dates of Ordinary Maternity Support leave and any entitlement to pay. Such a response will be provided within 4 weeks of receipt of a request to take Ordinary Maternity Support leave.

4.3.5 Should the notified date of commencement of Ordinary Maternity Support leave change, employees must, unless the baby is born sooner or later than expected, provide at least 4 weeks' notice of the revised Maternity Support leave start date.

### **4.4 Notification to request Ordinary Maternity Support leave – Adoption**

4.4.1 It is recommended that employees notify the Research Council of their intention to take Maternity Support leave as soon as possible following approval for adoption. This may be before employees have received, or need to submit, their documentary evidence, but it will allow the Research Council time to plan for the intended period of leave.

4.4.2 If adopting from within Great Britain, employees must give the Research Council one week's notice, from the date the matching certificate is issued, of the date they expect to take the leave and provide proof of the expected date of placement of the child at the earliest opportunity.

4.4.3 If adopting from overseas, employees are required to notify the Research Council within 4 weeks of receiving, or their spouse or partner receiving, the official notification.

4.4.4 Upon receipt, the SBS will, on behalf of the Research Council, formally respond to the employee in writing to confirm the relevant start and end dates of Ordinary Maternity Support leave and any entitlement to pay. Such a response will be provided within 4 weeks' of receipt of a request to take Ordinary Maternity Support leave.

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4.4.5 Should the notified date of commencement of Ordinary Maternity Support leave change, employees must, unless the adoption date unexpectedly changes, provide at least 4 weeks' notice of the revised Maternity Support leave start date.

### **4.5 Pay Entitlement during Ordinary Maternity Support Leave**

4.5.1 Employees will qualify for both statutory paternity pay (SPP) and Research Council Maternity Support Pay provided they meet all of the criteria set out in section 4.2.2 in the event of a birth or an adoption.

4.5.2 The Research Council Paid Maternity Support Leave Scheme provides two weeks' Ordinary Maternity Support leave paid at the full rate of Research Council pay, this is inclusive of their entitlement to SPP.

4.5.3 Payments will be made at the same time and in the same way as normal wages or pay.

### **4.6 Additional Maternity Support leave**

4.6.1 Where eligible, an employee may also take up to a further 26 weeks' Additional Maternity Support leave within the first year of their child's life, or in the case of adoption the date of placement, **provided that** the mother, or principal carer, has returned to work before using their full entitlement to Maternity or Adoptive leave and that the leave starts no earlier than 20 weeks after the child's birth or the placement for adoption. An employee cannot take a period of Additional Maternity Support leave at the same time that the mother or primary carer remains on maternity or adoptive leave.

4.6.2 Additional Maternity Support leave must be taken as a single block in multiples of complete weeks; the minimum period being two consecutive weeks and the maximum period being 26 weeks.

4.6.3 Employees eligible for Additional Maternity Support leave may also be entitled to Additional Statutory Paternity Pay (ASPP) and/or Research Council Additional Maternity Support Pay, depending on the length of service, and the length and the timing of the period of Additional Maternity Support leave. (Refer to section 4 for further details).

4.6.4 Employees who qualify for paid Additional Maternity Support leave can choose to continue the period of leave up until the child's first birthday. However payment for leave will only be provided where the mother, or principal carer, has returned to work without using their entitlement to maternity pay or principle carer's adoptive pay. Any leave taken after the mother's maternity pay period, or the principal carer's adoptive pay period, has ended will be unpaid.

4.6.5 Employees who opt to take Additional Maternity Support leave will also be entitled to take up to 10 keeping-in-touch days during the course of the leave. (Refer to section 5 for further details).

### **4.7 Eligibility for Additional Maternity Support leave**

4.7.1 If the employee meets the conditions for Ordinary Maternity Support Leave they can also be eligible for Additional Maternity Support Leave with the following additions:

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- a) The employee must remain in continuous employment until the week before the first week of Additional Maternity Support leave.
- b) In addition, the mother, or principal carer, must have also returned to work before using their full entitlement to Maternity or Adoptive leave.

### 4.8 Notification to request Additional Maternity Support leave

- 4.8.1 Employees wishing to request Additional Maternity Support Leave must give the Research Council at least 8 weeks' written notice of the date on which they wish to start the period of Additional Maternity Support leave, and if applicable, when Additional Maternity Support pay will commence.
- 4.8.2 To make a request to take Additional Maternity Support leave, employees should complete the H210 form available on the System, to indicate the following:
  - a) The expected and actual birth date of the child, or in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
  - b) The intended start and end dates of Additional Maternity Support leave; and
  - c) The intended start and end dates of statutory paternity pay (SPP) and/or Research Council paid maternity support leave if eligible.
- 4.8.3 At least 8 weeks before the proposed start date of the Additional Maternity Support Leave, the employee must also submit, in writing, a signed self-certification form H216(2) stating that the purpose of the additional maternity support leave/SPP period is to care for the child and that he/she satisfies the relationship eligibility conditions for additional maternity support leave and pay.
- 4.8.4 At the same time the mother, or principal carer, must also submit to the Research Council, in writing, a signed declaration form (form H216A) stating:
  - a) their name, address and national insurance number;
  - b) the date that they intend to return to work and that they have given notice to their employer;
  - c) that they are entitled to either statutory maternity pay (SMP), maternity allowance (MA) or statutory adoption pay (SAP) (where eligible);
  - d) the start date of their maternity or adoption pay period;
  - e) confirmation that the Research Council employee satisfies the relationship eligibility conditions for additional maternity support leave;
  - f) that they consent to the Research Council processing the information contained in the declaration form for the purposes of provision of Additional Maternity Support Leave; and

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g) that the Research Council employee is, to their knowledge, the sole applicant for additional statutory paternity pay (ASPP) (where eligible) and, in the case of a birth child, also that the Research Council employee is, to their knowledge, the only person exercising this entitlement to Additional Maternity Support Leave in respect of the child.

4.8.5 The Research Council may also request that the employee provides the following information:

a) formal recent documentation to evidence the name and business address of the mother's, or principal carer's, employer (or if self-employed, her business address). This could, for example, be a letter from the employer confirming their employment;

b) a copy of the child's birth certificate, or in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expect to place the child for adoption.

4.8.6 An employee must provide this information within 4 weeks of such a request.

4.8.7 Should an employee wish to change the notified commencement date of their Additional Maternity Support Leave, at least six weeks' notice should be provided wherever possible.

4.8.8 Upon receipt, the SBS will, on behalf of the Research Council, formally respond to the employee in writing to confirm the relevant start and end dates of additional paternity leave and any entitlement to pay. Such a response will be provided within 28 days of receipt of a request to take Additional Maternity Support leave.

### **4.9 Entitlement to Additional Statutory Maternity Support Pay (also referred to as Additional Statutory Paternity Pay (ASPP))**

4.9.1 If eligible additional statutory paternity pay (ASPP) will be payable for up to 19 weeks depending on when the mother or principal carer returns to work.

4.9.2 In order to qualify for ASPP, an employee must meet all of the criteria set out in this section:

a) The mother must be entitled to statutory maternity pay (SMP) or maternity allowance, or in the case of adoption, the principal carer is entitled to statutory adoptive pay (SAP); and

b) The mother or primary carer has returned to work with at least two weeks' of their maternity or adoption pay period that remains unspent.

4.9.3 ASPP will be paid at the same rate as SPP and is payable whether or not the employee intends to return to work following the completion of their Additional Maternity Support leave.

4.9.4 Payment will be made at the same time and in the same way as normal wages or pay.

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### **4.10 Entitlement to Research Council Additional Maternity Support Pay**

4.10.1 An employee who meets the eligibility criteria for ASPP will also qualify for Research Council Additional Maternity Support Pay, provided that the employee:

- a) Has 12 months' continuous service with the Research Council at the beginning of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or in the case of adoption by the week in which the child's principal carer is notified as having been matched with the child (within the UK) or the official notification is received (Overseas).;
- b) Gives written notification of their intention to take leave at least 8 weeks before the Additional Maternity Support Leave is due to begin;
- c) Submits the required declaration forms; and
- d) Remains employed by the Research Council.

4.10.2 Research Council Additional Maternity Support Pay provides payment during the Additional Maternity Support period as follows:

- a) Where a mother or primary carer has returned to work without using their full entitlement to Ordinary Maternity or Adoptive Leave (OML or OAL), up to 6 weeks' full Research Council pay will be paid for the remaining period of unspent leave (starting no earlier than 20 weeks after the child's birth or placement for adoption).

and/or

- b) Where a mother or primary carer has returned to work without using their full entitlement to Additional Maternity or Adoptive leave (AML or AAL), up to 13 weeks' additional statutory paternity pay (ASPP) will be paid for the remaining period of unspent leave.

4.10.3 The above payments will be made regardless of whether the mother or primary carer is a Research Council employee. For the purposes of this policy, where the employee qualifies for Research Council Paid Additional Maternity Support Leave, the assumption is made that the mother or primary carer would also qualify for the Research Council Paid Maternity Leave Scheme.

4.10.4 All payments made to an employee during the Additional Maternity Support Pay period are inclusive of that employee's entitlement to ASPP.

### **4.11 Statutory right to return to work**

4.11.1 The right to return to work following Maternity Support leave is a statutory right for employees.

4.11.2 An employee returning from a period of up to 26 weeks' additional maternity support leave, or from a period of parental leave of four weeks or less, taken immediately after Additional Maternity Support leave, has the right to return to the job in which they were employed prior to the commencement of Maternity Support leave on the same terms and conditions.

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- 4.11.3 If further leave is taken over and above this amount, the employee has the right to return to the job in which they were employed prior to the commencement of Additional Maternity Support leave or, if that is not reasonably practicable (e.g. due to redundancy), to another job which is both suitable and appropriate and on comparable terms and conditions. Management will consult the employee about any proposed changes to their job at the end of their leave if this is likely to be the case.
- 4.11.4 If a redundancy situation occurs during this period of leave, the employee must have the same consultation as other staff. If the employee is selected for redundancy whilst on leave a written statement outlining the reason for selection must be supplied to the employee.

### 5. Keeping in touch days

- 5.1 Keeping in touch days are intended to facilitate a smooth return to work for an employee returning from Maternity, Adoptive or Additional Maternity Support leave.
- 5.2 If the Research Council and the employee agree, the employee may work for up to a maximum of 10 Keeping-In-Touch days without bringing their Maternity, Adoptive or Maternity Support leave to an end. Any days of work will not extend the total Maternity, Adoptive or Maternity Support leave period.
- 5.3 In accordance with legislation, any work carried out on any day shall constitute a full day's work.
- 5.4 An employee on Maternity Leave is not entitled to apply for a Keeping-In-Touch day during the two week period commencing on and including the day on which childbirth occurs.
- 5.5 Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers should inform the SBS when an employee works a Keeping-In-Touch day so that this can be reflected in the employee's pay.

- 5.6 This provision does not confer any right on the Unit or Team concerned to require any work to be carried out during the Maternity, Adoptive or Maternity Support leave period, nor any right on an employee to demand work during this period. Also, there is no obligation on either the Research Council or the employee to make use of these days.
- 5.7 The employee will be paid at their basic daily rate, for the hours worked less appropriate Maternity/Adoptive/Maternity Support Pay for keeping in touch days worked.

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To facilitate the process of keeping in touch days it is important that the manager and employee have early discussion to plan and make arrangements for keeping touch days before the employee's Maternity, Adoptive or Maternity Support leave takes place.

## **6. Parental leave**

### **6.1 Introduction**

- 6.1.1 The right to Parental leave provides eligible parents with the opportunity to take periods of unpaid leave to look after a child or make arrangements for the child's welfare.
- 6.1.2 Requests for Parental Leave must be made to the manager and then forwarded to the Research Council HR team on the Parental leave form.

### **6.2 Eligibility**

- 6.2.1 Research Council employees will be eligible for unpaid Parental leave if they have at least one year's continuous service with the Research Council, before the start of the leave period, and are:
  - a) the parent or carer of a child under five years of age, in which case they shall apply for up to 18 weeks' unpaid leave per child, subject to the conditions of Parental leave.
  - b) Parents of Adoptive children: employees who have adopted a child can take Parental leave up to the fifth anniversary of the date of placement (or the child's 18th birthday if that is sooner), in which case they can apply for up to 18 weeks' unpaid leave per child.
  - c) Parents or carers of disabled children: Employees who have a disabled child (i.e., a child who is entitled to disability living allowance) are entitled to take 18 weeks' unpaid leave up until the child's 18th birthday. Parents of disabled children may take the unpaid leave a day at a time if they wish, and this will not count as a full week.
- 6.2.2 Employees must be named on the child's birth certificate or they must have or expect to have acquired formal responsibility for the child and be able to provide evidence to management of the above.

### **6.3 Conditions of Parental leave**

- 6.3.1 Employees are eligible for 18 weeks' unpaid Parental leave per child.
- 6.3.2 Where both parents are Research Council employees, they will both be eligible for 18 weeks' unpaid leave.
- 6.3.3 Employees can take blocks of leave in calendar weeks up to a maximum of four calendar weeks' Parental leave in one calendar year. Therefore, if an employee only takes part of a calendar week as Parental leave, this will reduce the employee's entitlement by a full week (this restriction does not apply to parents/carers guardians of disabled children who may take leave as single days).

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- 6.3.4 However, where the leave taken is for a period of more than four weeks (i.e., where the leave spans the December of one year and the January of the next), and where it is operationally necessary, employees may need to return, at management discretion, to another job that has the same Band and terms and conditions as the old one. Employees will be advised of this at the time the leave is approved by management.
- 6.3.5 A request for Parental Leave must be made a minimum of three weeks in advance.
- 6.3.6 The Research Council may postpone the Parental leave for up to three months where Research Council business would be unduly disrupted. If this means the leave is postponed beyond the fifth year limit, the parent still has a right to take it. However, unless there are exceptional operational difficulties, employees who give three months' or more notice of this intention will be guaranteed the time off requested.
- 6.3.7 The Research Council may not postpone the taking of leave if the employee has requested it to be taken immediately after the birth of a baby/placement for adoption and the employee gave 3 weeks' notice of this intention.
- 6.3.8 Cases of adoption: The Research Council already provides for the principal carer to have 39 weeks' paid leave and up to 13 weeks unpaid Adoptive leave. Carers will also be eligible for Parental Leave as discussed in section 3.1.
- 6.3.9 Employees new to the Research Council: New employees to the Research Council must advise management of any Parental leave taken when previously employed outside the Research Council as the 18 weeks' leave entitlement includes any Parental leave already taken for a child during any previous employment. The Research Council reserves the right to contact previous employers for a history of Parental leave taken by the employee.

### **7. Termination of contracts**

- 7.1 An employee will lose their contractual rights to Research Council pay under this policy upon the termination of their employment. However, they will continue to be entitled to the statutory payments on the basis that they satisfy the respective qualifying conditions.

### **8. Effect of maternity / adoption / maternity support (paternity) / parental leave on conditions of service**

- 8.1 While employees are on Maternity, Maternity Support (Paternity), Adoption or Parental Leave, whether paid or unpaid, their contract of employment remains in force. Specific terms and conditions vary depending on whether the leave is paid or unpaid, as follows.
- 8.2 Paid Ordinary Maternity/Adoption Leave and Paid Ordinary/Additional Maternity Support Leave - the period of absence counts as normal service for all purposes.
- 8.3 Unpaid Ordinary and Additional Maternity/Adoption/Maternity Support Leave and Parental Leave - while the employee does not receive pay (contractual or statutory) during these periods of leave, their other non-pay terms and conditions of employment are unaffected. The period of absence counts in the calculation of any service-related entitlements. In particular:
- Annual leave continues to accrue during the period of absence

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- Entitlement to public and privilege holidays continue to accrue
- The period of absence counts as qualifying service for pension (and redundancy) purposes. However, no employer pension contributions are made and the period does not count as reckonable service for pension (or redundancy) purposes.

8.4 In line with the usual arrangements (see Annual Leave Policy) employees on maternity/adoption/maternity support and parental leave may carry over up to 10 days unused annual leave. Employees should therefore seek to manage their annual leave so that they do not lose any entitlement. This may include using annual leave prior to the period of absence or at the end, or ending the absence (e.g. AML) taking unused annual leave (which would therefore be paid).

8.5 Untaken public and privilege days may not be carried forward to the next leave year.

8.6 Paid Additional Maternity/Adoption/Ordinary & Additional Maternity Support Leave (Pension) - during the first 13 weeks of AML/AAL/O&AMSL most employees will qualify for SMP/SAP/Ordinary & Additional SPP. While they are in receipt of this statutory payment, the Research Council will continue to pay the employer's pension contribution, which will be based on the individual's normal contractual pay. An employee pension contribution will be deducted from the individual's statutory pay, but this will be based only on that statutory pay, not on their contractual pay. The period of paid AML/AAL/O&AMSL will count as reckonable service for pension and redundancy purposes.

### **9. Policy Review**

This policy will be regularly reviewed to incorporate any legislation changes. The TU may request that a policy is reviewed.

### **10. Amendment history**

| Version | Date | Comments/Changes |
|---------|------|------------------|
|         |      |                  |
|         |      |                  |

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### Appendix A– Web Links

- For further information on maternity rights, refer to the following link:  
<http://www.acas.org.uk/index.aspx?articleid=1753>
- For information on benefits available  
<https://www.gov.uk/>

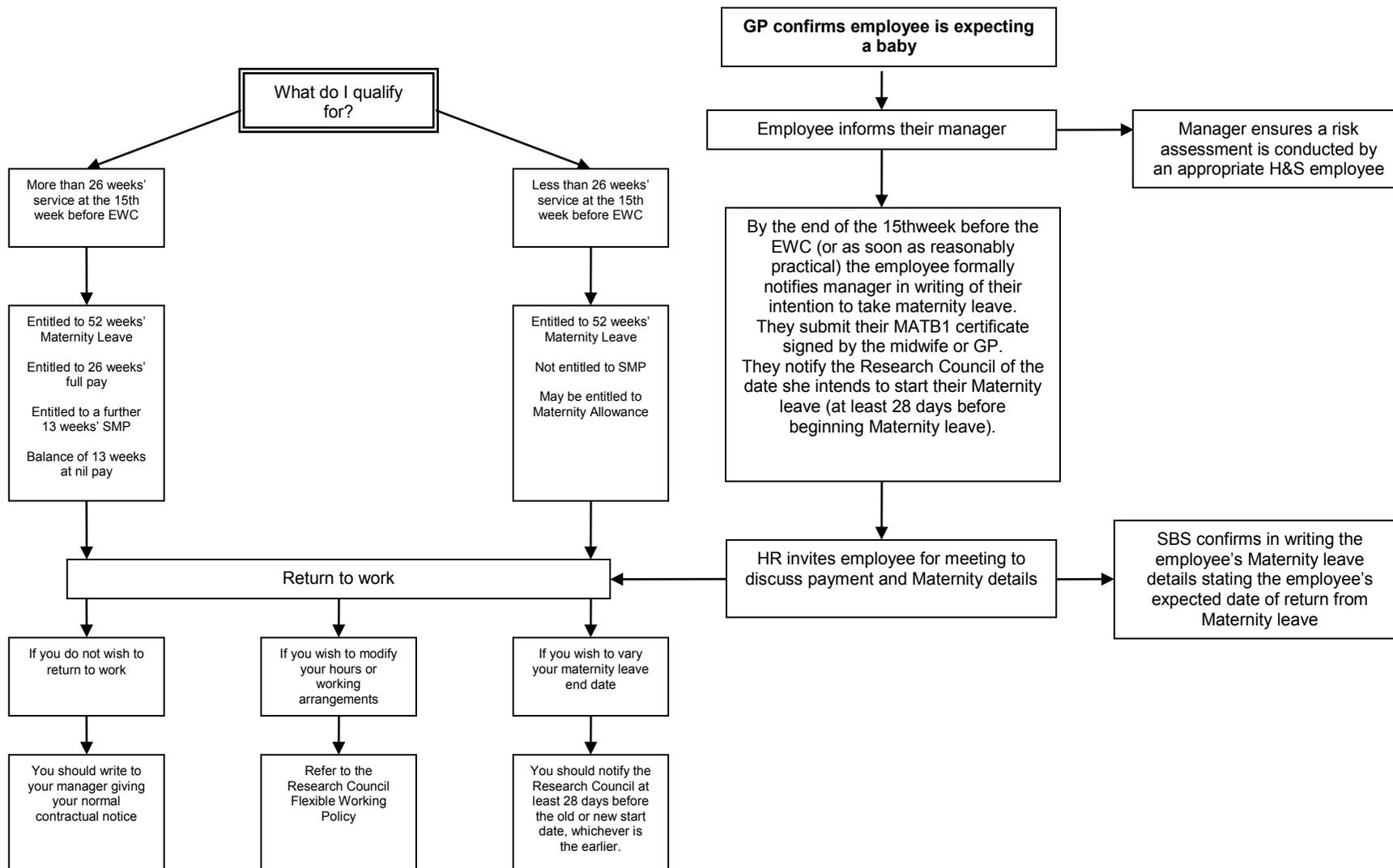
### Appendix B – Maternity Checklist

|                                 |  |
|---------------------------------|--|
| 28 weeks prior to EWC.          | Pregnancy is confirmed.<br><br>Action: Inform your line manager you wish to take time off for ante-natal appointments/care.  |
| Week 15 prior to EWC.           | The end of the 15 <sup>th</sup> week prior to EWC is the deadline for notifying Research Council of intention to take maternity leave.<br><br>If you have been employed with the Research Council for 26 weeks you may be eligible for Research Council Maternity Pay. |
| Week 14 prior EWC               | You can take Maternity Leave from this time onwards.   |
| Week 11 prior to EWC            | You are eligible to start Research Council Maternity pay or SMP from this time onwards.  |
| Week 4 prior to EWC and onwards | Pregnancy related illness/absence will trigger start of maternity leave.   |

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**Appendix C – Timeline after going on Maternity Leave**

|   |   |
|---|---|
| Baby is born                              | Contact Jobcentre Plus/Research Council to claim relevant benefits.   |
| Week 3                                    | This is the earliest that you can return to work  |
| 20 weeks after commencing maternity leave | This is the earliest date you can transfer unused OML/AML to your partner.  |
| 26 weeks after commencing maternity leave | If eligible full Research Council Maternity pay ceases and employees move to remaining 13 weeks at SMP.                                   |
| 39 weeks after commencing maternity leave | Maternity pay ends.   |
| 52 weeks after commencing maternity leave | All possible maternity leave will cease and the employee will return to work unless another date prior to the 52 weeks has been arranged. |



**Appendix D - FLOWCHART OUTLINING KEY STAGES IN THE MATERNITY PROCESS**

Refer to the main policy for details of each stage