



# **Guidance on Maternity and Adoption Leave and Entitlements**

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## INTRODUCTION

This guide sets out your entitlements on the birth or adoption of a child. In most cases the entitlements are the same and references to maternity in the guide can also be applied to adoption, unless otherwise stated. Some specific details applicable only to adoption leave, along with the form of notification, are set out in Appendix E.

If you are pregnant or thinking about becoming pregnant you will no doubt be considering the future. There are a number of important decisions relating to your work that you will need to make. For example, will you be returning to work after your baby is born and if so will you want to consider changing your working pattern to fit in with childcare arrangements?

You may also have questions about your entitlements. How much maternity leave can you take? Will you be paid when you are on maternity leave? Are you entitled to come back to your job?

We are keen to provide as much help and support as we can in the months leading up to your confinement, during your period of maternity leave and when you subsequently return to work. If you decide to leave work to have your family then we wish to ensure that you have equal care and consideration in the period leading up to the birth of your child.

This guide aims to set out as clearly as possible what you are entitled to and what help we, as your employer, may be able to offer you to balance your changed circumstances with work. Part One sets out some general information which applies to all. Part Two applies if you have *less* than 26 weeks continuous employment with us by the end of the 15<sup>th</sup> week before your expected week of childbirth, while Part Three applies if you have *more* than 26 weeks continuous employment. Part Four sets out some other information which you may find useful.

The guide is necessarily generalised and has been designed to be applicable to establishments accessing services from the RCUK Shared Services Centre Ltd and those whose transactional activities are retained. If you would like more information on anything referred to in the guide, or have any other queries your local HR Department or the RCUK SSC Ltd will be pleased to help.

## DEFINITIONS

**SMP** - Statutory Maternity Pay. This is a benefit paid by employers on behalf of the Government.

**SAP** - Statutory Adoption Pay. This is a benefit paid by employers on behalf of the Government. The rate of pay is similar to SMP.

**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.

**CHILDBIRTH** - the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

**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.

**WEEK OF CHILDBIRTH** - means the week, beginning with midnight between Saturday and Sunday, during which the child is actually born.

**MATERNITY CERTIFICATE (FORM MATB1)** - certificate issued by a Doctor or Midwife to a woman showing the date on which the baby is expected or was born.

**MATCHING CERTIFICATE** - certificate issued by adoption agency confirming named person (s) has been matched with a child for adoption.

**QW - QUALIFYING WEEK** - the 15th week before the start of the week in which the baby was due.

**WEEK** - a period of 7 days that begins at midnight between Saturday and Sunday.

**CONTINUOUS SERVICE** - periods of employment with a BBSRC JNCC employer without a break of 4 weeks or more.

**DWP** – Department for Work and Pensions ([www.dwp.gov.uk](http://www.dwp.gov.uk)) - contains links to further information including a link to DirectGov, which contains further details.

## Part One

### General information for all female employees

#### OVERVIEW

**If you work within an establishment which accesses services from the RCUK SSC Ltd:** your first step is to inform your line manager that you are pregnant. You will also need to inform retained HR and the RCUK SSC Ltd of your pregnancy by completing the Statutory Leave Request Form, available on the KnowledgeBase.

**If you work within an establishment not using the RCUK SSC Ltd:** you will be asked to complete a notification form (see Appendix A), once you have notified retained HR.

In completing these forms, you will provide your establishment with an indication of whether or not you intend to return to work after your baby is born and enough information to allow the pay section to calculate any maternity pay to which you may be entitled.

Before you complete the applicable form you will need to consider whether you wish to return to work or not. To help you decide you may want to know your entitlements.

Your entitlements are derived from the law and from provisions made by us as your employer. They are also dependent upon the amount of time you have been employed by us.

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service with the employer. Maternity leave and pay are separate entitlements. Maternity leave is a single continuous period and is made up of:

- i) 26 weeks' **Ordinary Maternity Leave**; and
- ii) 26 weeks' **Additional Maternity Leave**.

The law requires that an employee take a minimum of two weeks' maternity leave immediately following the birth.

Additional Maternity Leave follows Ordinary Maternity Leave and there must be no gap between the two.

A maternity checklist is contained at Appendix B to help you identify key dates when you need to take action throughout your pregnancy and after the birth of your baby.

A maternity questionnaire is also available at see Appendix C to enable you to inform your manager and the HR department of any ways in which your establishment could help you during this period.

Prior to starting your maternity leave, you may find it helpful to discuss with your manager the arrangements you would like to make for keeping in touch with your work during your absence and the basis on which you would like to return to work.

Depending on your length of service you may be eligible for contractual maternity pay, and/or Statutory Maternity Pay (SMP) or Maternity Allowance.

## **TIME OFF FOR ANTENATAL APPOINTMENTS**

All pregnant employees are entitled to time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor.

Antenatal care is not restricted to medical examinations. It could, for example, include relaxation classes and parent-craft classes as long as a registered medical practitioner, midwife or health visitor advises these.

As your employer we are entitled to ask for evidence of antenatal appointments, except in the case of the very first appointment.

With the exception of the first antenatal appointment you must show your employer on request:

- a certificate confirming that you are pregnant. This can be provided by a registered medical practitioner (e.g. a doctor), midwife or health visitor; and
- an appointment card or some other document showing that an appointment has been made.

You will be paid at your normal hourly rate of pay during the period of time off for antenatal care.

## **GIVING NOTICE OF MATERNITY LEAVE**

### **For establishments using the RCUK SSC Ltd:**

In order to exercise your right to maternity leave you must tell your line manager no later than the end of the fifteenth week before your expected week of childbirth (EWC):-

- that you are pregnant,
- the expected week of childbirth, and
- the date when you intend to start your maternity leave.

You will also be required to complete the first section of the Statutory Leave Request Form, available on the KnowledgeBase, before sending to your line manager.

### **For establishments not using the RCUK SSC Ltd:**

In order to exercise your right to maternity leave you must tell your line manager/ HR department in writing, no later than the end of the fifteenth week before your expected week of childbirth (EWC):-

- that you are pregnant,
- the expected week of childbirth, and
- the date when you intend to start your maternity leave.

A notification form has been designed to help you provide the required information (Appendix A).

In both cases, it is helpful if you can tell us your news as early as possible. This will mean that we know you are entitled to paid time off for antenatal care, and that particular health

and safety rules apply. It will also help us to plan ahead and make arrangements, if necessary, for covering the period while you are away.

### **When can I start my maternity leave?**

You can start your maternity leave at any time from 11 weeks before your expected week of childbirth (EWC). Your maternity leave can start no earlier than the beginning of the 11<sup>th</sup> week before the EWC (although it could start automatically before then if you give birth early). The expected date of birth is given on the MATB1 form that you will have been given by your healthcare provider. Users of the RCUK SSC Ltd should send the MATB1 form to RCUK SSC Ltd.

You may of course wish to work closer to the birth of your baby. This will be for you to decide and may depend on how fit you feel, the demands of the job or other factors.

Ordinary Maternity Leave will commence automatically if your baby is born early.

Adoption leave starts on the date of placement of the child or up to 14 days before. Notification requirements are also different – see Appendix E for more information.

### **The start of maternity leave**

The maternity leave period normally starts on the date which you have notified to us as the date you intend it to start. There are some exceptions to this rule, as set out below:-

#### Absence due to childbirth before the intended start date

If childbirth occurs before the date you have notified (or before you have notified any date) the maternity leave period starts automatically on the day after the date of the birth. This happens even if the birth takes place before the start of the 11<sup>th</sup> week before the birth was originally expected. In this circumstance you should tell us in writing of the date of the birth if it has already taken place, and the date the birth was originally expected. Evidence of the actual and expected dates of birth can be provided together on the maternity certificate (Mat B1) provided by the doctor or midwife.

#### Sick absence for a pregnancy-related reason before the intended start date

If you are sick at any time before the beginning of the 4th week before your EWC, whether your illness is pregnancy related or not, we will treat you in accordance with the normal sickness procedures.

If you are sick at any time after the beginning of the 4th week before your EWC due to a pregnancy related illness, your maternity leave period will start automatically on the day after the first day of absence. If your absence is due to an illness that is not pregnancy related you will be treated in accordance with the normal sickness procedures.

#### Dismissal or resignation before the intended start date

If you resign or are dismissed before the date you have notified, or before you have notified a date, you lose the right to maternity leave. However, you will still be eligible for SMP if you are employed after the 15<sup>th</sup> week before the EWC.

## **Changing the start of maternity leave**

Once you have notified us of the date you wish to start your maternity leave, you can change this date as long as you notify us of the new start date:-

- 28 days before the date you originally intended to start your leave; or
- 28 days before the new date you want to start your leave;

whichever is the earlier.

However, if it is not reasonably practicable for you to give this much notice (e.g. if the baby is born early and you have to start your leave straight away) then you do not have to. In these circumstances you should give us as much notice in writing as possible.

For establishments using the RCUK SSC Ltd, a Change of Statutory Leave form should be completed for this change (available on the KnowledgeBase).

## **Confirmation by your employer of the end date of maternity leave**

Once you have provided the necessary notice of the intended start date of your leave, we will notify you in writing of the date on which your leave will end. This will normally be 52 weeks (one year) from the start of maternity leave.

You will be notified of your end date within 28 days of your notification, unless you have since changed the date your leave will start. In that case, we will notify you of the end date within 28 days of the start of your leave.

In establishments using the RCUK SSC Ltd, you will receive a maternity leave plan from the RCUK SSC Ltd which you will complete in agreement with retained HR. Once this has been returned to the RCUK SSC Ltd, you will receive a letter confirming your dates.

## **KEEPING IN TOUCH DURING YOUR MATERNITY LEAVE**

Keep in Touch days (KITs), arranged by mutual agreement between yourself and your manager, allow you the opportunity to attend work for up to 10 days without bringing your maternity leave to an end. There is no obligation for you to undertake such days, but BBSRC encourages you to stay in touch with your employer.

Users of the RCUK SSC Ltd will be required to agree their KIT work days with their manager, who will inform the SSC accordingly. Written confirmation of these work KIT days will be provided by the RCUK SSC Ltd.

The maternity leave questionnaire in Appendix C will help you to identify steps which could be taken to help keep you in touch with your work during your maternity leave. It is important that you have the opportunity to discuss 'keep-in-touch' arrangements with your manager when you agree with him/her the basis on which you would like to return to work.

Examples of keep-in-touch arrangements include:

- regular visits back to the establishment
- computer based access to information
- inclusion on circulation lists for relevant documents/publications
- invitations to seminars or events
- attending meetings or training sessions.

You may be able to suggest other ways that would help to keep you up to date on developments at your establishment and in your field of work.

If you attend work for a KIT day, whilst you are receiving contractual maternity pay, you will not be paid any extra for the hours you work. However, if you attend during your Additional Maternity Leave period (either whilst being paid SMP or unpaid), you will be paid your normal hourly rate for any hours that you work.

Please note that any time worked over 1 hour counts as a whole KIT day and will be deducted from your total entitlement (10 days). However, you will only be paid for the actual hours that you work.

## **NOTIFICATION OF CHANGE OF RETURN TO WORK DATES WHILE ON MATERNITY LEAVE**

Unless otherwise notified, the date on which you return to work will normally be the first working day 52 weeks after your maternity leave began. This is because all employees are entitled to 26 weeks' Ordinary Maternity Leave and a further 26 weeks' Additional Maternity Leave.

### **Return to work before the end of maternity leave**

If you wish to return to work before the end of your full maternity leave period (this will normally be the end date we confirmed to you before you went on leave), you must give us (Retained HR or RCUK SSC Ltd) at least eight weeks' notice of your return to work. This notice requirement applies during both ordinary and additional maternity leave. Please note that for establishments using the RCUK SSC Ltd, a Change of Statutory Leave form should be completed for this change (available on the KnowledgeBase).

If you attempt to return to work earlier than the end of your maternity leave without giving us at least 8 weeks' notice, we may postpone your return until 8 weeks' notice has been given. We cannot postpone your return to a date later than the end of your OML or AML. If your return to work has been postponed under these circumstances you are not entitled to receive a salary payment if you do return to work during the period of postponement.

### **Returning to work later than previously notified**

If you have notified us or the RCUK SSC Ltd that you wish to return to work before the end of your maternity leave, as set out in the paragraphs above, you are entitled to change your mind. However, in these circumstances you should give us notice of this new, later date of return at least eight weeks before the earlier date.

For example, if, having started your maternity leave, you decide that you do not wish to take your full entitlement of 52 weeks and give us notice that you will return after six months (for example, on 1 October) you can still change your mind and tell us that you will take a longer period away – up to the full year of maternity leave – as long as you give eight weeks' notice before the earlier date (in this case, eight weeks before 1 October – i.e. 6<sup>th</sup> August).

### **Employees who do not wish to return to work after maternity leave**

If you do not wish to return to work after your maternity leave you must give us notice as set out in your contract of employment. As long as you specify the date on which you wish to terminate the contract (this could be the first day you are due back at work after maternity leave) this will not, of itself, mean that you are no longer entitled to maternity leave or pay for the rest of the maternity leave period.

## **What happens if I resign and then I change my mind?**

Whilst you have no right to return, your establishment will allow you to do so if this can be arranged.

## **RETURN TO WORK AFTER MATERNITY LEAVE**

### **Ordinary Maternity Leave (OML)**

If you return to work after OML (i.e. you have taken no more than 26 weeks' maternity leave) you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy where this is available.

### **Additional Maternity Leave (AML)**

If you return to work after AML (i.e. you have taken more than 26 weeks' maternity leave) you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless there is a reason why it is not reasonably practicable for you to return to your old job, in which case you will be offered a similar job on terms and conditions which are not less favourable than your original job.

We will consult with you about any proposed changes to your job at the end of your maternity leave if it is possible to do so.

### **Temporary (Period) Contracts**

If you are employed on a temporary (period) contract which expires during your period of maternity leave your employment will finish on the date your contract expires and you will not have the right to return to work. The fact that you are pregnant and take maternity leave will not affect any decision relating to the expiry or non-renewal of your contract.

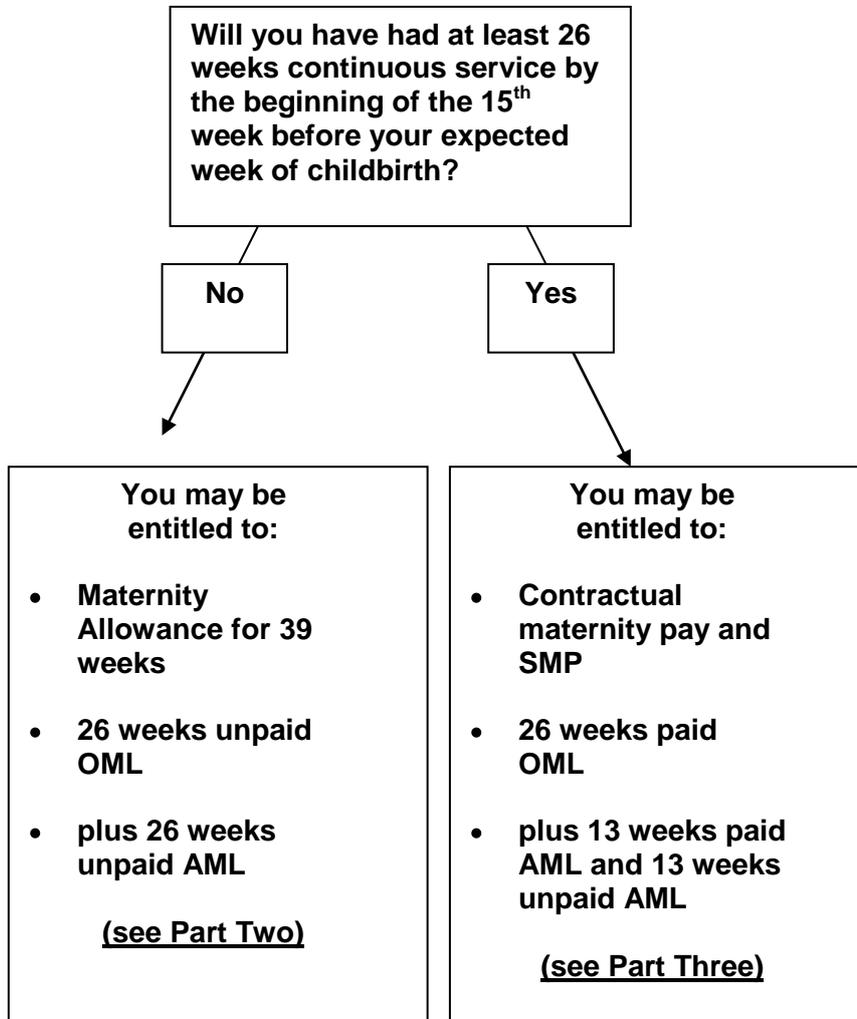
### **Flexible working on return to work**

Many posts can be worked on a flexible arrangement and all staff can apply to work on a flexible working basis, for example part-time or job sharing. Summary information is in Part Four of this guide; full details are set out in Section A:3 of the Employment Code.

Before you go on maternity leave you should discuss with management the basis on which you would like to return to work. Every effort will be made to accommodate any wishes you have to return to work on a flexible basis but there may be some posts or circumstances where this is not possible. A request to return on a flexible basis should be made as early as possible.

## SUMMARY OF MATERNITY ENTITLEMENTS

The table below gives an overview of maternity pay entitlements. Follow the chart to see what you may be entitled to and then refer to the relevant sections in the guide to see that you meet all the requirements for each benefit.



The above is a general guide. Please turn to the relevant sections below to check your entitlement in more detail.

## Part Two

**This section applies if you have LESS THAN 26 week's continuous employment with your establishment by the end of the 15<sup>th</sup> week before your expected week of childbirth.**

### INTRODUCTION

If you have not been continuously employed by your establishment for at least 26 weeks by the end of the 15th week before the week in which your baby is due (i.e. Expected Week of Childbirth), you will be entitled to take Ordinary Maternity Leave but it will be unpaid. You are also entitled to take unpaid Additional Maternity Leave. You will not qualify for paid contractual maternity leave or Statutory Maternity Pay (SMP).

The rest of this section sets out what other benefits you may be entitled to and what rights you have to return to work if you wish to do so.

In general, the provisions in this section apply to permanent (indefinite) employees and those employed on temporary (period) contracts. Where any exceptions apply these are clearly identified.

### UNPAID ORDINARY MATERNITY LEAVE (OML)

You are entitled to take up to a maximum of 26 weeks unpaid OML, during which time all of your contractual terms and conditions, with the exception of pay, will be preserved.

You must take 2 weeks of Compulsory Maternity Leave immediately after the birth.

### UNPAID ADDITIONAL MATERNITY LEAVE (AML)

Following your OML you are entitled to take up to 26 weeks unpaid AML. If you return to work at any point during this time (with the exception of Keep in Touch days), you will lose the right to take more unpaid maternity leave. You may still be eligible to take Parental Leave (see Section A8 of the Employment Code).

### MATERNITY ALLOWANCE (MA)

Maternity Allowance is a weekly benefit paid directly by the Department for Work and Pensions (DWP) for a period of up to 39 weeks. It applies only to maternity - a similar allowance is not available for adoption.

#### **Am I eligible for Maternity Allowance?**

MA is available to pregnant women who are employed but do not qualify for Statutory Maternity Pay (SMP) and to women who are self-employed.

In order to be eligible for MA you must:

- have become pregnant and still be pregnant at the start of the 11th week before the EWC, or had the baby by that time;
- have been in employment or self employment for at least 26 weeks in the 66 weeks immediately before the EWC;
- in the 66 week period before the baby is expected, have earned over the lower earnings limit for any 13 weeks;
- have earned the required average weekly earnings for a 13 week period in the 66 week period before the baby is expected;
- not be entitled to Statutory Maternity Pay for the same week for the same pregnancy.

Full details of eligibility are on the DWP website at [www.dwp.gov.uk](http://www.dwp.gov.uk).

### **How do I claim MA?**

You should see your local HR Officer or contact RCUK SSC Ltd (where applicable) to obtain a form SMP1. This explains why BBSRC, as your employer, are not paying you SMP and tells you how to claim MA from the DWP.

You will need to provide the DWP with a completed form SMP1, your maternity certificate (or form MAT B1 available from your doctor or midwife), and a completed MA1 claim pack.

### **How much will I receive and for how long?**

MA is payable for 39 weeks. The weekly rate is dependent on earnings. Information on current rates is available from your local DWP office or their website at [www.dwp.gov.uk](http://www.dwp.gov.uk).

The payment period for MA can start from the 11th week before the week in which your baby is due (EWC).

### **How will MA be paid?**

Unlike contractual maternity pay and SMP you will not have access to a pay slip from your establishment. Instead, you will either be given a book of weekly orders which you cash at the Post Office or you can arrange to be paid in arrears (in four weekly instalments) into your bank account.

### **Will I have to pay tax and national insurance contributions?**

MA is not liable for income tax or national insurance contributions.

### **I don't think I have worked enough recently to qualify for MA. Am I entitled to anything?**

You may be able to claim other benefits. If your claim for MA is turned down, you should ask your local DWP office to advise you what other benefits you may be entitled to. Depending on your circumstances these might include:

- Incapacity Benefit
- Working Families Tax Credit
- Sure Start Maternity Grant.

### Part Three

**This section applies if you have 26 WEEKS OR MORE continuous employment with your establishment by the end of the 15<sup>th</sup> week before the expected week of childbirth.**

## INTRODUCTION

If you have at least 26 weeks employment with your employer by the end of the 15th week before the expected week of childbirth you will qualify for 26 weeks contractual maternity pay (which includes any SMP) and a further 13 weeks SMP, providing you give the required notice of your maternity leave (see Part One).

In general, the provisions in this section apply to permanent (indefinite) employees and those employed on temporary (period) contracts. Where any exceptions apply these are clearly identified.

## CONTRACTUAL MATERNITY PAY

### Am I eligible for contractual maternity pay?

To qualify for contractual maternity pay you must:

- have at least 26 weeks employment with your establishment by the end of the 15th week before the expected week of childbirth; and
- give the correct notice of your maternity leave as set out in Part One.

### How much is contractual maternity pay?

You will receive 26 weeks at your normal rate of pay, followed by a further 13 weeks of SMP.

### How do I qualify for Statutory Maternity Pay?

SMP qualifying conditions are based on length of service and average earnings. Further details about qualifying for SMP and current rates are available from the Department for Work and Pensions ([www.dwp.gov.uk](http://www.dwp.gov.uk)).

SMP can start from the beginning of the 11th week before the expected week of childbirth.

### What happens if I work up until the baby is born?

The Maternity Pay Period will begin the week after that in which your baby is born. Thus you can choose to work up to the birth on full contractual pay, stop work when the baby is born and receive full pay the following 26 weeks, and if you remain on maternity leave, SMP for a further 13 weeks.

**Do I receive money for both Statutory Maternity Pay and contractual paid maternity leave?**

No. Initially the two are paid concurrently so that for the 26 weeks of your OML you will receive your normal salary. For these 26 weeks, the only difference your entitlement to SMP will make is that it will be shown on your pay slip as a notional amount.

You will continue to receive SMP for the first 13 weeks of your AML. The remaining 13 weeks of Additional Maternity Leave will be unpaid.

**Do I pay tax and national insurance contributions on the money I receive?**

Yes. Both contractual maternity pay and SMP are assessed for income tax and national insurance contributions.

**What if I am employed on a temporary (period) contract which expires during my maternity leave?**

If your contract expires before your 26 weeks of contractual maternity pay runs out, you will receive contractual maternity pay (i.e. full pay) until the date on which the contract expires. Your employment will terminate on that date but you will receive SMP for the remainder of the SMP period (normally the remainder of the 39 week period).

**What happens to SMP if I resign?**

If you do not intend to return to work, your contract of employment will be terminated on the last pay day for which SMP is payable. The earliest you can leave your establishment and still be entitled to the full 39 weeks SMP is the 15th week before your expected week of confinement. However, you still have to wait until the 11th week before your baby is due before it can be paid.

**Will I have to repay my maternity pay if I decide not to return to work after my baby is born?**

If you had intended to return to work but change your mind after your baby is born please let your line manager know as soon as possible. You will not be asked to repay your maternity pay. Your employment will terminate on the last date on which SMP is payable or the last day of your notice period, whichever is later.

**UNPAID LEAVE**

Following your 26 weeks paid OML and 13 weeks AML with SMP, you may take up to 13 weeks unpaid AML. If you return to work at any point during this time, with the exception of Keep in Touch days (see Part One), you lose the right to take more unpaid maternity leave.

You may still be eligible to take Parental Leave (see Section A8 of the Employment Code).

## Part Four

### Other information you may need to know.

## TRANSFER OF LEAVE TO SPOUSE OR PARTNER - Additional Paternity Leave

If your child is due or expected to be placed for adoption on or after 3 April 2011, you will have the opportunity to return to work and transfer some or all of your maternity or adoption leave to your spouse or partner - this leave is known as Additional Paternity Leave (APL).

### Eligibility

For the purposes of this section, the term father is used to denote the person taking APL, and includes spouse or partner (including same sex partner).

In order to be eligible for APL, the father must satisfy each of the following:

- He/she must be:
  1. the father of the child, or married to, or the civil partner of, or the partner of the child's mother
  2. married to, or the civil partner of, or the partner of the primary adopter
- In the case of a birth child, the father must expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) and be taking the leave to care for the child
- In the case of adoption, the father must have been matched with the child for adoption and must be taking the leave to care for the child.
- He/she must have a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15<sup>th</sup> week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of APL.

The mother of the child must be entitled to one or more of: maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of: adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work and forfeited a portion of his/her maternity or adoption leave.

### Leave arrangements

This leave must be taken in multiples of complete weeks, as one continuous period and for a minimum period of two weeks up to a maximum of 26 weeks. It may be taken at any time between 20 and 52 weeks after the birth of the child or after the week the child was placed for adoption. The father's leave (APL) does not have to begin immediately after the mother's return to work only that the mother must have returned to work before the APL can begin.

### Notice arrangements

To request APL and pay, the father must give his/her employer eight weeks' written notice of the date on which he/she wishes to take the leave and, if applicable, the date on which

additional statutory paternity pay will commence. For BBSRC employees the request should be submitted to the HR department. The request must be in writing and specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth. For an adopted child, the request must specify the date on which the employee was notified of having been matched with the child and the date of placement for adoption. In either case, the notice must also specify the father's name and intended start date and end date of APL and statutory paternity pay.

The father must also submit a written and signed self-certification not less than eight weeks before the proposed start date of APL and pay stating that the purpose of the APL/statutory paternity pay period is to care for the child and that he/she satisfies the relationship eligibility conditions for APL and pay.

At the same time, the mother or primary adopter must submit a written and signed declaration to the father's employer stating:

- his/her name, address and national insurance number;
- the date that he/she intends to return to work;
- that he/she has given notice to his/her employer of returning to work;
- that he/she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- the start date of his/her maternity or adoption pay period;
- confirmation that the father satisfies the relationship eligibility conditions;
- that he/she consents to the father's employer processing the information contained in the declaration; and
- that the father is to his/her knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, that the father is to his/her knowledge the only person exercising the entitlement to APL in respect of the child.

On request by the father's employer, the father must produce the name and business address of the mother's or primary adopter's employer and 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 he/she was notified of having been matched with the child and the date on which the agency expects to place the child for adoption. The father must supply this information within 28 days of it being requested.

The father is permitted to bring forward his/her additional paternity leave start date, provided that he/she advises the employer in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The father may also postpone his/her additional paternity leave start date, or cancel his/her additional paternity leave altogether, provided that he/she advises the employer in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The employer will formally respond in writing to the father's notification of his/her additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

### **Additional Statutory Paternity Pay**

Statutory Maternity or Adoption Pay is payable up to the maximum of 39 weeks beginning the week after that in which the baby is born or placed for adoption. Following the mother's return to work and the commencement of APL by the father any remaining statutory pay can be transferred to the father. This pay is known as Additional Statutory Paternity Pay. In addition where the mother returns to work before having used her full 26 weeks leave/pay entitlement relating to the period of Ordinary Maternity Leave (OML), BBSRC will pay the

father at full pay for the remainder of the 26 weeks' OML period (regardless of whether or not the mother works for BBSRC).

### **Return to work**

The father will have been formally advised in writing by the employer of the end date of his/her APL. The father will be expected to return on the next working day after this date, unless he/she notifies the employer otherwise. If he/she is unable to attend work at the end of APL due to sickness or injury, the employer's normal arrangements for sickness absence will apply - for BBSRC employees see section A9 of the Employment Code; late return without prior authorisation will be treated as unauthorised absence.

If the father wishes to return to work earlier than the expected return date, he/she must give the employer at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the employer may postpone his/her return to a date that will give six weeks' notice, provided that this is not later than the expected return date.

If the father decides not to return to work after APL, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment - for BBSRC employees see the notice periods set out in section A14 of the Employment Code. If the notice period would expire after APL has ended, the employer may require the father to return to work for the remainder of the notice period.

In most cases the father is entitled to return to the same job in which he was previously employed and on terms and conditions no less favourable than those which would have applied but for the absence.. However, if APL follows on immediately from another period of leave (e.g. parental leave) and it is not reasonably practical for the father to return to the same job, a suitable alternative job will be provided.

If a redundancy situation arises whilst the father is on APL, as with rights that apply to maternity leave, the father must be offered suitable available vacancies that arise before they are offered to others not on APL.

### **Keeping in Touch**

The arrangements for Keeping in Touch (KIT days) also transfer to the father on APL - the arrangements mirror those for maternity leave - see Part 1, page 6.

### **Impact on Paternity Leave and Parental Leave**

APL does not impact on Paternity Leave or Statutory Paternity Pay as this leave is taken during pregnancy or within 3 months of the birth or adoption; nor does it impact on Parental Leave - see Section A8 of the Employment Code for more information about Paternity and Parental Leave.

## **ANNUAL LEAVE**

### **Can I take annual leave whilst on maternity leave?**

No. You must take any annual leave to which you are entitled, before or after your maternity leave. Since it is not possible to carry forward more than a limited amount of untaken annual leave into the following leave year, you should plan ahead to make sure that you do not lose entitlement to annual leave as a result of not being able to take it whilst you are on

maternity leave. The normal rules apply when taking annual leave outside of a period of maternity leave.

### **Is the amount of my annual leave affected by my maternity leave?**

During Ordinary and Additional Maternity Leave, you will accrue annual leave at your normal contractual rate.

Tables that will help you to calculate Annual Leave whilst on OML and AML are at Appendix D.

You may carry over up to 9 days' unused annual leave as normal. However, as you cannot carry over statutory annual leave entitlement (as per Section A8 of the Employment Code), you must make sure that you manage your own annual leave, so that you do not lose any entitlement. Obviously it is up to you how you use your annual leave, but the following are some suggestions to help you:

- Use any annual leave (including potential accrued leave) before you start your Ordinary Maternity Leave – especially if the leave period ends during your Maternity Leave
- End your Additional Maternity Leave early, and take your unused annual leave – remember that you would no longer be on maternity leave, so you would be getting paid your contractual salary.

## **PUBLIC HOLIDAYS**

If you are on paid or unpaid maternity leave you do not get time off in lieu for public holidays or privilege days that fall during this period.

## **SICKNESS**

Paid sickness absence is not allowed during a period of paid maternity leave. You may be eligible for sickness benefit during unpaid maternity leave. Please talk to your local HR Department or the RCUK SSC Ltd (as applicable), or contact the Department for Work and Pensions for more information.

If after giving 8 weeks notice of your date of return from maternity leave you are unable to work on your agreed date as a result of illness, you have the right to take paid sick leave from the notified date of return.

If you claim paid sick absence immediately following maternity leave you are not entitled to take any further unpaid maternity leave. Once the period of sickness has ended you must return to work at your establishment. You may be eligible for parental leave and/or further special leave may be allowed at the discretion of the establishment.

## **FLEXIBLE USE OF UNPAID MATERNITY LEAVE**

Where both parents (partners) work for a BBSRC JNCC employer, the partner can jointly apply to use up any part of the unpaid maternity leave not taken by the mother. This must run in a single continuous period from the mother's paid or unpaid leave. For a child born or matched on or after 3 April 2011, the arrangements for the transfer of leave - Additional Paternity Leave - will apply, as above on page 14.

## TYPES OF FLEXIBLE WORKING

The following provides a summary of flexible working arrangements. Full details are set out in Section A3 of the Employment Code.

### **Part-time Working**

This is an arrangement whereby an employee works fewer hours per day or week than the normal full time conditioned hours for the pay band. Salary, leave and other benefits are calculated on a pro-rata basis.

### **Job-sharing**

The responsibilities and duties of a single full-time post are shared between two individuals. Jobs can be split on either a task or project basis. Job sharers share the full-time hours of the post e.g. on a split-day or split-week basis, alternate weeks, alternate days.

### **Annualised Hours**

A system of work whereby the period of time within which employees must work is defined over a whole year. It is more suitable for posts which require a high degree of flexibility due to, for example, seasonal variations or unpredictable demand.

### **Zero Hours**

An arrangement where an individual agrees to be available for work as and when required but no particular times or hours of work are specified.

### **Home-working**

An arrangement whereby an employee may work at home either on an occasional, frequent or formal basis. It can only be done for the performance of tasks which can be satisfactorily completed away from the office/institute.

### **Career Breaks**

An agreed period of unpaid leave for up to 5 years to fulfil domestic responsibilities such as caring for children or elderly relatives.

## PATERNITY LEAVE

Information on paternity leave is set out in Section A8 of the Employment Code - see also the section on transfer of leave and APL above.

## CHILDCARE

The Government has made provision for employers to support working parents by allowing them to offer childcare vouchers through approved schemes. BBSRC provides a childcare voucher scheme, which employees can choose to join. Further information can be found in BBSRC Best Practice Guidance Note: No 14, which is available on the BBSRC website.

Some establishments are able to offer child-care facilities to their employees (e.g. nurseries, out-of-school and holiday play schemes). Contact your local HR Department for further information on what is available at your establishment.

Any unavoidable costs incurred by carers when they need to attend work outside normal working hours will be reimbursed subject to the approval of the local HR Department.

## **PARENTAL LEAVE**

Information on parental leave is set out in Section A8 of the Employment Code.

## **ADOPTION LEAVE**

Further information on adoption leave, including the Notification of Adoption Form is set out in Appendix E.

## **PPDR AND PAY AWARDS**

If you are absent on maternity leave your pay award will be based on your performance during the part of the year you were in attendance. Performance assessment and pay awards will be based on the quality of work undertaken when you were actually at work, and your PPDR objectives must be adjusted to take into account the circumstances.

If you are absent for more than nine months of the appraisal year, your pay award will normally be based on a commensurate performance.

If you extend your maternity leave into an unpaid career break of longer than one year, your pay on return will take into account any changes to the salary band minimum, but will not reflect any other changes to salary levels that have occurred during your absence. For further information on Pay and Allowances see Section A7 of the Employment Code.

## **ALLOWANCES**

Allowances do not have to be paid during maternity leave because they are legally counted as 'wages and salary.'

However, the following allowances will continue to be paid during paid ordinary maternity leave.

- Additional Lead Allowance for AWB (RRes)
- Lead Allowance for AWB staff (RRes)
- Residual Responsibility Allowance
- Residual ADP Allowance
- Responsibility Review Payment (Permanent)
- Responsibility Review Payment (Temporary) – on expiry, review.
- Retention and Recruitment Allowance

The following allowance will continue to be paid throughout maternity leave if the employee keeps the dog.

- Dog Allowance

Other allowances (for example shift allowance/ on-call allowance or environmental allowance) would only be paid on a KIT day (if the employee was to earn such an allowance on this day).

## NON-CASH BENEFITS

Contractual non-cash benefits, apart from sums payable by way of monetary wages or salary will continue to be applicable during all periods of maternity leave. These non-cash entitlements would include:

- company cars, mobile phones, living accommodation or other assets provided to the employee for non-business use, without being transferred to the employee;
- employer-provided health checks

## BONUS PAYMENTS

A bonus, whether contractual or discretionary, which is awarded during maternity leave counts as 'wages or salary' and is therefore not payable. However, the following exceptions apply:

- If the bonus relates to a period of time before the employee started maternity leave, they must be given the payment in full.
- If the bonus relates to period of time which includes a period of maternity leave then the payment must be made on a proportionate or pro-rata basis to make payment for the proportion of time that the employee was working, on compulsory maternity leave or suspended on pregnancy or maternity grounds.

## PENSIONS

Periods of Ordinary Maternity Leave, (regardless of whether the employee is in receipt of any pay) and paid Additional Maternity Leave for which the member receives Statutory Maternity Pay (SMP), both count as qualifying and pensionable service in all versions of the RCPS. Unpaid Additional Maternity Leave counts as qualifying service only for pension purposes (i.e. it only counts towards the period that determines eligibility for a pension entitlement upon leaving).

A period of Ordinary or Additional Maternity Leave will end, (on the last day of service) if an employee resigns or is made redundant. Although entitlement to Statutory Maternity Pay continues until the 39<sup>th</sup> week, this will not qualify as reckonable service for pensions purposes.

### Employer Contributions

During any period of Ordinary Maternity Leave (whether paid or unpaid) and paid Additional Maternity Leave the employer's pension contribution will be calculated as if the employee is working normally and receiving their normal remuneration for doing so. Paid maternity leave is when individuals are receiving SMP or contractual maternity pay, or a combination of both. Employer pension contributions do not continue during unpaid Additional Maternity Leave.

### Employee Contributions

If employees are on paid Ordinary Maternity Leave or in receipt of SMP, their pension contributions will be based on the actual pay received. This means that a reduced contribution will be due for periods when individuals are only paid SMP.

## **Unpaid leave**

During unpaid Additional Maternity Leave no employer or employee pension contributions are due.

For further information about pensions contact JSS Pensions Administration, Swindon.

## **HEALTH AND SAFETY**

It is our policy to protect the health, safety, security and welfare of all our employees. In practice, most women are able to continue their normal work whilst pregnant or breastfeeding, and, with few exceptions, the work done at establishments is not likely to put them at risk whilst doing so.

Your establishment will specifically consider any risks to you whilst you are pregnant or breastfeeding. It is important that you inform your line manager as soon as you know you are pregnant in order that the appropriate risk assessment can be carried out.

In the rare circumstances where health and safety risks are identified and cannot be avoided your establishment will discuss this with you and may take the following action:

- temporarily adjust your conditions or hours of work; or
- offer you suitable alternative work; or
- in exceptional circumstances, give you paid leave.

If you have any concerns about aspects of your health and safety do not hesitate to raise them with your line manager and/or your health and safety officer.

**APPENDIX A****MATERNITY ABSENCE NOTIFICATION FORM**

**Please note: This form should only be completed by employees working within establishments not accessing services from the RCUK SSC Ltd.**

Surname	Forename(s)	Establishment	Department

**Please familiarise yourself with your rights relating to statutory and contractual maternity leave and pay as set out in the Maternity Guide. Further information can be obtained from your HR department. Information on your statutory entitlements can be obtained from the Department for Work and Pensions or from your HR department.**

Please complete this form (retain a copy for yourself), and return it to your line manager as soon as possible **but no later than the end of the 15th week before the expected week of childbirth.**

**I wish to inform you that I shall be taking my maternity leave.**

	Day	Month	Year
I shall be stopping work on: (If there is any change to this date I will give at least 28 days notice)			
My expected date of childbirth is:			

I attach a statement/will forward\* MAT B1 indicating my expected date of childbirth.

It will be assumed that you will return to work at the end of your 52 weeks maternity leave. However, as you do not have to return to work it would be helpful (if you are able to do so) if you could indicate now whether or not you actually intend to return.

I do/do not\* intend to return to work following my maternity leave.

For children born on or after 3 April 2011, you will be entitled to transfer your additional maternity leave (including the initial 13 weeks statutory paid element, if applicable) to your partner provided that you return to work on or after the 20<sup>th</sup> week after the birth. The total leave entitlement (including any transferred element) must not exceed 52 weeks. At least 8 weeks notice must be given to the employers of both parents of any intention to transfer additional maternity leave.

Please keep your establishment informed, as soon as you are able, of any decision you make about your intentions.

I understand that if I wish to resign or to return to work earlier than at the end of my 52 weeks' maternity leave (this will be confirmed to you by your employer) I must give at least 28 days' written notice of the date on which I intend to resign, or at least 8 weeks' written notice if I intend to return earlier.

Signature: ..... Date: .....

\*Please delete as appropriate

**If you need further help or explanation please contact your HR department.**

**Line Managers please forward this form to your local HR Department.**

**MATERNITY CHECKLIST**

The charts below highlight important dates for maternity rights throughout your pregnancy and after the birth of your baby.

Each box represents one week.

Box 1 on both charts indicates the week in which your baby is due - the 'Expected Week of Childbirth' (EWC). You might find it helpful to start by working out the date of your expected week of childbirth and then work backwards on Chart A, filling in your own key dates.

**Chart A – Weeks before the birth.** (Assumes maternity leave will begin 11 weeks before expected week of childbirth)

40	39	38	37	36	35	34
33	32	31	30	29	28	27
26	25	24	23	22	21	20
19	18	17	16	15	14	13
12	11	10	9	8	7	6
5	4	3	2	1(EWC)		

<b>Week 36-32 before EWC</b>	<p>Pregnancy confirmed.</p> <p><b>Action:</b> Inform your line manager that you wish to take time off for ante-natal appointments.</p>
<b>Week 15 before EWC</b>	<p>Deadline for notifying your employer. You must have worked for your employer for 26 weeks in order to qualify for contractual maternity pay or Statutory Maternity Pay</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• <b>For establishments using the RCUK SSC Ltd:</b> complete the Statutory Leave Request form (available on the KnowledgeBase).</li> <li>• <b>For establishments not using the RCUK SSC Ltd:</b> complete the Maternity Absence Notification Form (Appendix A), indicating whether you intend to return to work.</li> <li>• Discuss your requirements with your line manager to enable you to keep in touch during your leave.</li> <li>• Consider if you would like to return to work on a flexible working basis after your leave and discuss this with your manager.</li> <li>• If you are not entitled to contractual or statutory maternity pay you will be given form SMP1 by your HR Department to claim Maternity Allowance. Make your claim to the Department for Work and Pensions as soon as you can.</li> </ul>

<b>Week 11 before EWC</b>	You may start maternity leave from this date. Statutory Maternity Pay/contractual maternity pay/Maternity Allowance are payable from this date.
<b>Week 4 onwards</b>	Pregnancy-related illness/absence may trigger start of maternity leave.

**Chart B – weeks after the birth.**

<b>Week 1</b>	Your baby is born.  <b>Action:</b> You can claim child benefit from this date.
<b>Week 3</b>	This is the earliest date that you could return to work.
<b>20<sup>th</sup> week after commencing maternity leave</b>	This is the earliest date that you can transfer leave to your partner (for a child born on or after 3 April 2011).
<b>26<sup>th</sup> week after commencing maternity leave</b>	If eligible, full contractual maternity pay ends; you will be paid Statutory Maternity Pay for a further 13 weeks if you remain on Maternity Leave.
<b>39<sup>th</sup> week after commencing maternity leave</b>	Maternity pay stops if you worked up to the EWC.
<b>52<sup>nd</sup> week after commencing maternity leave</b>	Leave cannot be extended beyond this date unless you are ill or you have arranged a career break.

**MATERNITY QUESTIONNAIRE**

It is our policy to promote good equality practices in all aspects of our activities for the benefit of individual members of staff and the organisation as a whole. The purpose of this questionnaire is to anticipate and try to make provision for any employment-related needs which arise as a result of your pregnancy. The questionnaire is voluntary but we hope that you will be willing to complete it. It supplements the interviews and personal contact you will have with your HR officer and line manager regarding maternity arrangements. Many women are committed to their careers and also wish to have a family. If this is your wish, we are keen to provide as much help and support as you want (to the extent that we can) in the months leading up to the birth of your child, during your period of maternity leave and when you subsequently return to work. If it is your decision to leave work to have your family then we wish to ensure that you receive equal care and consideration during the period leading up to the birth of your child.

As a pregnant woman, you are in a key position to know how the work which you do will be affected during the forthcoming months and also whether you will be affected by your work. It is therefore helpful to those you have contact with, particularly your line manager, colleagues and subordinates and the HR Department, if you can let us know of ways in which we can assist you during the period.

Recognising that you may not feel able to comment on all phases of your maternity at the outset and that your ideas and needs may be modified during the period, please feel free to make more copies of the questionnaire and provide further thoughts and requirements at any stage during your pregnancy.

Whether or not your establishment uses the RCUK SSC Ltd, please return the questionnaire (and any subsequent forms) to your local HR officer, who will contact you to discuss your particular needs. We would like to share the information with others as necessary (e.g. your line manager, the Health and Safety Officer) so that we can assess, and as far as possible reduce or eliminate any risks arising out of employment to the health of new and expectant mothers. If you mark any information as 'in confidence' your wish will be respected, although we hope that you will avoid imposing restrictions where your proposals can be used to help us to help you.

Should you have any questions about the completion of the questionnaire you should contact your local HR officer.



5. Are there any issues of health and safety which you would like to discuss?

6. Any other comments/suggestions?

Signed

Name

Date

Please return the completed questionnaire to (Name of HR officer or other recipient)

**Maternity and Annual Leave**

Table 1 will help you calculate Annual Leave employees are entitled to during Maternity Leave.

During both Ordinary and Additional Maternity leave, employees legally accrue Annual Leave at *contractual* rates.

**Table 1 Ordinary Maternity Leave (if full 6 months are taken)**

<b>BBSRC leave entitlement in days</b>	<b>Accrual rate per month in days</b>	<b>Total days accrued over OML (if full 6 months taken)</b>
27	2.25	13.5
28	2.33	14
29	2.4	14.5
30	2.5	15

If the full 12 months Ordinary and Additional Maternity leave are taken the total annual leave entitlement for that year will be due.

**Adoption Leave**

The adoption leave rules set out below are for those employees who have a child newly placed for adoption or matched for adoption:

**How you qualify for adoption leave**

To qualify, you must be:

- the principal carer of the child
- newly matched with a child for adoption by an approved adoption agency
- able to produce proof of adoption (matching certificate).

You will not qualify for adoption leave with pay if a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

**Leave entitlement**

Ordinary Adoption Leave and Additional Adoption Leave apply as set out in Parts 2 and 3 of this guide.

In addition, up to 4 days leave with pay can be granted for completing pre-adoption formalities. Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If a child's placement is terminated during adoption leave, then as the adoptive parent you are still entitled to adoption leave and pay (if applicable) for eight weeks after the placement ends.

**5.4 Notification**

When applying for adoption leave, please give your line manager the following information within 7 days of being matched with a child:

- your wish to take adoption leave
- the date on which you expect the child to be placed
- the date on which you wish to begin adoption leave. This can be the date of the child's placement (whether this is earlier or later than expected), or up to 14 days before the expected date of placement.

For employees using the RCUK SSC Ltd, please inform your line manager of your plans to adopt, and complete the statutory leave request form available on the KnowledgeBase.

For employees not using the RCUK SSC Ltd, please complete the adoption leave notification form below.

**Other conditions and additional information**

If you are an adoptive father and you take adoption leave, you cannot also take paternity leave. However, your adoptive partner may be entitled to take your unused paternity leave, as long as the qualifying conditions are met.

**Adoption Leave Notification Form**

**Please note: This form should only be completed by employees working within establishments not accessing services from the RCUK SSC Ltd.**

Surname	Forenames	Establishment	Department
<p><b>Please familiarise yourself with your rights relating to statutory and contractual adoption leave and pay contained in this guide. Information on your statutory entitlement can be obtained from your local office of the Department for Work and Pensions or from your personnel department.</b></p>			
<p>Please complete this form (retain a copy for yourself), and return it to your supervisor as soon as possible but no later than 7 days after the date on which you are notified of having been matched with the child.</p>			
<p>I wish to inform you that I shall be taking my adoption leave.</p>			
		Day	Month
			Year
<p>I shall be stopping work on: (If there is any change to this date I will give at least 28 days notice)</p>			
<p>Date the child is expected to be placed is:</p>			
<p>I attach/will forward* a “matching certificate” from the adoption agency as evidence of adoption.</p>			
<p>It will be assumed that you will return to work at the end of your 52 weeks adoption leave. However, you do not have to return to work so it would therefore be helpful, if you are able to do so, if you could indicate now whether or not you actually intend to return.</p> <p>I do/do not* intend to return to work following my adoption leave.</p> <p>For children matched or placed for adoption on or after 3 April 2011, you will be entitled to transfer your additional adoption leave (including the initial 13 weeks statutory paid element, if applicable) to your partner provided that you return to work on or after the 20<sup>th</sup> week after the child is matched or placed. The total leave entitlement (including any transferred element) must not exceed 52 weeks. At least 8 weeks notice must be given to the employers of both parents of any intention to transfer additional adoption leave.</p> <p>Please keep your establishment informed, as soon as you are able, of any decision you make about your intentions.</p>			
<p>I understand that if I wish to resign or to return to work earlier than at the end of my 52 weeks’ adoption leave (the end date will be notified to you by your employer) I must give at least 8 weeks’ written notice of the date on which I intend to return, or at least 28 days if I</p>			

wish to resign.

Signature: ..... Date: .....

\*Please delete as appropriate

**If you need further help or explanation please contact your personnel department.**

**Line Managers please forward this form to Head of HR.**