

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

Management Guidance

This document provides additional guidance for managers, employees and HR in the handling of Maternity, Adoptive, Maternity Support and Parental leave. It includes the Research Council's Maternity, Adoptive, Maternity Support 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 this policy.

Contents

Definitions

Policy statement

1. Principles
2. Maternity leave
3. Adoptive leave
4. Maternity Support (Paternity) leave
5. Keeping in touch days
6. Shared Parental Leave
7. Parental Leave
8. Termination of contracts
9. Effect on conditions of service
10. Policy Review
11. Amendment history

Appendix A Web links

Appendix B Maternity checklist

Appendix C Timeline after going on maternity leave

Appendix D Flowchart outlining key stages in the maternity process

Appendix E Flowchart outlining Shared Parental Leave / Pay – Eligibility Criteria

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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 child 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 child 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 child 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.
- **MATERNITY SUPPORT LEAVE** – Also referred to as Paternity Leave. This is a 10-day period that can be taken after the birth/adoption.
- **STATUTORY MATERNITY SUPPORT PAY, ALSO REFERRED TO AS STATUTORY PATERNITY PAY (SPP)** - This is a benefit paid by employers on behalf of the Government.
- **SHARED PARENTAL LEAVE** - - This is to enable eligible mothers, fathers, partners and adopters to choose how/whether to share time off work after their child is born or placed.
- **SHARED PARENTAL PAY** – This is a benefit paid by employers on behalf of the Government for 39 weeks.
- **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 (PATERNITY) 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, Parental leave and Shared Parental Leave provision, collectively referred to in this policy as Maternity and Parental rights/leave. The Research Council wants to ensure that all employees are informed of their rights surrounding Maternity and Parental leave, and their employment.

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

The Maternity, Adoptive, Maternity Support and Parental Leave 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 Maternity, Adoptive, Maternity Support and Parental Leave Policy should apply, advice should be sought from the Research Council HR team.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

1. Principles

- 1.1 All applications by eligible employees for Maternity and Parental leave should be considered by the Research Council.
- 1.2 In accordance with the Research Council's Equality & Diversity policy, applications for Maternity and Parental 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 and Parental Pay is distinct from Maternity and Parental Leave. The Maternity/Parental Pay will not cover the full period of available leave.

2. Statutory 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:

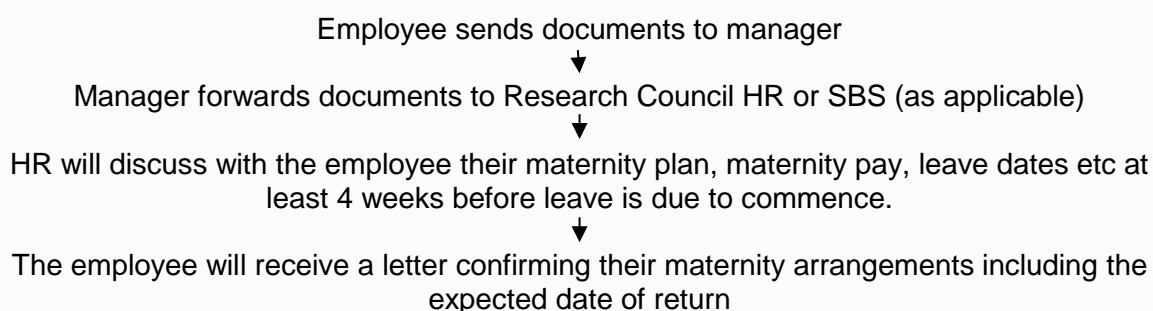
- Managers are responsible for ensuring that a risk assessment is carried out for a pregnant employee.
- Maternity risk assessments will be carried out by the Line Manager with guidance from the H&S Advisor, or an appropriately trained employee. .
- Pregnant employees can request a risk assessment and may seek further guidance from their Research Council HR team.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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 maternity leave taken before this 11th week where the child has not yet been born will be unpaid .
- 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 UK 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 14th 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

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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

2.4.3 Employees are entitled to unpaid time off to accompany an expectant mother to up to two of her ante-natal appointments if they are:

- (a) The child's father;
- (b) The expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- (c) Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

2.4.4 Employees have the option of using annual leave, flexi leave or by taking the appointments as unpaid leave. If employees choose to take the unpaid leave option then they should record this as 0.5 day or 1 day for each appointment as appropriate. If there is a need for employees to attend more than the two statutory appointments they should contact their Research Council HR Team.

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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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.

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) whenever possible gives written notification at least 4 weeks before the Maternity leave is due to begin;
- b) provides medical evidence of the due date which must be provided to the Research Council no later than the end of the 15th week prior to EWC. This is normally in the form of the MATB1 signed by the doctor or midwife.
- c) is an employee or remains an employee of the Research Council (entitlement would cease for example on resignation)

2.7.2 A female employee, who qualifies for Research Council Maternity Pay, is entitled to receive payments during her Maternity leave for the first 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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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.

2.8 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 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, maternity support or shared parental 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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

- 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.

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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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 child 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.

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.) If a couple jointly adopt a child, one may take adoption leave and the other parent may be able to take maternity support leave or shared parental leave. Parents who have a child through a surrogacy arrangement or a 'foster to adopt' arrangement are eligible for Adoption leave.
- 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, wherever possible, 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 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:

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

- 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
- 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 14th 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, if any. 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) 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;
- b) can provide a date when the child is due for placement or an estimate of when the child will enter Great Britain;

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

c) 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

d) is an employee or remains an employee of the Research Council.

3.3.3 UK 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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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.

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). Parents who have a child through a surrogacy arrangement or a 'foster to adopt' arrangement are eligible for Maternity Support leave. The partner of an individual who adopts (or has a parental order) or the secondary adopter if a couple are adopting jointly may be entitled to maternity support leave and pay or shared parental leave.

4.1.2 Where eligible, employees will be entitled to two weeks' Maternity Support Leave.

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 Maternity Support leave

4.2.1 An employee may take a total of two weeks' 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 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.

4.2.3 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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

4.2.4 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.

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

4.3 Notification to request Maternity Support leave - Birth

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

4.3.2 To make a request to take Maternity Support leave, employees should complete the Statutory Leave Form and Plan available on the System to indicate the date the child is due and to confirm the date that they wish for paid 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 Maternity Support leave and any entitlement to pay. Such a response will be provided within 4 weeks of receipt of a request to take Maternity Support leave.

4.3.5 Should the notified date of commencement of Maternity Support leave change, employees must, unless the child 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 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.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

- 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 Maternity Support leave and any entitlement to pay. Such a response will be provided within 4 weeks' of receipt of a request to take Maternity Support leave.
- 4.4.5 Should the notified date of commencement of 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 Maternity Support Leave

- 4.5.1 The Research Council Paid Maternity Support Leave Scheme provides two weeks' Maternity Support leave paid at the full rate of Research Council pay, this is inclusive of any entitlement to Statutory Paternity Pay (SPP) should they qualify for it. In order to qualify for SPP an employee must have 26 weeks continuous service at the 15th week before 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).
- 4.5.3 Payments will be made at the same time and in the same way as normal wages or pay.

4.6 Statutory right to return to work

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

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 or Adoptive 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

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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 Payment for keeping in touch days will be made at the employee's basic daily rate (regardless of the actual hours worked) less appropriate Maternity/Adoptive/Maternity Support Pay they are receiving.

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 in touch days before the employee's Maternity, Adoptive or Maternity Support leave takes place.

6 Shared Parental Leave (SPL)

6.1. Introduction

- 6.1.1 SPL allows eligible mothers to be able to volunteer to end their maternity or adoption leave and/or pay early to create parental leave and pay which they can share with the child's father or their partner. SPL means that eligible fathers and partners will be able to request more leave from work in the first year following their child's birth or placement for adoption. Because it is shareable, there will also be cases where eligible mothers will return to work early because the child's father or their partner is taking leave in their place.
- 6.1.2 All leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption.
- 6.1.3 The amount of SPL that the parents can share is 52 weeks (less the amount of maternity leave taken by the mother or adoption leave taken by the principal adopter). Adopters and intended parents in surrogacy arrangements (who meet certain conditions) have the same rights as other parents to SPL and pay. A mother must take at least two weeks of maternity leave after the birth of her child before maternity leave can be curtailed. An adopter, or the parental order parent in surrogacy must take at least two weeks of adoption leave before it can be curtailed.
- 6.1.4 An eligible mother who wants to take SPL, or who wants to enable her eligible partner to take SPL, will be able to end her maternity leave in one of two ways:-
- (a) Either return to work before the end of the maternity leave (by giving the required eight weeks' notice of her planned return) or
 - (b) Provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end.

That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity leave period.

The same applies to an adopter who wishes to end his or her adoption leave to opt into SPL.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

6.1.5 Once the Mother has opted out of Maternity Leave and opted for SPL the notice will become binding after 8 weeks. The Mother may be able to change their decision to end maternity leave early if both:

- (a) the planned end date hasn't passed; and
- (b) they haven't already returned to work

One of the following must also apply:

- It is discovered during the 8-week notice period that neither partner is eligible for either SPL or Shared Parental Pay (ShPP)
- The employee's partner has died
- It is less than 6 weeks after the birth (and the mother gave notice before the birth)

Within the remainder of this policy reference will be made to Maternity but please note entitlement regarding Shared Parental Leave and Pay also applies in cases of adoption. In adoption arrangements where the term 'Mother' is used the equivalent would be the principal adopter.

6.2 Eligibility

6.2.1 SPL can only be used by two people:

The Mother and one of the following:

- (a) The father of the child (in the case of birth) or
- (b) The spouse, civil partner or partner of the child's mother/adopter.

6.2.2 Research Council employees will be eligible for SPL if:-

- (a) They remain in continuous employment with the Research Council until the week before any period of shared parental leave is taken;
 - (b) They have the main responsibility for the care of the child at the date of the birth or match (in addition to the responsibility of their partner or the child's father);
 - (c) The mother has curtailed her statutory maternity leave; and
 - (d) Has complied with the relevant 8 weeks' notice and evidence requirements. In addition, the partner (ie the child's father or the mother's spouse, civil partner or partner) or co-adopter must:-
 - (e) Have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth;
 - (f) They have average weekly earnings of at least £30 for any 13 of those 66 weeks;
- and
- (h) They have the main responsibility for the child at the date of the birth/match (apart from the responsibility of the mother).

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

6.3 Notice of Entitlement and Intention to take SPL

6.3.1 Employees are required to notify their Manager of their entitlement to, and intention to take, SPL at least 8 weeks before they can take any period of SPL. This is a 'one off' notification which is forwarded to the Research Council HR Team. However, an employee can vary the amount of SPL they intend to take by notifying their Line Manager of how the parents think they will split and take their SPL. The following information should be provided to the Line Manager

- (a) The number of weeks that the mother took as maternity (or will have taken, where notice has been given to curtail the leave on a specific future date);
- (b) How many weeks of SPL and pay is available to the employee and their partner
- (c) How much each intends to take;
- (d) A non-binding indication of how the employee will take the SPL that is available to him or her;
- (e) The date on which the child is expected to be born or the actual date of birth 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.

The mother is required to provide a signed declaration using the relevant form which:

- Gives their name and address, and national insurance number (or declaration that they do not have a national insurance number);
- Confirms they have worked for 26 weeks out of 66 weeks up to the expected due date and have earned at least £30 in 13 of those weeks;
- Confirms they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance;
- Confirms that they will have the main caring responsibility for the child (along with their partner);
- Confirms they have ended their maternity leave by returning to work or curtailing that leave or curtailed their statutory maternity pay or maternity allowance;
- Confirms they will inform their partner/the child's father immediately if they revoke their curtailment of leave/pay/allowance;
- Confirms they consent to their partner/the child's father taking the amount of leave set out in the notice;
- Confirms that they consent to their partner/the child's father's employer processing the information about them included in the declaration;
- Confirms that should they cease to be eligible they will immediately inform the Research Council.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

The father / mother's partner also needs to provide a declaration using the relevant form signed by him/herself confirming that they:

- Have been working with the same employer for 26 weeks by the end of the 15th week before the expected week of childbirth (EWC);
- Will have the main caring responsibility for the child (along with the mother), and will inform their own employer immediately if this changes;
- Are the father of the child or spouse, civil partner or partner of the mother;
- Will inform their employer if the mother revokes her leave curtailment notice;
- Have given information that is accurate.

6.4 Further Evidence

6.4.1 The Research Council may, within 14 days of the SPL entitlement notification being given, request the following:

(a) The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead).

(b) In the case of the biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).

(c) In the case of the adopted child, documentary 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 expects to place the child for adoption.

6.4.2 If this evidence is requested, the employee must produce it within 14 days in order to be entitled to SPL.

6.4.3 The Research Council can, where there is a suspicion that fraudulent information may have been provided, investigate the matter further in accordance with the Research Council Disciplinary Policy.

6.5 Period of Leave Notice

6.5.1 Once the employee has provided notification of their entitlement to take SPL, they will also have to submit a notice to 'book' a period of leave. A notice to book leave must be given at least 8 weeks before leave can be taken and must set out the start and end dates of each period of SPL being requested.

6.5.2 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday.

6.5.3 Employees have the right to submit up to three separate notifications. Periods of continuous leave will automatically be approved; however consideration will need to be given for periods of discontinuous leave.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

- 6.5.4 An example of a request for discontinuous leave could be: 2 weeks in June, 2 weeks in September, 1 week in October in the same notification. Where the period of leave notice requests discontinuous periods of leave, the first two weeks of the 8 week notice period will be a discussion period between the Research Council and employee. During this two week period the Research Council may agree to the request, propose alternative dates or refuse the request altogether. If the request is refused, or no agreement can be reached within this time then employees are entitled to take the total amount of leave requested in the notice as a continuous period of leave. Employees have five days after the end of the two week discussion period in which to specify the date they will start their leave. If no date is specified the leave will begin on the first day of the first period of discontinuous leave that the employee originally applied for.
- 6.5.5 Employees may choose to withdraw their notice if their pattern of leave has been refused or if the request has not been responded to during the two week discussion period. If the employee wants to vary the dates given in the notice, then they will have to submit a notice to vary the leave, giving at least 8 weeks' notice of any change.
- 6.5.6 The employee may withdraw the notice at any time up to and including the 15th day after submission of the notice.
- 6.5.7 In instances where only the Research Council employee is eligible for SPL they can still use Shared Parental Leave to book their leave in separate blocks.
- 6.5.8 As an example of how shared parental leave can work, the mother could take two weeks' compulsory maternity leave followed by 40 weeks' shared parental leave. This would leave 10 weeks' shared parental leave for the father (or the mother's partner) to take at any time before the child's first birthday, either at the same time as the mother or when they have returned to work.

6.6 Shared Parental Pay (ShPP)

- 6.6.1 As the mother must take the first two weeks following the birth of her child as maternity leave the maximum SPL for which ShPP can be paid is for 37 weeks. Up to the 26th week following the commencement of the mother's maternity leave the Research Council will provide that any period of SPL will receive ShPP at the full rate of Research Council pay. Any period of SPL taken during the following 13 weeks will be paid at the statutory rate.
- 6.6.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 6.6.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- The mother must be/have been entitled to maternity pay or Maternity Allowance and must have reduced their maternity pay period or Maternity Allowance period;
 - The employee must intend to care for the child during the week in which ShPP is payable;
 - The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the EWC/matching date which are not less than the lower earnings limit in force for national insurance contributions;

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

6.6.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

6.6.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- The start and end dates of any maternity pay or maternity allowance;
- The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.

It must be accompanied by a signed declaration using the relevant form from the employee's partner confirming:

- Their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (In the case where the partner is the mother) that they have reduced their maternity pay or maternity allowance;
- (In the case where the partner is the mother) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

6.6.6 Any statutory shared parental pay due will be paid at a rate set by the Government for the relevant tax year.

6.7 Shared Parental Leave In Touch (SPLIT) days

6.7.1 SPLIT days may be used to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern. SPLIT days can also be used for training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

6.7.2 If the Research Council and the employee agree, the employee may work for up to a maximum of 20 SPLIT days without bringing their period of SPL to an end or impacting on their right to claim Statutory Shared Parental Pay (ShPP) for that week. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

6.7.3 Payment for keeping in touch days will be made at the employee's basic daily rate (regardless of the actual hours worked) less appropriate ShPP they are receiving.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

6.8 Returning to work after SPL

- 6.8.1 Employees will have been formally advised in writing by the Research Council of the end date of any period of SPL. Employees are expected to return on the next working day after this date, unless they notify the Research Council otherwise. If an employee is unable to attend work due sickness or injury, the Research Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 6.8.2 Employees who wish to return to work earlier than the expected return date are required to provide a written notice to vary the leave and must give the Research Council 8 weeks' notice of their date of early return. This will count as one of the employee's notifications. Employees who have already used their three notifications to book and/or vary then the Research Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 6.8.3 Employees have the right to return to the same job who are returning from any period of leave that includes maternity, paternity, adoption and shared parental leave totalling up to 26 weeks, and if the employee returns after a longer period, the right will be to return to a similar job if it is not possible to return him or her to the same job.

6.9 Additional Maternity Support Leave

- 6.9.1 Additional Maternity Support Leave will cease following the implementation of Shared Parental Leave.
- 6.9.2 Employees have the right to retain an arrangement for Additional Maternity Support Leave if it is already in place as at 5 April 2015.

7 Parental leave

7.1 Introduction

- 7.1.1 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.
- 7.1.2 Requests for Parental Leave must be made to the manager and then forwarded to the Research Council HR team on the Parental leave form.

7.2 Eligibility

- 7.2.1 Research Council employees will be eligible for unpaid Parental leave if they are the parent (adoptive or birth) or carer of a child under eighteen years of age, in which case they will be entitled to take up to 18 weeks' unpaid leave per child, subject to the conditions of Parental leave in section 7.3.
- 7.2.2 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.

7.3 Conditions of Parental leave

- 7.3.1 Employees are eligible for 18 weeks' unpaid Parental leave per child.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

- 7.3.2 Where both parents are Research Council employees, they will both be eligible for 18 weeks' unpaid leave.
- 7.3.3 Employees can take Parental leave in weeks, days or half days up to a maximum of four calendar weeks' Parental leave in one calendar year. In exceptional circumstances and at management discretion leave can be taken in blocks of 4 to 13 weeks.
- 7.3.4 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.
- 7.3.5 A request for Parental Leave must be made a minimum of three weeks in advance.
- 7.3.6 The Research Council may postpone the Parental leave for up to three months where Research Council business would be unduly disrupted. 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.
- 7.3.7 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 child/placement for adoption and the employee gave 3 weeks' notice of this intention.
- 7.3.8 In 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.
- 7.3.9 Employees new to the Research Council must advise their line manager of any Parental leave taken when previously employed outside of 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.

8 Termination of contracts

- 8.1 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.

9. Effect of Maternity and Parental rights on conditions of service

- 9.1 While employees are on Maternity or other type of 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.
- 9.2 Paid Ordinary Maternity/Adoption/Parental Leave and Paid Maternity Support Leave - the period of absence counts as normal service for all purposes.
- 9.3 Unpaid Ordinary Maternity/other type of Parental leave - while the employee does not receive pay (contractual or statutory) during these periods of leave, their other non-pay

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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
- 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.

9.4 In line with the usual arrangements (see Annual Leave Policy) employees on maternity/other type of 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).

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

9.6 Paid Additional Maternity/Adoption and Ordinary Maternity and Shared Parental Leave (Pension) - during the first 13 weeks of AML/AAL/O and SPL most employees will qualify for SMP/SAP/Ordinary & Additional SPP/ SSHPP. 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 and SPL will count as reckonable service for pension and redundancy purposes.

10. Policy Review

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

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

11. Amendment history

Version	Date	Comments/Changes
2.0	01 July 2014	Title of policy amended to include reference to Paternity
2.0	01 July 2014	Clarification provided regarding payment for keeping in touch days (para 5.7)
2.0	01 July 2014	Parental leave amended to provide a more flexible approach for employees (para 6.3.3)
3.0	01 October 2014	Additional wording at 2.4 relating to employees entitlement to unpaid time off to accompany an expectant mother to up to two of her ante-natal appointments
4.0	01 January 2015	Clarification provided at para 2.7.1 when entitlement would cease
4.0	01 January 2015	Confirmation that Additional Maternity Support will be abolished and replaced with Shared Parental Leave for babies due on or after 5 April 2015.
4.0	01 January 2015	New Appendix E providing details on Shared Parental Leave
4.0	01 January 2015	Para 4.3.2 and 4.8.2 amended to remove reference of H210 and replace with Statutory Leave Form and Plan
5.0	01 April 2015	Reference to Shared Parental Leave added to Management Guidance, Contents Page, Policy Statement and Principles
5.0	01 April 2015	Policy Statement amended to confirm that all types of leave will collectively be referred to as Maternity and Parental Rights / Leave
5.0	01 April 2015	Additional Maternity Support Leave removed from Definitions and Ordinary Maternity Support Leave amended to Maternity Support Leave
5.0	01 April 2015	Qualifying period of 26 weeks removed from para 3.1.1. following legislative changes
5.0	01 April 2015	Confirmation provided at para 3.1.1 that parents who have a child through a surrogacy arrangement or a 'foster to adopt' are eligible for adoption leave following new legislation
5.0	01 April 2015	Confirmation at para 4.1.1 that parents who have a child through a surrogacy arrangement or a 'foster to adopt' are eligible for maternity support leave following new legislation
5.0	01 April 2015	Reference removed at para 4.1.2 for further 26 weeks Additional Maternity Support Leave (which ceased from 5 th April)
5.0	01 April 2015	Throughout Para 4.2, 4.3, 4.4. and 4.5 Ordinary Maternity Support Leave amended to Maternity Support Leave.
5.0	01 April 2015	Additional Maternity Support Leave ceased from 5 th April so reference removed throughout para 4.6 onwards
5.0	01 April 2015	Para 5 amended to remove reference to Additional Maternity Support Leave
5.0	01 April 2015	Shared Parental Leave moved from Annex E into main policy at Para 6
5.0	01 April 2015	Para 7.2.1 (a) following change in legislation age of child

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

		has changed from under five years to eighteen years
5.0	01 April 2015	Para 8 amended to include SPL and SSHPP
5.0	01 April 2015	Flowchart for SPL eligibility at Appendix E
6.0	01 August 2017	Para 7.2.1 Re-written to simplify following removal of "Fifth Year" on legislative change.
6.0	01 August 2017	Para 7.3.6 Remove reference to "Fifth Year"
7.0	01 October 2017	Para 2 Renamed as Statutory Maternity Leave
7.0	01 October 2017	Para 2.2 Clarification made that any maternity leave taken between 14 th and 11 th weeks before EWC will be unpaid
7.0	01 October 2017	Para 2.5.3 Apostrophe inserted
7.0	01 October 2017	Para 2.7.1 Sub-para a) removed, remaining sub-paras re-numbered and consequential amendments made to new sub-paras a) and c).
7.0	01 October 2017	Para 2.7.2 Clarification of the maternity pay period inserted
7.0	01 October 2017	Para 2.7.5 Paragraph removed
7.0	01 October 2017	Para 3.1.3 Clarification of notice period inserted
7.0	01 October 2017	Para 3.1.4 Reference to 26 weeks' qualifying period removed.
7.0	01 October 2017	Para 3.3.2 Sub-para a) removed, remaining sub-paras renumbered and consequential amendments made to para 3.3.2 and to new sub-para c)
7.0	01 October 2017	Para 3.3.3 UK SBS name corrected
7.0	01 October 2017	Para 4.1.2 full stop removed
7.0	01 October 2017	Para 4.2.2 removed, remaining paras section 4.2 re-numbered accordingly
7.0	01 October 2017	Para 4.5.1 removed, para 4.5.2 re-numbered and consequential amendments made to new para 4.5.1
7.0	01 October 2017	Para 6.2.1 full stop added
7.0	01 October 2017	Para 6.2.2 Sub-para c) removed and remaining sub-paras re-numbered accordingly
7.0	01 October 2017	Para 7.2.1 Reference one year's qualifying service removed and consequential amendment to para 7.3.9
7.0	01 October 2017	Appendix B Reference to 26 weeks' qualifying period removed and consequential amendments
7.0	01 October 2017	Appendix C Consequential amendments to the removal of the reference to to 26 weeks qualifying service in Appendix B made
7.0	01 October 2017	Appendix D Revised flowchart inserted

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

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

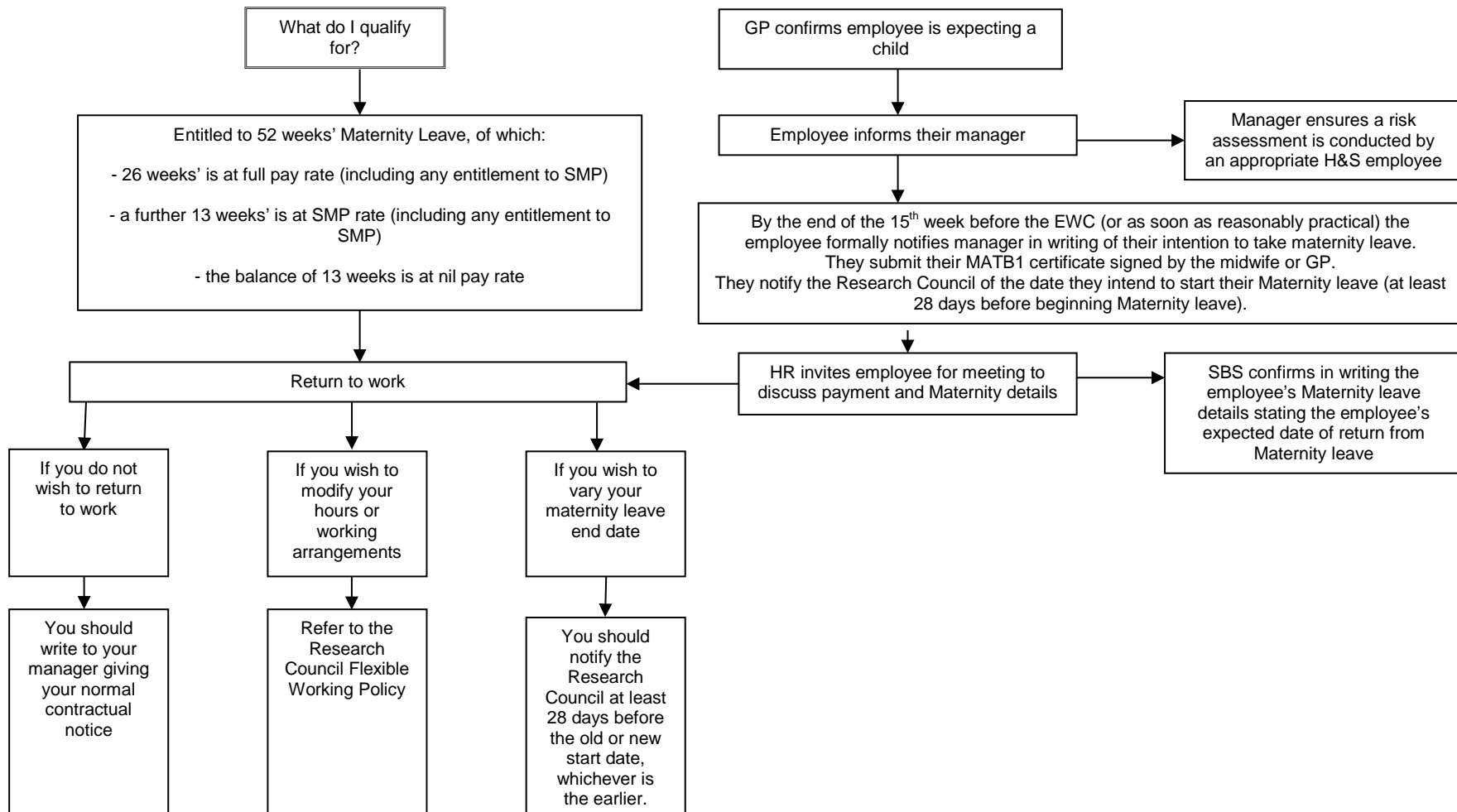
28 weeks prior to EWC.	Pregnancy is confirmed. Action: Inform your line manager you wish to take time off for ante-natal appointments/care.
Week 15 prior to EWC.	The end of the 15 th week prior to EWC is the deadline for notifying Research Council of intention to take maternity leave.
Week 14 prior EWC	You can take Maternity Leave from this time onwards.
Week 11 prior to EWC	You are eligible to receive Research Council Maternity pay.
Week 4 prior to EWC and onwards	Pregnancy related illness/absence will trigger start of maternity leave.

Appendix C – Timeline after going on Maternity Leave

Child 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 commencement of receipt of maternity pay	Full Research Council Maternity pay ceases and employees move to remaining 13 weeks at SMP rate.
39 weeks after commencement of receipt of maternity pay	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



Shared Parental Leave / Pay - Eligibility Criteria

Shared Parental Leave (SPL) can only be used by two people: The Mother/Adopter and one of the following:

- *The Father of the child (in the case of birth) or*
- *The Spouse, Civil Partner or Partner of the child's Mother/Adopter*

In order to access SPL you must have the main responsibility for the care of the child at the date of the birth or match (in addition to the responsibility of your partner or the child's father) and the mother must have curtailed her statutory maternity leave.

NB. The Mother must be in receipt of UK Maternity Benefits in order for the Father / Partner etc to be eligible for Shared Parental Leave.

There are specific eligibility criteria that need to be met before this process can begin

1. Employment and Earnings Test

- Has your partner been employed or self-employed during at least 26 of the 66 weeks preceding the child's due date (EWC)?
- Has your partner earned at least £30 gross salary per week for any 13 of those 66 weeks?

No



Sorry, you are **not** eligible to access the Shared Parental system.

Yes



You **may be** eligible to access Shared Parental Leave and/or pay.
Go to Continuity of Employment Test.

RESEARCH COUNCIL MATERNITY, ADOPTIVE, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

2. Continuity of Employment Test

