



Human Fertilisation & Embryology Authority

Maternity, Paternity & Adoption Policy

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1. Introduction

1.1 This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay. This policy also sets out statutory rights for adoption leave and paternity leave.

1.2 The HFEA (the organisation) recognises that, from time to time, employees may have questions or concerns relating to their maternity/paternity rights. It is the organisation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with HR to ensure that they are followed correctly.

1.3 The following definitions are used in this policy:

"Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth

2. Notification of Pregnancy

2.1 On becoming pregnant, an employee should notify her line manager as soon as possible, no later than the "Qualifying week" ie: the 15th week before the expected week of childbirth.

This is important as there are health and safety considerations for the organisation.

2.2 By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform HR in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

2.3 The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

3. Time off for Ante Natal Care

3.1 Once an employee has advised the HFEA that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

3.2 Antenatal care may include relaxation classes and workshops that prepare both partners for the birth of a baby. Other care that has been requested by a doctor, midwife or health visitor will also be included, in addition to medical examinations.

3.3 The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

4. Health & Safety

4.1 The organisation has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. The HFEA Facilities department will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the HFEA will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

5. Sickness Absence

5.1 If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

5.2 If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify the organisation in writing of this as soon as reasonably practicable.

6. Maternity Leave

6.1 All pregnant employees are entitled to take up to 26 weeks ordinary maternity leave and up to 26 weeks additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

6.2 Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier).

6.3 Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

6.4 If the employee gives birth before her maternity leave was due to start, she must notify the organisation as soon as reasonably practicable.

6.5 The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.



► Ordinary Maternity Leave

6.6 During the period of ordinary maternity leave, (26 weeks) the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary (see section 7 for statutory maternity pay). Contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving statutory maternity pay (SMP). Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of ordinary maternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during maternity leave, the employee should take the full year's entitlement before starting her maternity leave.

► Additional Maternity Leave

6.7 During the period of additional maternity leave, (26 weeks – 13 weeks SMP & 13 weeks unpaid) the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary, which is replaced by SMP for the first period of 13 weeks.

The second period of 13 weeks additional maternity leave is unpaid. Pension contributions will not be made during any period of unpaid additional maternity leave.

7. Statutory Maternity Pay

7.1 Statutory maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- she has been continuously employed by the Organisation for at least 26 weeks at the end of the qualifying week and she is still employed during that week;
- her average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;

- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MAT B1 form stating her expected week of childbirth; and
- she gives the Organisation proper notification of her pregnancy in accordance with the rules set out above.

7.2 By law, for the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over the period between the last normal pay day at the end of the qualifying week and the last normal pay day at least eight weeks before that date. For the purpose of calculating average weekly earnings, overtime payments and bonuses are all included. However, the HFEA pays full salary for the first 18 weeks, after which the statutory rate of SMP will be paid, ie: a further 21 weeks at £124.88 (as at 1 April 2010). Rates are fixed and are subject to tax and National Insurance deductions. The SMP pay period starts on the Sunday after maternity leave starts; the latest it can start is the Sunday after the baby is due.

7.3 If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (ordinary maternity leave), the higher rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively.

7.4 Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

7.5 Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

7.6 Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.

7.7 Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government.

8. Maternity Rights in the event of a Stillbirth or Miscarriage

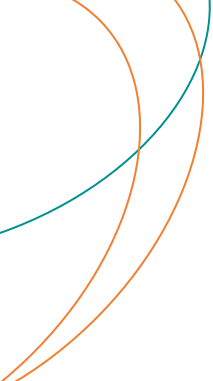
- *Stillbirth or miscarriage before the 25th week of pregnancy*
In the unfortunate event that you miscarry before the 25th week of your pregnancy, you will not qualify for Maternity pay or Maternity Allowance. You will be paid your contractual sick pay instead.
- *Stillbirth from the 25th week of pregnancy onwards*
If you have a stillbirth from the 25th week onwards, you would be eligible for maternity leave and SMP in the usual way
- *Birth of live child before the 25th week of pregnancy onwards*
If you give birth to a live child, which is unable to sustain life, you will be entitled to maternity leave and SMP in the usual way

9. Contact during Maternity Leave

9.1 Shortly before an employee's maternity leave starts, the HFEA will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. The HFEA reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

10. Keeping in Touch Days

10.1 An employee can agree to work for the organisation (or to attend training) for up to 10 days during ordinary/additional maternity leave without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.



10.2 The organisation has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the HFEA and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave.

11. Returning to Work

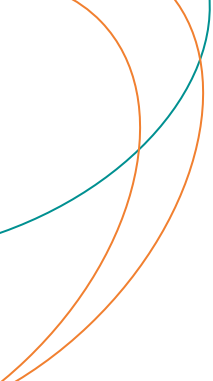
11.1 The employee will have been formally advised in writing by the organisation of the date on which she is expected to return to work. The employee is expected to return on this date, unless she notifies the organisation otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, the HFEA's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

11.2 While the employee is under no obligation to do so, it would assist the organisation if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

11.3 If the employee wishes to return to work earlier than the expected return date, she must give the organisation at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so, the organisation may postpone her return to such a date as will give the organisation eight weeks notice, provided that this is not later than the expected return date.

11.4 In the event of a HFEA employee not returning to work, the HFEA requires employees to pay back any part of the maternity pay that is over and above the statutory amount payable, this would usually be paid back in one instalment once a resignation is received. Employees will not be required to pay back any part of the maternity pay if they return for at least three months.

11.5 On resuming work after ordinary or additional maternity leave (39 weeks), the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the organisation to allow the employee to return to the same job, the HFEA may offer the employee alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.



11.6 An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the HFEA's business. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the HFEA's policy on flexible working.

12. Fixed Term Contract

12.1 If an employee is employed on a fixed term contract, which would be due to expire after the 11th week before EWC and before the 6th week after the EWC, and you satisfy the criteria for receiving maternity leave with pay, you are entitled to have your contract extended to enable you to receive 39 weeks paid maternity leave.

12.2 The contract will not be extended to cover a period of unpaid leave, following 39 weeks statutory paid leave.

13. Reintroduction to the Workplace

13.1 On the employee's first day back at work after maternity leave, she should arrive at her normal start time and report immediately to her line manager, who will be responsible for dealing with any housekeeping matters and ensuring that she settles in smoothly. In order to assist further in this regard, her manager will also:

- arrange a catch-up meeting to update the employee on developments in her absence not previously notified to her, for example new members of staff and employee departures, technological developments and new or amended systems of work;
- discuss the arrangements for handing work back to her;
- arrange for her to meet with other work colleagues to enable her to re-familiarise herself with her workload and the relevant systems of work;
- discuss any internal or external training needs or requirements and ensure that these are addressed as soon as possible after her return;

- introduce her to any new members of staff; and
- discuss any other operational matters.

13.2 Work will be handed back to the employee on a gradual basis with the aim that she will be completely up to speed and handling a full workload shortly after her return from maternity leave. Where the employee has returned to work with the HFEA's agreement on a part-time basis, she will be given an appropriate workload for the number of hours being worked.

13.3 It is the HFEA's policy to be flexible on the working hours arrangements for all employees. Where necessary, the organisation will make every effort to accommodate an employee's request for a phased return to work following a period of maternity leave in order to enable her to settle back into work on a gradual basis, provided always that the employee must have fully returned to work within three months of her return date. Each such request will be dealt with individually, taking into account the likely effects that a phased return to work will have on the organisation, the work of the employee's department and the employee's colleagues. Agreeing to one request for a phased return will not set a precedent or create a right for another employee to be granted a phased return.

14. Paternity Leave

14.1 An employee whose wife, civil partner or partner gives birth to a child is entitled to two weeks' paid paternity leave provided that he or she has 26 weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected.

14.2 Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in blocks of one or two weeks within eight weeks of the birth of the child.

14.3 Pay during paternity leave is usually paid at a standard rate of £123.06 per week, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than £123.06 per week. However, the HFEA pays full salary for the whole two weeks.

14.4 Where an employee wishes to request paternity leave in respect of a birth, he or she must give written notice of the date on which his or her partner's baby is due, the length of paternity leave he or she wishes to take and the date on which he or she wishes the leave to commence. This will, of course be flexible.

15. Adoption

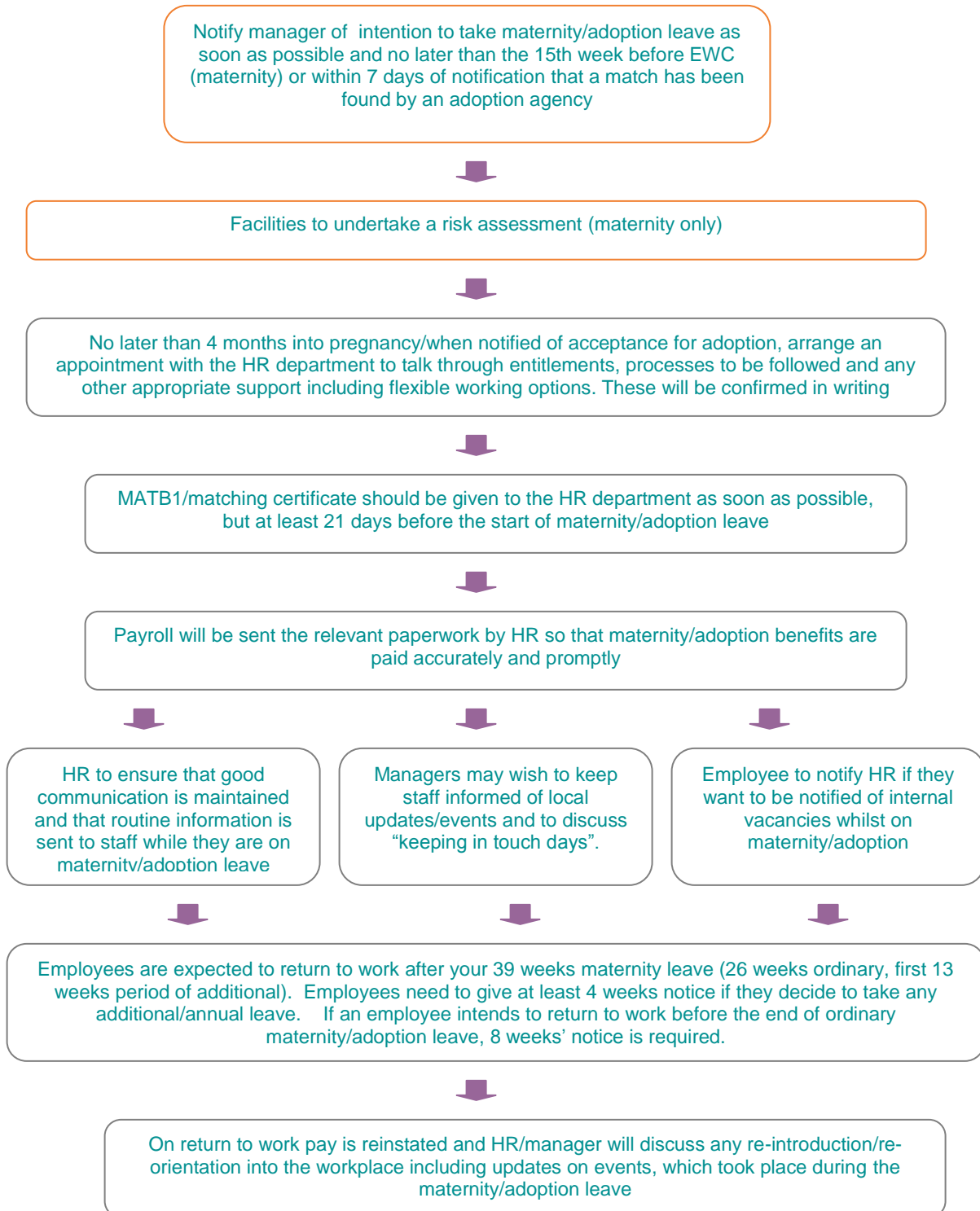
15.1 Parents wishing to adopt are entitled to the same entitlements as staff commencing maternity leave. Adoption Leave consists of ordinary and additional leave and has the same notice and qualification provisions and pay.

15.2 The date of notice given by the adoption agency for matching with the child replaces the expected week of confinement.

15.3 The adoption agency will provide a matching certificate which should be provided in place of the MAT B1 as evidence for entitlement to pay and leave purposes.

15.4 Where there is a joint adoption only one partner is entitled to statutory adoption pay. The other has paternity leave entitlements.

Maternity Leave/Adoption – Procedure



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