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## **MATERNITY, PATERNITY AND ADOPTION SUPPORT POLICY**

### **MATERNITY LEAVE POLICY**

This document provides a comprehensive summary of your maternity entitlements and responsibilities.

#### **Definition**

Paternity/maternity/adoption support leave is a period of leave granted to an employee to enable them to care for their baby or to support the mother following the birth, or in the case of adoption support the parent who is taking adoption leave.

#### **Introduction**

QRS is committed to equality of opportunity in employment for all its staff and to developing work practices and human resource policies that support work-life balance.

The aim of this policy is to inform staff of their rights and responsibilities both before and after the birth of their child. Maternity applies to all female staff employed by QRS, whether they work full or part-time.

All pregnant employees are entitled to a period of maternity leave regardless of their length of service. The amount of leave and maternity pay for which they will qualify will however differ as described below.

#### **Maternity Leave**

##### Notification of an intention to take Maternity Leave

An employee must inform QRS of the date she wishes to take her maternity leave no later than the 15th week before the baby is due or if this is not possible, as soon as is reasonably practicable.

The expected week of childbirth must be confirmed by the MAT B1 maternity certificate from the employee's doctor or midwife which must be submitted by the 15th week before the expected week of childbirth to qualify for maternity pay

### **Compulsory Maternity Leave**

All employees must take a minimum of two weeks leave after the birth of their baby.

### **Statutory Maternity Leave**

All pregnant employees are entitled to 26 weeks statutory ordinary maternity leave (OML) and 26 weeks statutory additional maternity leave (AML) regardless of their length of service.

### **Starting Maternity Leave**

An employee can start maternity leave at any time from the 11th week before the baby is due up to the day of the birth or the expected week of childbirth whichever comes first. An employee may change the date on which she starts her maternity leave provided she gives written notification of the new date at least 28 days before the original start date, or at least 28 days before the new date whichever is earlier, or, if that is not possible because the baby has been born early, as soon as is reasonably practicable. Entitlement to maternity leave will be calculated from the agreed or actual date maternity leave commences whichever is earlier.

### **Time off for antenatal appointments**

All pregnant employees, regardless of their length of service, are entitled to reasonable paid time off work to keep appointments made on the advice of a doctor, midwife or health visitor for antenatal care.

Except in the case of her first appointment the employee must be prepared to show her line manager an appointment card or similar evidence if asked to do so.

### **Absence due to childbirth before the intended start of Maternity Leave**

If the baby is born before the date the employee has informed QRS she wishes to begin her leave or before she has notified a date, the maternity leave period commences automatically on the date of birth even if this is more than 11 weeks before the baby is due.

In order to keep her rights to maternity leave and statutory maternity pay the employee must, as soon as is reasonably practicable, give QRS notice in writing of the date of the childbirth and if it has not already been given, evidence of the date the baby was expected.

### **Sick Leave before Maternity Leave**

If an employee is absent due to a pregnancy related illness from the 4th week before the baby is due her maternity leave starts automatically on the first date of absence. If the illness is unrelated to her pregnancy she can remain on sick leave up until the date of the baby's birth or until the date she has given as her start date for maternity leave.

An employee whose maternity leave has started due to a pregnancy related illness can not come back to work until 2 weeks after the birth at the earliest.

### **Contact during maternity leave**

#### Reasonable contact

QRS may contact an employee (and vice versa) while they are on maternity leave to discuss issues such as return to work plans or to keep them informed of important developments at QRS or within the Department they work. The amount and type of contact must not be unreasonable.

### **Keeping In Touch Days**

Employees may, by agreement with their line manager, undertake up to 10 keeping In touch (KIT) days during their maternity leave. KIT days can be used to undertake work, training or any other work related activity.

KIT days cannot be undertaken during the 2 weeks following the birth of the baby.

KIT days are optional. There is no obligation for either the employee or QRS to agree to a KIT day and an employee has the right to turn down a KIT day without suffering any detriment.

A KIT day is any day where work (or training) is undertaken up to normal contractual hours, e.g. if only 1 hour of work is undertaken this would count as 1 KIT day.

Employees will not be paid for KIT days (though existing maternity pay will not be affected). For each KIT day taken the employee will receive time off in lieu (TOIL) matching the number of hours worked, e.g. if 2 hours are worked then 2 hours TOIL will have been earned and 1 KIT day will have been used.

Once the KIT days have been used the employee will lose a week's SMP for any week in which they work for QRS.

Children may not be brought to the workplace on days that will be considered as KIT days.

### **Statutory Maternity Pay**

Pregnant employees with 26 weeks or more continuous service at the 15th week before the baby is due and whose earnings exceed the national insurance threshold are entitled to 39 weeks statutory maternity pay (SMP). SMP is paid whether or not the employee intends to return to work.

To obtain statutory maternity pay the employee must give QRS at least 28 days notice of her intention to take maternity leave and must provide a completed maternity certificate (MAT B1) by the 15th week before the expected week of childbirth.

Once entitlement to SMP has been established QRS must pay the full 39 weeks even if the employee resigns before or during her period of maternity leave.

SMP is paid at the rate of 90% of your average weekly earnings for the first 6 weeks followed by a further 33 weeks at the flat rate.

### **Maternity Allowance**

Employees with less than 26 weeks continuous service at the 15th week before the baby is due or who are not entitled to SMP may be entitled to maternity allowance (MA).

MA is paid directly by the Benefits Agency for up to 39 weeks. To claim MA an employee will need to send form SMP1, available from the Payroll Bureau, to their local social security office with a MA claim form.

### **Still Birth and Miscarriage**

In the unfortunate event of a still birth during or after the 25th week of pregnancy all the maternity rights apply in same way as with a live birth.

If an employee has a miscarriage before the start of the 25th week of pregnancy she will not be entitled to statutory maternity leave or pay. Absence from work in this instance would be dealt with under the normal sick pay and/or compassionate leave arrangements.

## **Terms and conditions of employment**

### Annual Leave

To avoid the risk of unused annual leave being lost it should normally be taken prior to an employee going on maternity leave. Annual leave must be taken in the current year (Jan-Dec) and cannot be carried forward.

Annual Leave continues to accumulate while an employee is on paid or unpaid maternity leave and can be taken in the normal way. It accrues at the rate of hours worked before maternity leave.

If an employee does not return to work following her maternity period only statutory annual leave will be accrued for the second 26 weeks of the maternity leave period, regardless of their length of service.

Payment for the accrued leave will be made after resignation. This will include, if applicable, an allowance for bank holidays.

### **Sick pay during and at the end of maternity leave**

Employees are not entitled to sick leave whilst entitled to receive statutory maternity pay or maternity allowance or whilst on unpaid leave.

If the employee is ill and unable to return to work at the end of the leave period the normal arrangements for leave due to sickness will come into force.

### **Pay Rises**

Employees will, on their return to work, receive any pay rises that have been awarded between the eight weeks before the baby is due and the end of maternity leave, including additional maternity leave.

### **Redundancy**

If, during an employee's maternity leave, their post is made redundant they will be offered suitable alternative work if it is available.

The new role they are offered must be both suitable and appropriate for them to do in the circumstances and the capacity and place in which they are employed. The terms and conditions of employment must be no less favourable than those of their previous job.

If QRS has a suitable alternative vacancy available but fails to offer it to the employee the redundancy will be regarded as unfair dismissal.

If QRS offers the employee a suitable alternative vacancy and they unreasonably refuse it the employee may forfeit their right to a redundancy payment.

An employee who feels they have been unfairly selected for redundancy on grounds related to their pregnancy is entitled to make a complaint of unfair dismissal through the [grievance procedure](#).

### **Returning to work**

An employee cannot return to work within 2 weeks of having her baby.

An employee returning to work after ordinary maternity leave is entitled to have the same job and the same terms and conditions of employment as if she had not been absent unless a redundancy situation has arisen during the employee's absence. See the [redundancy](#) section above.

### **Notification of a return to work**

Once an employee has notified QRS of the date on which she wishes to start her maternity leave QRS will in turn notify the employee within 28 days of the date on which the leave is expected to end. This will normally be 52 weeks (one year) from the start of maternity leave.

An employee who intends to return to work at the end of the statutory 52 weeks leave period does not need to give notice of, or confirm their return to work.

An employee who intends to return to work before the end of the 52 weeks must give 8 weeks notice of their intention to return and/or to take the additional leave which need not be in writing.

Employees have the right to change their days of return but must in all circumstances give at least 8 weeks notice before the revised or original date of return whichever is the earlier.

If less than 8 weeks notice is given QRS may postpone the employee's return to work to give the necessary 8 weeks notice or until the end of the maternity leave period, whichever is earlier.

Employees who decide they do not wish to return to work must give at least the notice period set out in their contract of employment.

### **Extending Maternity Leave**

Maternity leave may be extended under certain circumstances which are as follows:

If the employee is ill when she is due to return to work in which case normal contractual provisions will apply

QRS may postpone an employee's return due to an interruption of work or for other reasons for up to 8 weeks as long as they have notified her in advance of the reasons for the postponement and of the new date of return

### **Return to Work Interview**

An employee returning from maternity leave will have, on her first day back, a return to work interview with her line manager and/or a Director.

*These policies supplement your terms of employment but are not of contractual effect. Their purpose is to explain the Company's current policies and procedures but they may be subject to change without notice if changes are considered appropriate by the Company or if there are changes in relevant legislation.*

## **PATERNITY POLICY**

QRS is committed to equality of opportunity in employment for all its staff and to developing work practices and human resource policies that support work-life balance and welcomes the provisions contained in the Employment Relations Act (1999) the Maternity and Parental Leave (Amendment) Regulations 2002, and the Employment Act 2003. The aim of this policy is to inform employees and managers of employment rights relating to paternity/maternity/adoption support leave and to provide a framework for the decision making process.

### **Statutory entitlement**

Paternity Leave is granted to the child's father, or the mother's husband/partner (including same sex partner).

Staff with 26 weeks continuous service ending with the 15th week before the baby is born will be eligible for two weeks paid leave.

The statutory entitlement requires this leave to be taken as either one week or two consecutive weeks leave.

An employee who is the father of the baby, or is the partner of the mother who gave birth is entitled to receive statutory paternity pay (SPP) during the period of paid leave. The rate of SPP is the same as the standard rate of statutory maternity pay.

Where a baby is still born during or after the 25th week of pregnancy the father, partner or nominated carer will be entitled to paternity/maternity support leave just as he/she would have been with a live birth.

### **Paid leave**

The employee will be expected to tell his/her line manager and/or a Director the expected week of childbirth/placement, giving as much notice as possible.

The employee should also provide the dates when they expect to take the leave. The baby could however be born/placed early or late so the actual dates could change at the last minute.

The employee is expected to keep his/her line manager and/or a Director up to date with any changes that are expected.

Paternity/maternity/adoption support leave should be recorded on the employees' annual holiday entitlement form.

### **Unpaid leave**

Staff wishing to take unpaid paternity/maternity/adoption support leave must give QRS a minimum of 6 weeks notice of their intention to take the leave. When returning to work staff must also give 6 weeks notice of the date they wish to return. Unpaid leave is not automatically approved and is offered entirely at the Director's discretion. Whilst we would always look to accommodate an employees request, due to the size of the company, staff coverage and workloads would also need to be taken into consideration.

### **Terms and conditions of employment**

During the period of unpaid paternity/maternity/adoption support the employee will remain employed under the same terms and conditions but will not be paid.

Employees who take paternity support leave will be entitled to return to the same position under the same terms and conditions except in the situation that their post is made redundant whilst they are on leave.

If, during an employee's paternity/maternity/adoption support leave, their post is made redundant they will be offered suitable alternative work if it is available.

The new role they are offered must be both suitable and appropriate for them to do in the circumstances and the capacity and place in which they are employed. The terms and conditions of employment must be no less favourable than those of their previous job.

If QRS has a suitable alternative vacancy available but fails to offer it to the employee the redundancy will be regarded as unfair dismissal. If QRS offers the employee a suitable alternative vacancy and they unreasonably refuse it the employee may forfeit their right to a redundancy payment.

An employee who feels they have been unfairly selected for redundancy on grounds related to their paternity support leave is entitled to make a complaint of unfair dismissal through the grievance procedure.

*These policies supplement your terms of employment but are not of contractual effect. Their purpose is to explain the Company's current policies and procedures but they may be subject to change without notice if changes are considered appropriate by the Company or if there are changes in relevant legislation.*

## **ADOPTION LEAVE POLICY**

This document provides a comprehensive summary of your adoption entitlements and responsibilities.

### ***Introduction***

QRS is committed to equality of opportunity in employment for all its staff and to developing work practices and human resource policies that support work-life balance. The aim of this policy is to inform staff of their rights both before and after the adoption of their child. The policy applies to all staff employed by QRS, whether they work full or part-time.

### ***Adoption Leave***

To qualify for adoption leave an employee must be newly matched with a child for adoption by an adoption agency.

Adoption leave is available to:

- Individuals who adopt
- One member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave). The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay (see [Paternity leave policy](#)).

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example where a step-parent is adopting a partner's child. Leave can be taken from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date that can be up to 14 days before the expected date of placement.

### **Notification of an intention to take adoption leave**

Employees should inform their line manager and / or a Director that they have been approved as an adoptee as soon as they have been officially notified, even though they may not have been matched for adoption at this point.

Employees must inform their line manager and / or a Director of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.

Employees need to tell their line manager and / or a Director:

- When the child is expected to be placed with them.
- When they want the adoption leave to start.
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An employee must tell their line manager and / or a Director of the date they wish to start their adoption leave at least 28 days before the intended start date, or if this is not possible, as soon as is reasonably practicable.

The expected date of adoption must be confirmed by the 'matching certificate' from the employee's adoption agency once it is issued.

### **Statutory adoption leave**

To qualify for statutory adoption leave an employee must have worked continuously for QRS for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

Qualifying staff are entitled to up to 26 weeks ordinary adoption leave (OAL) followed immediately by 26 weeks additional adoption leave (AAL).

### **Starting adoption leave**

An employee can start their adoption leave at any time from 14 days before the expected date of placement. They must inform QRS of their intended start date (see the section on Adoption leave above).

An employee may change the date on which they starts their adoption leave provided they give written notification of the new date at least 28 days before the original start date, or at least 28 days before the new date whichever is earlier, or, if that is not possible, as soon as is reasonably practicable.

Entitlement to adoption leave will be calculated from the expected or actual date adoption leave commences whichever is earlier.

### **Sick leave before adoption leave**

If an employee is absent due to illness they can remain on sick leave up until the date of the child's placement or until the date they have given as their start date for adoption leave whichever is earliest.

### **Contact during adoption leave**

#### Reasonable contact

QRS may contact an employee (and vice versa) while they are on adoption leave to discuss issues such as return to work plans or to keep them informed of important developments at QRS or within the Department they work in. The amount and type of contact must not be unreasonable.

### **Keeping in touch days**

Employees may, by agreement with their line manager, undertake up to 10 keeping in touch (KIT) days during their adoption leave. KIT days can be used to undertake work, training or any other work related activity.

KIT days cannot be undertaken during the 2 weeks following the birth of the baby.

KIT days are optional. There is no obligation for either the employee or QRS to agree to a KIT day and an employee has the right to turn down a KIT day without suffering any detriment.

A KIT day is any day where work (or training) is undertaken up to normal contractual hours, e.g. if only 1 hour of work is undertaken this would count as 1 KIT day.

Employees will not be paid for KIT days (though existing adoption pay will not be affected). However for each KIT day taken the employee will receive time off in lieu (TOIL) equivalent to one day. TOIL can be used to extend the total period of adoption leave or can be used to provide additional leave during the leave year in which the employee returns to work. For example if an employee were due to return to work on Monday 7 May and had worked 10 Kit days, for payroll purposes she would be treated as returning on the 7 May but would not physically return until Monday 21 May.

Once the KIT days have been used the employee will lose a week's SAP for any week in which they work for the University.

### **Statutory adoption pay**

Employees adopting a child with 26 weeks or more continuous service ending with the week in which they are notified of being matched with a child for adoption, and whose earnings exceed the national insurance threshold are entitled to statutory adoption pay (SAP). SAP is paid for 39 weeks whether or not the employee intends to return to work. To obtain statutory adoption pay the employee must give QRS at least 28 days notice of their intention to take adoption leave and must provide the 'matching certificate' from the employee's adoption agency within 28 days of the start of the adoption pay period. Once entitlement to SAP has been established QRS must pay the full 39 weeks even if the employee resigns before or during their period of adoption leave. SAP is the same as the standard rate of statutory maternity pay.

### **Staff adopting a child with less than 26 weeks continuous service ending with the matching week**

Employees with less than 26 weeks continuous service ending with the week in which they are notified of being matched with a child for adoption are not entitled to adoption pay.

They may be able to seek financial assistance and support from their local Authority. Additional financial support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. Further information is available through local Job Centres.

### **Terms and conditions of employment**

#### Annual Leave

To avoid the risk of unused annual leave being lost it should normally be taken prior to an employee going on adoption leave. Annual leave must be taken in the current year (Jan-Dec) and cannot be carried forward.

Annual Leave continues to accumulate while an employee is on paid or unpaid adoption leave and can be taken in the normal way. It accrues at the rate of hours worked before adoption leave.

If an employee does not return to work following their adoption period annual leave will be accrued for the first 26 weeks of the adoption leave period only, regardless of their length of service.

Payment for the accrued leave will be made after resignation. This will include, if applicable, an allowance for Bank Holidays.

### **Sick pay during and at the end of adoption leave**

Employees are not entitled to sick leave or unpaid leave whilst receiving statutory adoption pay. If the employee is ill and unable to return to work at the end of the leave period the normal arrangements for leave due to sickness will come into force.

### **Pay rises**

Employees will, on their return to work, receive any pay rises that have been awarded between the eight weeks before the date of the child's placement and the end of adoption leave, including additional adoption leave.

### **Redundancy**

If, during an employee's adoption leave, their post is made redundant they will be offered suitable alternative work if it is available.

The new role they are offered must be both suitable and appropriate for them to do in the circumstances and the capacity and place in which they are employed. The terms and conditions of employment must be no less favorable than those of their previous job. If QRS has a suitable alternative vacancy available but fails to offer it to the employee the redundancy will be regarded as unfair dismissal.

If QRS offers the employee a suitable alternative vacancy and they unreasonably refuse it the employee may forfeit their right to a redundancy payment.

An employee who feels they have been unfairly selected for redundancy on grounds related to their adoption of a child is entitled to make a complaint of unfair dismissal through the Grievance procedure.

### **Returning to work**

An employee returning to work after ordinary adoption leave is entitled to have the same job and the same terms and conditions of employment as if they had not been absent unless a redundancy situation has arisen during the employee's absence (see the section on Redundancy above).

### **Notification of a return to work**

Once an employee has notified QRS of the date on which she wishes to start her adoption leave QRS will in turn notify the employee within 28 days of the date on which the leave will be expected to end. This will normally be 52 weeks (one year) from the start of adoption leave.

An employee who intends to return to work at the end of the statutory 52 weeks leave period does not need to give notice of, or confirm their return to work.

An employee who intends to return to work before the end of the 52 weeks must give 8 weeks notice of their intention to return and/or to take the additional leave which need not be in writing.

Employees have the right to change their days of return but must in all circumstances give at least 8 weeks notice before the revised or original date of return whichever is the earlier.

If less than 8 weeks notice is given QRS may postpone the employee's return to work to give the necessary 8 weeks notice or until the end of the adoption leave period, whichever is earlier.

Employees who decide they do not wish to return to work must give at least the notice period set out in their contract of employment.

### **Extending additional adoption leave**

Additional adoption leave may be extended under certain circumstances which are as follows:

If the employee is ill when they are due to return to work in which case normal contractual provisions will apply.

QRS may postpone an employee's return due to an interruption of work or for other reasons for up to eight weeks as long as they have notified them in advance of the reasons for the postponement and of the new date of return.

QRS may not postpone the date of return beyond the 52 week period of maternity leave.

***Return to work interview***

An employee returning from adoption leave will have, on their first day back, a return to work interview with their line manager and/or a Director.

***Unreasonable refusal of leave***

Staff who feel that they have been unreasonably refused the right to paternity/maternity/adoption support leave or who feel that they have been victimised for requesting such leave should, in the first instance raise the matter with their line manager and inform a Director.

Any complaints will be recorded and dealt with in accordance with QRS grievance procedure.

*These policies supplement your terms of employment but are not of contractual effect. Their purpose is to explain the Company's current policies and procedures but they may be subject to change without notice if changes are considered appropriate by the Company or if there are changes in relevant legislation.*

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