

Maternity, Paternity and Adoption Policy

Purpose

This policy is intended to support pregnant employees at work and during their maternity leave. The policy also applies to employees seeking paternity leave and adoption leave.

Scope

The rights and obligations set out in this policy apply equally to full time and part time employees on a substantive or fixed-term contract.

Such rights and obligations form part of your contract of employment and can only be amended in accordance with it.

This policy applies to mothers of babies born on or after 5 October 2008

Maternity

1. Policy statement

Monitor recognises the worth of its employees and the benefits inherent in encouraging experienced employees to return to the workplace after a period of leave. Monitor values and seeks to utilise the skills and experience of staff at all levels.

In this policy leave taken during the first 12 months directly following your child's birth is referred to as Maternity Leave.

No employee will be treated less favourably or dismissed because she is pregnant, absent on Maternity Leave, is breastfeeding or for any other reason connected with her pregnancy or maternity.

Monitor encourages close communication up to and during the Maternity Leave period to facilitate the employee's absence from and return to the workplace.

This policy applies whether you have one child or more such that no additional benefits are receivable if you have a multiple birth.

2. Notification

To be eligible for Maternity Leave you should give notice to Monitor as soon as your pregnancy is certified, but by law no later than 15 weeks before the Expected Week of Childbirth (“EWC”) (Maternity Leave Notification form Appendix 1). Please tell us as soon as you feel able - until you tell us we cannot take steps to protect your health and safety or to assist you with planning for your leave.

Your notice must specify:

- the EWC; and
- the date you intend to start your leave (“Leave Date”).

You must also enclose your MAT B1 form.

If you wish to change your Leave Date, you must give 28 days’ notice.

Human Resources will send you confirmation of your Leave Date and your expected return date (“Expected Return Date”) within 28 days of receipt of your notice.

3. Maternity Leave Duration

Regardless of length of service with Monitor, all pregnant employees are entitled to 52 weeks’ maternity leave. Maternity leave and maternity pay are separate entitlements. Maternity leave is a single continuous period and is made up of:

- 26 weeks’ **Ordinary Maternity Leave** (“OML”) commencing at, or prior to, your child’s birth,;
- 26 weeks’ **Additional Maternity Leave** (“AML”), following on directly from your OML.

By law, you must take at least 2 weeks’ leave immediately after the birth of your child.

It is assumed that the Expected Return Date will be at the end of the full 52 week combined OML and AML period. If you intend to return to work without taking your full entitlement to leave, please notify Human Resources (Return to Work Notification form Appendix 2).

Parental leave is a separate entitlement for employees who have completed one year’s service with Monitor. It is a right to unpaid time off. Whether you are able to take parental leave immediately after maternity leave is subject to the normal arrangements for postponement and would depend on whether your absence would unduly disrupt the business. For further information see the **Work Life Balance Policy**.

4. Leave Date

Your Leave Date may not be earlier than the 11th week before the EWC.

If your child is born before the Leave Date, your Maternity Leave will start on the actual date of birth of your child (even if that is prior to the 11th week before the EWC). In addition, you should be aware that your OML will automatically commence when, due wholly or partially to your pregnancy, you are absent during the last 4 weeks before the EWC, unless Monitor agrees to your return to work.

5. Maternity Leave, Pay and other Entitlements

A. Category A employee – one year of service or more

Maternity Pay and Leave

If you have worked continuously at Monitor for 12 months or longer at the beginning of the 14th week before the EWC you are entitled to 52 weeks' leave, with the following maternity pay entitlements:

- 26 weeks' OML at 100% of your previous average earnings; followed by
- a consecutive 13 weeks' AML receiving statutory maternity pay (which is either at the standard rate of £117.18 per week at the time of writing, or a rate equal to 90% of your previous average earnings, whichever is lower); followed by
- a consecutive 13 weeks' AML unpaid.

Repayment

Before going on Maternity Leave you are required to complete a Statement of Intent and Undertaking to Repay (Appendix 1), agreeing to:

- return to work for a period of at least 6 months immediately following your Maternity Leave; or
- repay the difference between the pay received during your OML and your statutory maternity pay entitlement, should you decide not to return to work.

B. Category B employee – 26 to 52 weeks of service

Maternity Pay and Leave

If you have worked continuously at Monitor for over 26 weeks, but less than 52 weeks at the beginning of the 14th week before the EWC you are entitled to 52 weeks' leave, with the following maternity pay entitlements:

- 6 weeks' at the statutory maternity pay entitlement rate (which is 90% of your previous average earnings at the time of writing); followed by
- a consecutive 33 weeks' (being 20 weeks' OML, and 13 weeks' AML) at the statutory maternity pay entitlement rate (which is either at the standard rate

- of £117.18 per week at the time of writing, or a rate equal to 90% of your previous average earnings, whichever is lower); and
- a consecutive 13 weeks' AML unpaid.

C. Category C employee – less than 26 weeks of service

Maternity Pay and Leave

If you have worked continuously at Monitor for less than 26 weeks at the beginning of the 14th week before the EWC you are entitled to 52 weeks' leave, with the following maternity pay entitlements:

- a maternity allowance claimable from the Department of Work and Pensions; and
- 26 weeks' unpaid OML; and
- a consecutive 26 weeks' unpaid AML.

D. Category D employee

If you leave your employment with Monitor at anytime after the start of the 15th week before your EWC Monitor will pay statutory maternity pay to you if you qualify for it.

If you do not intend to return to work for Monitor, you may still receive statutory maternity pay. You do not have to repay statutory maternity pay if you decide not to return to work.

6. Employee Rights during Maternity Leave

OML and AML – continuity of employment contract

During your OML and AML, your contract of employment will continue and you will continue to receive all your contractual benefits. Your period of OML and AML will count towards your period of continuous employment for the purposes of entitlement to other statutory employment rights, and pension rights. Your absence will not be counted as a break in your employment. If a pay rise has been awarded during OML or AML, and, but for your absence you would have received it, Monitor will recalculate your statutory maternity pay.

Annual leave entitlement

You will retain your entitlement to contractual annual leave (six weeks' paid leave per year) throughout OML and AML.

It is not possible for you to take annual leave at the same time as maternity leave. It will, however, usually be possible for you to use any untaken annual leave either before you start your maternity leave, or once your maternity leave has finished. Whether or not you may carry forward any annual leave that coincides with your Maternity Leave into the next annual leave year is at the discretion of Monitor.

Pensions

If Monitor contributes to your occupational pension it will continue to make the usual contribution for the whole time you are receiving any statutory or maternity pay, as if you were working normally and receiving the normal remuneration for doing so. For further information please contact Human Resources.

7. Keeping in touch days

From 1 April 2007, you may, by agreement with Monitor, complete up to ten days' work – known as "keeping in touch days" – during your maternity leave. Such days are different to the reasonable contact that Monitor and you may make with each other during your maternity leave. During keeping in touch days you may carry out and be paid for work by Monitor.

The rate of pay for working a keeping in touch day is a matter for agreement with Monitor.

The type of work that you undertake on a keeping in touch day is a matter for agreement with Monitor. You are entitled to turn down an offer to work a keeping in touch day without suffering any detriment, likewise you do not have the right to work keeping in touch days if Monitor does not agree to them.

You may not work a keeping in touch day during the first two weeks after your baby is born.

8. Open Communication

Please ensure that you provide Monitor with regular updates of your condition, your expectations of your Maternity Leave duration and any other matters related to your pregnancy relevant to your employment with Monitor.

Monitor may make reasonable contact with you when you are on maternity leave for a number of reasons, such as to discuss arrangements for your return to work, or to keep you informed of important developments at the workplace. Monitor will endeavour to inform you of any relevant promotion opportunities or job vacancies that arise during your maternity leave.

Contact may be by telephone, email, letter, or visits to the workplace, depending on your preference, and subject to Monitor's requirements.

9. Antenatal Care

You are entitled to paid time off during working hours for antenatal care. Such time off will not be unreasonably withheld. After the first antenatal appointment, you must produce written proof of any further appointments, if requested. Antenatal care may include relaxation and parent craft classes where advised by a registered

medical practitioner, registered midwife or registered health visitor, as well as medical examinations related to the pregnancy. The entitlement to paid time off for antenatal appointments applies regardless of your length of service.

10. Stillbirth

If you have a stillbirth after 24 weeks of pregnancy you will qualify for maternity leave and/or pay as described in this policy (subject to your length of service).

11. Miscarriage

If you have a miscarriage before 24 weeks of pregnancy, normal sick leave provisions apply.

12. Returning to Work

If you choose to return to work from OML you have the right to return to the same job on the same terms and conditions as before your OML began. You are entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for your grade or class of work during your OML, as if you hadn't been on leave.

When you return to work after AML you are normally entitled to the same job on the same terms and conditions as if you had not been absent, unless there is a reason why it is not reasonably practicable for you to return to your previous job, in which case you should be offered a similar job on terms and conditions which are not less favourable than your original job.

Should you wish to return earlier than the date originally advised you must give 8 weeks' notice prior to the new date that you wish to return to work. ([Return to Work Notification form](#) Appendix 2). Maternity pay will then cease and you will return to your salary.

If you wish to resign you must give Monitor the required contractual notice in writing. You will continue to receive your maternity pay for the period of your entitlement, at the end of which Monitor will send you your P45.

Should you not return to work on the Expected Return Date, Monitor will treat this matter as it does any other absence without notification.

Should you wish to alter your working hours on returning to work you must submit a written application to Monitor stating that you are making a formal request for flexible working hours. Monitor will arrange to meet you within 28 days of receipt of your application. The meeting will provide both parties with the opportunity to discuss the desired work pattern. Monitor will consider your application carefully and notify you of its decision and the reasons for the decision within 14 days after the meeting. Subject to operational and economic needs, Monitor will endeavour to meet your requirements for a flexible return to work.

13. Postnatal Care and Breastfeeding Mothers

Monitor will provide adequate breaks from work for rest, meals and refreshments for women who are breastfeeding together with a designated location for them to express milk and facilities for storage.

14. Health and Safety

Monitor is required by law to protect the health and safety of all employees. As soon as you notify Human Resources of your pregnancy, Monitor will commission a health and safety risk assessment to address and minimise risks in the workplace for you.

Please advise Monitor without delay if you have any concerns regarding your health and safety.

Paternity

15. Policy Statement

Monitor recognises that fathers play an active role in sharing the responsibility for looking after children and therefore provides paid paternity leave ("Paternity Leave").

No employee will be treated less favourably or dismissed for requesting or taking Paternity Leave.

16. Qualifying for Paternity Leave

The following employees are entitled to Paternity Leave:

- biological father
- partner of adoptive parent
- partner of biological parent
- employee with parental responsibility
- carer in same sex relationship
- other carer nominated by the biological mother, biological father, adoptive parent, or person with parental responsibility.

In addition, you must have worked continuously for Monitor for 26 weeks ending with the 15th week before the EWC.

17. Notification

You must give Human Resources notice of your intention to take paternity leave at least 15 weeks before the EWC specifying:

- the EWC and a copy of the MAT B1 form;
- the length of the period of leave that you have chosen to take; and
- the date on which you have chosen begin your paternity leave.

You must give 28 days' notice of a change in the date you wish your leave to start. (Application for Paternity Leave form Appendix 3)

18. Paternity Leave and Pay

An employee may choose to take either up to one week's leave or two consecutive weeks' leave ("Paternity Leave"). You may take paternity leave from the date of birth, or later, as long as leave is taken within 6 months of the birth. You will be paid your normal salary during this time. No additional paid time off will be granted for multiple births.

19. Employee Rights during Paternity Leave

Your continuity of employment is preserved during paternity leave so your absence is not counted as a break in your employment.

Throughout your paternity leave you are entitled to the benefit of your normal terms and conditions of employment (such as pay increases), except for your normal pay.

20. Antenatal Care

An employee whose spouse, partner or civil partner is expected to give birth will be provided with additional time off work at, or within 6 months of, the time of the birth and to attend antenatal appointments.

21. Stillbirth

An employee is entitled to paternity leave in the event of a stillbirth after 24 weeks of pregnancy.

22. Returning to Work

Monitor will assume that you are returning to work at the end of your paternity leave unless informed to the contrary.

Adoption

23. Policy Statement

Monitor recognises that adoptive parents are entitled to similar pay and leave provisions as provided in the maternity and paternity frameworks described above.

This policy covers the rights which are available when an adoptive parent is matched with a child placed for adoption within the United Kingdom.

In this policy leave taken during the 12 months directly following the placement is referred to as Adoption Leave.

Monitor encourages close communication up to and during the Adoption Leave period to facilitate the employee's absence from and return to the workplace.

No employee will be treated less favourably or dismissed for requesting or taking Adoption Leave.

24. Qualifying for Adoption Leave

Adoption leave is available to employees who adopt as individuals or to one member of a couple where the couple adopt jointly.

You are entitled to ordinary adoption leave ("OAL") in respect of a child if you have

- been continuously employed by Monitor for a period of not less than 26 weeks ending with the week in which you are notified of having been matched, and
- notified the agency that you agree to the placement and have confirmed the date of placement.

An eligible employee is entitled to 26 weeks' OAL.

Depending on length of service, you may be entitled to an additional 6 months' adoption leave ("AAL"), following on directly from your OAL. If you are entitled to AAL, it is assumed that you will want to take it. If so, the Expected Return Date will be at the end of the full 52 week combined OAL and AAL period. If you intend to return to work without taking your full entitlement to leave, please notify Human Resources. (Adoption Leave Notification from Appendix 4)

The partner of an individual who adopts, or the other member of a couple adopting jointly, will be eligible for paternity leave and pay (see "Paternity" section above) to care for the child following placement.

25. Notification

You must give Human Resources notice of your intention to take Adoption Leave no more than seven days after the date on which you are notified of having been matched with the child specifying the date on which you have chosen begin your leave.

When the date of OAL is settled, Monitor will notify you, within 28 days of receipt of the notice, of the date on which your AAL ends.

26. Adoption Leave and Pay

Your Adoption Leave, pay and pension entitlements mirror the maternity provisions of paragraph 5 above.

No additional time off will be granted for multiple adoptions.

27. Employee Rights during Adoption Leave

Your continuity of employment is preserved during adoption leave so your absence is not counted as a break in your employment.

Throughout your adoption leave you are entitled to the benefit of your normal terms and conditions of employment (such as pay increases), except for your normal pay.

28. Returning to Work

Monitor will assume that you are returning to work at the end of your adoption leave unless informed to the contrary.

Exceptional Circumstances

In exceptional circumstances, an employee may be required to provide assistance on an occasion when a dependant, other than their spouse, partner or civil partner, gives birth. Dependants may include your child, parent or a person who lives in your household (other than as an employee, tenant, lodger or boarder). In such circumstances you may be entitled to a reasonable amount of time off work to provide assistance. The terms and conditions of such leave shall be at Monitor's discretion. For further information on exceptional circumstances see the **Work Life Balance Policy**.

MATERNITY LEAVE NOTIFICATION FORM

TO: HUMAN RESOURCES

FROM: (your name)

A. STATEMENT OF INTENT

- **All employees to complete**

1. The date of my expected week of childbirth* is:

2. The date I intend to start my maternity leave is:

* "Expected week of childbirth" refers to the week, beginning with midnight between Saturday and Sunday, during which it is expected that the baby will be born.

Please attach your original MAT B1 form.

Declaration:

I understand that I must give at least 8 weeks' written notice of my proposed return date if I wish to return to work without taking 52 weeks' leave.

Employee signature **Date**

Employee name

B. UNDERTAKING TO REPAY

- **Category A employees to complete**

I undertake to repay Monitor any payments received during my maternity leave in excess of my statutory maternity pay if I do not return to work for a minimum period of 6 months immediately following my maternity leave.

Employee signature **Date**

Employee name

RETURN TO WORK NOTIFICATION FORM

TO: HUMAN RESOURCES

FROM: (your name)

- To complete should you wish to return to work without taking your full leave entitlement.

I would like to return to work on (date) at(time)
being 8 weeks, or more than 8 weeks, from today's date.

Employee signature **Date**

Employee name

APPLICATION FOR PATERNITY LEAVE

When completed and countersigned this form should be returned to Human Resources, together with a copy of the certificate giving the expected date of birth of the child (Mat B1).

A. PERSONAL DETAILS

FULL NAME.....

HOME ADDRESS.....

.....

.....

TEL. NO.....

B. EMPLOYMENT DETAILS

POST HELD.....

STAFF NUMBER.....

DIRECTORATE.....

C. LEAVE DETAILS

Expected date of birth

What is the proposed start date of your Paternity Leave?.....

NB. If you wish to change this start date, Human Resources **MUST** be informed at least one week beforehand.

Please indicate the number of weeks you intend to take:

1 week's paternity leave

☐

2 week's paternity leave

☐

D. YOUR DECLARATION

I declare that

- I am
 - the baby's biological father, or
 - married to the mother, or
 - living with the mother in an enduring family relationship, but am not an immediate relative
- I have responsibility for the child's upbringing
- I will take time off work to support the mother or care for the child

☐☐☐

Employee signature **Date**

Employee name

E. LINE MANAGER'S / DIRECTORATE ENDORSEMENT

The above dates have been discussed and the leave can be accommodated within the Directorate. I therefore endorse this request.

Line manager signature **Date**

Line manager name

Please forward this form to Human Resources.

ADOPTION LEAVE NOTIFICATION FORM

This form must be completed and sent to Human Resources along with the matching certificate from your adoption agency.

A. PERSONAL DETAILS

FULL NAME.....

HOME ADDRESS.....

.....

.....

TEL. NO.....

B. EMPLOYMENT DETAILS

POST HELD.....

STAFF NUMBER.....

DIRECTORATE.....

Ordinary Adoption Leave (OAL)

I wish to takeweeks Ordinary Adoption Leave (maximum available 26 weeks.) I wish my OAL to commence on: and I wish to return to work on: **The expected date of placement of the child is:**

I wish to also apply for **Additional Adoption Leave (AAL)** of 26 weeks which will commence immediately the day after my Ordinary Adoption Leave on.....
(Please check policy on Adoption Leave above or contact HR for further information on eligibility criteria.)

Please note that Additional Adoption Leave is unpaid leave.

Please make sure a copy of the Adoption Agency 'Matching Certificate' is attached. If the Adoption Agency 'matching certificate' is not attached, please make sure that a copy is sent to Human Resources within 14 days of completion of this form.

Signed: Date:
Employee

Signed: Date:
Line Manager

Please forward this form to Human Resources.