

## MATERNITY, ADOPTIVE, MATERNITY SUPPORT AND PARENTAL LEAVE POLICY AND PROCEDURE

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**MRC MATERNITY, ADOPTIVE, MATERNITY SUPPORT & PARENTAL LEAVE POLICY & PROCEDURE**

**MATERNITY, ADOPTIVE, MATERNITY SUPPORT AND PARENTAL LEAVE POLICY AND PROCEDURE**

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# MRC MATERNITY, ADOPTIVE, MATERNITY SUPPORT & PARENTAL LEAVE POLICY & PROCEDURE

## Policy statement

The Medical Research Council (the MRC) is committed to providing a fair, consistent and effective approach to the application of Maternity, Adoptive, Maternity Support and Parental leave provision. The MRC wants to ensure that all employees are informed of their rights surrounding Maternity, Adoptive, Maternity Support and Parental leave and their employment.

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

The Maternity, Adoptive, Maternity Support and Parental policy and procedure is agreed with the National Trade Union Side. In addition, the MRC's policies are assessed for language accessibility and equality impact. The MRC's operational activities are regularly reviewed with key stakeholders and Trade Unions, which in turn contribute to the further development of the MRC's policies.

The Maternity, Adoptive, Maternity Support and Parental Policy applies to MRC 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.

## 1. Principles

- 1.1 All applications by eligible employees for Maternity, Maternity Support, Parental and Adoptive leave should be considered by the MRC.
- 1.2 In accordance with the MRC's Equalities & Diversity policy, applications for Maternity, Maternity Support, Parental and Adoptive leave must be dealt with equitably.
- 1.3 All employees are entitled to leave which they qualify for in line with this policy.

## 2. 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.

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- 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 all normal terms and conditions of employment, except remuneration, are maintained, unless the pregnant employee's Expected Week of Childbirth (EWC) begins on or before 4 October 2008, in which case all her benefits cease during AML except for statutory holiday (pro-rated for part-time employees).
- 2.1.4 During OML and AML, employees are subject to their contractual obligations and duties to the MRC. In particular, confidentiality, good faith and exclusive service.
- 2.1.5 An employee is eligible for Maternity leave, provided that:
- a) She notifies the MRC of her intention to take Maternity leave in writing before the end of the 15th week before the 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 MRC of the date she intends to start her Maternity leave (at least 28 days before beginning Maternity leave).
- 2.1.6 These rules should be brought to the attention of any female employee as soon as she is known to be pregnant.

### **2.2 Ante-Natal Care**

- 2.2.1 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.
- 2.2.2 Employees should advise their managers that they will be absent in as far in advance as possible. Except for the first appointment, she may be asked to produce a certificate of pregnancy and proof that the appointment has been made, prior to permission being granted for time off.

### **2.3 Statutory Maternity Pay (SMP) - Entitlement**

- 2.3.1 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 MRC after her childbirth.
- 2.3.2 To qualify for SMP an employee must:
- a) have been continuously employed by the MRC (whether or not she is at work) for at least 26 weeks ending with the 15th week before the EWC, i.e. the qualifying week (QW); and

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- 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 QW; and
- c) still be pregnant at the 11th week before the EWC, or have given birth by this time; and
- d) inform the MRC (in writing if so requested) at least 28 days 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.

2.3.3 A woman shall not be entitled to SMP for any week of the Maternity Pay Period in which she is in legal custody.

2.3.4 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).

2.3.5 Information on current statutory pay can be found by following the link in section I of this policy.

### **2.4 Payment of SMP**

2.4.1 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 and can start at any time up to the week of childbirth without penalty.

2.4.2 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 QW). 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.

2.4.3 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 (see paragraph 4 below).

### **2.5 MRC Paid Maternity Leave Scheme - Maternity Pay**

2.5.1 A female employee, who qualifies under the MRC Paid Maternity Leave Scheme, is entitled to receive payments during her Maternity leave for 39 weeks (Maternity Pay Period). The MRC Paid Maternity Leave Scheme provides that the first 26 weeks of the Maternity Pay Period will be paid at full MRC pay, the following 13 weeks will be paid at the SMP rate only.

2.5.2 All payments made to such an employee during the Maternity Pay Period are inclusive of that employee's entitlement, if any, to SMP.

2.5.3 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.

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- 2.5.4 An employee will qualify for the MRC's Paid Maternity Leave Scheme provided that she:
- a) has 12 months' continuous service with the MRC at the beginning of the 15<sup>th</sup> week before the expected week of childbirth.
  - b) gives written notification at least 28 days before the Maternity leave is due to begin; and
  - c) provides medical evidence of the date the baby is due no later than the end of the 15th week before the EWC. This will normally be in the form of the MATB1 signed by the doctor or midwife.
- 2.5.5 An employee who is ineligible under the MRC's Paid Maternity Leave Scheme may still qualify for SMP.

### **2.6 Maternity Leave**

- 2.6.1 SSC will confirm in writing the employee's Maternity leave details 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 28 days of receiving her written notification.
- 2.6.2 The employee may take up to 14 weeks 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 leave taken before this 11th week where the child has not yet been born will be unpaid (unless taken as annual leave).
- 2.6.3 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.
- 2.6.4 The MRC SSC payroll team 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.

### **2.7 Change of Maternity leave date**

- 2.7.1 If the employee subsequently wants to change the date that she wishes her Maternity leave to start, she should notify the MRC at least 28 days 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 14<sup>th</sup> week before the EWC.

### **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 to qualifying new and expectant mothers with less than 26 weeks' employment at the Qualifying Week for a period of up to 39 weeks providing she is not working. The allowance will have to be claimed directly from their social security/Jobcentre Plus office.

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2.8.2 If a woman is in receipt of a Maternity allowance and she is eligible under the MRC's Maternity Leave Scheme, her pay will be subject to a deduction equivalent to the rate of Maternity allowance she receives.

### **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, 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, to another job which is both suitable and appropriate for her in the circumstances and on comparable terms and conditions.

2.9.5 If a woman wishes to modify her hours or working arrangements upon return, and this change is feasible given the operational needs of the unit/team, please refer to the MRC's Flexible Working Policy.

2.9.6 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 MRC 56 days' (eight weeks') notice in writing before their intended date of return, otherwise the MRC may delay their return for eight 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 regional/unit HR team of this decision immediately.

2.10.2 If an employee does not notify the regional/unit HR team and does not return to work on the due date, the MRC will treat this matter as unauthorised absence and the employee may be subject to the MRC'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 still birth, has no absolute right to return but may be allowed to do so if at all possible.

2.10.4 Employees have no right to delay their return beyond the end of the AML period. If they are sick they must provide a doctor's certificate. Provided that employees comply with this requirement, they will be treated as being absent due to sickness.

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### **2.11 Maintenance of benefits during Maternity leave**

- 2.11.1 For those employees whose EWC begins on or after 5 October 2008, they will continue to accrue their normal contractual benefits (other than remuneration) during OML and AML. Their annual leave continues to accrue and their MRCPS pension contributions are maintained and reckonable service will continue to accrue.
- 2.11.2 For those employees whose EWC begins before 5 October 2008, they shall enjoy the same entitlements during their OML but during their AML, they will only accrue statutory holiday entitlement and they will only receive pension contributions whilst they receive SMP. Employees can choose to maintain pension contributions themselves during the remaining period of AML if they wish.

### **2.12 Sickness during Maternity leave**

- 2.12.1 MRC 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.

### **2.13 Sickness before and after Maternity leave**

- 2.13.1 Normal provision for MRC paid sick leave applies before and after Maternity leave subject to the provisions the Sickness Absence Management Policy. Entitlement to MRC paid sick leave and to SSP for pregnancy-related sickness absence ceases at the beginning of the fourth week before the EWC.
- 2.13.2 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.
- 2.13.3 Where a woman has provided at least 28 days 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), MRC sick leave will be allowed if a medical certificate of incapacity is provided.

### **2.14 Childbirth and Stillbirth**

- 2.14.1 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 baby was born alive.
- 2.14.2 Where an employee has a stillbirth before the 24<sup>th</sup> week of pregnancy, she will not be eligible for Maternity leave or pay but she may be eligible for MRC sick pay. Please see the MRC Sickness Absence Management Policy.

### **2.15 Shared leave**

- 2.15.1 Where both parents/partners are employed by the MRC, the partner will be allowed to use up any period of unpaid Maternity leave not taken by the mother. Any balance of unpaid leave taken by the partner must be used within 52 weeks of the date of the birth.



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## 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), and they have been employed by the MRC for at least 26 weeks by the week in which they were notified of the match.
- 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. During OAL and AAL all normal terms and conditions of employment are maintained, unless the expected date of child's placement is on or before 4 October 2008, in which case all her benefits cease during AML except for statutory holiday (pro-rated for part-time employees). 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 28 days 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 MRC paid Maternity Support leave if they have at least 26 weeks service with the MRC ending with the week in which the principal carer was notified of the match. They must also notify the MRC of their intention to take Maternity Support leave within seven days 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.

### 3.2 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:
- a) They have been continuously employed by the MRC 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;

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- d) Within 7 days of the date on which they were matched, they have notified the MRC of when they wish the adoption leave and pay to begin, which may start no earlier than the 14<sup>th</sup> day before the expected date of placement of the child and the latest it can start is generally the date of the placement (the MRC must have at least 28 days notice of the start of the adoption leave and pay);

### **3.2.3 If adopting from overseas:**

- a) They have been continuously employed by the MRC 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 MRC notice in writing within 28 days of receiving official notification, or within 28 days of completing the 26 week's service if that is later (the MRC must have at least 28 days notice of the start of the Adoptive leave and pay).
- d) They must give the MRC evidence that the child has entered Great Britain.

### **3.2.4 Information on current statutory pay can be found by following the link in Section I of this policy.**

### **3.2.5 An employee who is eligible for SAP may also qualify for the MRC's paid Adoptive leave.**

## **3.3 MRC Paid Adoptive leave Scheme**

### **3.3.1 A principal carer who qualifies under the MRC Paid Adoptive Leave Scheme, 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 full pay, the next 13 weeks will be on SAP rate only.**

### **3.3.2 All payments made to such an employee during the Adoption Pay Period are inclusive of that employee's entitlement to SMP. The principal carer will then be entitled to 13 weeks unpaid leave. An employee will qualify under the MRC Paid Adoptive Leave Scheme, provided that they:**

- a) Have 12 months' continuous service with the MRC ending with the week in which they were notified of the match.
- b) 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;
- c) can provide a date when the child is due for placement or an estimate of when the child will enter Great Britain
- d) have notified the MRC of when they wish the adoption leave and pay to begin within 7 days of the date on which they were matched (the MRC must have at least 28 days notice of the start of the Adoptive leave and pay).

### **3.3.2 The SSC will confirm in writing the employee's Adoptive leave details within 28 days of receiving their written notification.**

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### **3.4 Statutory right to return to work**

- 3.4.1 Following OAL the principal carer is entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen.
- 3.4.2 Following AAL the principal carer is entitled to return to the same job on the same terms and conditions, unless a redundancy situation has arisen. If it is not reasonably practicable to return to the same job they will be offered an alternative, which is appropriate, on comparable terms and conditions.
- 3.4.3 If the employee wishes to modify their hours of working arrangements they should refer to the MRC's Flexible Working Policy.
- 3.4.4 The MRC will expect the principal carer to return to work after their full entitlement to Adoptive leave, so at the end of the 52 week period.
- 3.4.5 If the principal carer wishes to return on a different date they must provide the MRC with at least eight weeks' notice in writing of their return date, otherwise the MRC may delay and return to a date such as would give eight weeks' notice of return.

### **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 regional/unit HR team of this decision immediately.
- 3.5.2 Employees have no right to delay their return beyond the end of the AAL period. If they are sick, they must provide a doctor's certificate to this effect. Provided that employees comply with this requirement, the MRC will treat them as having returned, but as being absent due to sickness.
- 3.5.3 Should employees decide not to return to work on the agreed due date, the MRC will treat this as an unauthorised absence. Such employees may, therefore, be subject to the MRC's Disciplinary Procedure.

## **4. Maternity Support leave**

### **4.1 Introduction**

- 4.1.1 Maternity Support leave is available to the biological father of the child, the mother's or adopter's (principal carer's) spouse and/or partner who has or expects to have the main responsibility (apart from the child's mother or adopter) for the child's upbringing (a "Partner" is a person, whether of a different sex or the same sex, who lives with the mother/adopter and the child in an enduring family relationship but is not the mother/adopter's parent, grandparent, sister, brother, aunt or uncle).
- 4.1.2 Where eligible, a total of 10 days' paid Maternity Support leave may be taken within three months following the birth or adoption.

### **4.2 Eligibility – Birth**

- 4.2.1 In order to qualify for paid Maternity Support leave, employees must have rendered 26 weeks' continuous service:

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- a) by the beginning of the 15th week before the expected week of childbirth (EWC)
- b) in the event of adoption from within Great Britain, by the week in which the child's adopter is notified as having been matched with the child; or
- c) in the event of adoption from overseas, by the week in which the adopter receives official notification, or 26 weeks from the start of their employment.

4.2.2 The Maternity Support leave cannot begin before the day of the child's birth, and must be completed within the period of three months of the actual date of birth, or if the child is born earlier than expected, between the birth and 56 days from the first day of the EWC.

4.2.3 Within these parameters, the employee may choose to begin their leave on:

- a) the date on which the child is born, or
- b) the date falling such number of days after the birth as specified in the employee's notice to the MRC, or
- c) a predetermined date specified in the notice, which is later than the first day of EWC.

4.2.4 No additional paid time off will be granted for multiple births.

### **4.3 Eligibility – Adoption**

4.3.1 Adoption from within Great Britain – the leave must be completed within a period of 56 days beginning with the day on which the child is placed with the adopter. Employees can choose to begin their leave on:

- a) the date on which the child is placed with the adopter, or
- b) the date falling such number of days after the date on which the child is placed with the adopter as the employee may specify in their notice to the MRC, or
- c) a predetermined date, specified in a notice, which is later than the date on which the child is expected to be placed with the adopter.

4.3.2 No additional paid time off will be granted for the adoption of more than one child at the same time.

4.3.3 Adoption from overseas – the leave must be completed within a period of 56 days beginning with the day on which the child enters Great Britain. Employees can choose to begin their leave on:

- a) the date the child enters Great Britain (whether this is earlier or later than expected), or
- b) the date falling such number of days after the date on which the child is placed with the adopter as the employer may specify in their notice to the MRC, or

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c) a predetermined date, specified in a notice, which is later than the date on which the child is expected to be placed with the adopter.

4.3.4 No additional paid time off will be granted if more than one child is brought into Great Britain at the same time.

### **4.4 Maternity Support leave notification**

4.4.1 Generally, when employees first notify the MRC of Maternity Support leave, they should produce, where applicable, the MATB1 form, or the matching certificate or official notification in the case of adoption, for Maternity Support leave to be authorised and they must complete the [Special Leave request form](#) setting out the date the baby is due and confirming that they wish to take Maternity Support leave.

4.4.2 The regional/unit HR team must be consulted to ascertain the total eligible leave remaining.

4.4.3 In all cases, employees must then give the MRC at least 28 days' notice of the actual date they want the Maternity Support leave to start.

4.4.4 An employee who is eligible for the MRC's paid Maternity Support leave may also qualify for Statutory Paternity Pay (SPP). In such a case the MRC's Maternity Support leave pay will be reduced by the amount of SPP so that SPP together with MRC Maternity Support pay does not exceed ordinary pay

### **4.5 Maternity Support leave notification - birth**

4.5.1 Employees wishing to take paid Maternity Support leave must give notice in writing at least 15 weeks before the EWC and provide proof of the EWC at the earliest opportunity.

4.5.1 Should the notified date of commencement of the leave change, Employees must, unless the baby is born sooner or later than expected, provide at least 28 days' notice of the revised Maternity Support leave start date.

### **4.6 Maternity Support leave notification– Adoption**

4.6.1 It is recommended that Employees notify the MRC of their intention to take Maternity Support leave when they or their partner are approved for adoption. This may be before Employees have received, or need to submit, their documentary evidence, but it will allow the MRC time to plan for the intended period of leave.

4.6.2 If adopting from within Great Britain – Employees wishing to take paid Maternity Support leave must give the MRC seven days' 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.

4.6.3 If adopting from overseas – In most cases adopters wishing to take Maternity Support leave are required to notify the MRC within 28 days of receiving, or their spouse of partner receiving, the official notification.

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### **4.7 Statutory paternity pay**

4.7.1 Payment during the one week or two consecutive weeks' paid Maternity Support leave period will be at the lower rate of either:

- a) the SPP rate as determined by legislation; or
- b) 90% of average weekly earnings.

4.7.2 Payment will be made at the same time and in the same way as normal wages or pay.

### **4.8 Terms and conditions during Maternity Support leave**

4.8.1 Employees absent on Maternity Support leave, whether as the result of the birth or the adoption of a child, are:

- a) entitled to the benefit of all of the terms and conditions of employment that would have applied if they had not been absent, except for those concerning remuneration; and
- b) bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the employee's right to take Maternity Support leave.

### **4.9 Statutory right to return to work**

4.9.1 Employees who return to work after a period of Maternity Support leave are entitled to return to the job in which they were employed before the absence.

## **5. Parental leave**

### **5.1 Introduction**

5.1.1 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.

5.1.2 Requests for Parental Leave must be made to the Unit Director (or nominee) on the Parental leave form.

### **5.2 Eligibility**

5.2.1 MRC employees will be eligible for unpaid Parental leave if they have at least one year's continuous service with the MRC, before the start of the leave period, and:

- a) are the parent or carer of a child under five years of age, in which case they shall apply for up to 13 weeks' unpaid leave per child
- b) Parents of Adoptive children: employees who have adopted a child can take Parental leave up to the fifth anniversary of the date of placement (or the child's 18th birthday if that is sooner), in which case they can apply for up to 13 weeks' unpaid leave per child.
- c) Parents or carers of disabled children: Employees who have a disabled child (i.e., a child who is entitled to disability living allowance) are entitled to take 18 weeks unpaid leave up until the child's 18th birthday. Parents of disabled children may

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take the unpaid leave a day at a time if they wish, and this will not count as a full week.

- 5.2.2 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.

### **5.3 Conditions of Parental leave**

- 5.3.1 Employees are eligible for 13 weeks unpaid Parental leave per child and 18 weeks unpaid Parental leave per disabled child.
- 5.3.2 Where both parents are MRC employees, they will both be eligible for 13 weeks unpaid leave or 18 weeks unpaid leave if their child is disabled.
- 5.3.3 Employees can take blocks of leave in calendar weeks up to a maximum of four calendar weeks Parental leave in one calendar year. Therefore, if an employee only takes part of a calendar week as Parental leave, this will reduce the employee's entitlement by a full week (this restriction does not apply to parents/carers guardians of disabled children who may take leave as single days).
- 5.3.4 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.
- 5.3.5 A request for Parental Leave must be made a minimum of 21 days in advance.
- 5.3.6 The MRC may postpone the Parental leave for up to three months where MRC business would be unduly disrupted. If this means the leave is postponed beyond the fifth year limit, the parent still has a right to take it. 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.
- 5.3.7 The MRC may not postpone the taking of leave if the employee has requested it to be taken immediately after the birth of a baby/placement for adoption and the employee gave 21 days' notice of this intention.
- 5.3.8 Cases of adoption: The MRC already provides for the principal carer to have 26 weeks paid leave and up to 26 weeks unpaid leave. Carers will also be eligible for Parental Leave.
- 5.3.9 Employees new to the MRC: New employees to the MRC must advise management of any Parental leave taken when previously employed outside the MRC as the 13/18 weeks' leave entitlement includes any Parental leave already taken for a child during any previous employment. The MRC reserves the right to contact previous employers for a history of Parental leave taken by the employee.

### **6. Keeping in touch days**

- 6.1 Keeping in touch days are intended to facilitate a smooth return to work for an employee returning from Maternity or Adoptive leave.

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- 6.2 If the MRC and the employee agree, the employee may work for up to a maximum of 10 Keeping-In-Touch days without bringing her Maternity or Adoptive leave to an end. Any days of work will not extend the total Maternity or Adoptive leave period.
- 6.3 In accordance with legislation, any work carried out on any day shall constitute a full day's work.
- 6.4 An employee 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.
- 6.5 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.
- 6.6 This provision does not confer any right on the Unit or Team concerned to require any work to be carried out during the Maternity or Adoptive leave period, nor any right on an employee to demand work during this period. Also, there is no obligation on either the MRC or the employee to make use of these days.
- 6.7 The employee will be paid at their basic daily rate, for the hours worked less appropriate Maternity/Adoptive leave payment for keeping in touch days worked.
- 6.8

### 7. Termination of contracts

- 7.1 An employee will lose their contractual rights to MRC 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.

### 8. Web Links

- [www.dti.gov.uk/employment/workandfamilies/Maternity-leave-pay/guidance/page21116.html](http://www.dti.gov.uk/employment/workandfamilies/Maternity-leave-pay/guidance/page21116.html)
- [www.dwp.gov.uk/lifeevent/benefits/statutory\\_Maternity\\_pay.asp](http://www.dwp.gov.uk/lifeevent/benefits/statutory_Maternity_pay.asp)
- <http://jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Dev008115.xml.html>

### 9. Amendment history

Version	Date	Comments/Changes
0.2	November 2008	Policy revised to reflect changes to legislation.
1.0	July 2009	Policy Published