

Landward Research

# MATERNITY, PATERNITY, AND ADOPTION POLICY

LANDWARD  
RESEARCH

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## 1 Introduction

This document sets out Landward Research's policy on maternity, paternity, and adoption (including surrogacy) leave and pay. This policy also covers arrangements for antenatal care, pregnancy-related illness and taking time off work to accompany a pregnant woman to an antenatal appointment.

Landward Research implements the maternity, paternity and adoption rights set out in legislation.

Landward research is committed to the promotion of equality of opportunity for all staff members. As part of this commitment, maternity, paternity, and Adoption Leave and pay is available to all eligible staff members, including LGBTQ+, same-sex families and those involved in a surrogacy arrangement.

The policy uses the following key terms:

1. Mother: the individual who gives birth to a child.
2. Adopter: the person who is eligible for Adoption Leave and/or pay.
3. Partner: the child's biological father, the partner of the mother, or the partner of the adopter. This can be a spouse, civil partner, or a partner who is living in an enduring relationship with the mother/adopter and the child.

Mothers may be female or trans (including individuals identifying as male or as having a non-binary identity); partners and adopters may be male, female or trans (including individuals of a non-binary identity).

This procedure applies equally and fully to all Landward Research Ltd staff members and to all staff members of subsidiary companies of Landward Research Ltd (on 17<sup>th</sup> January 2022: Landward Research Teoranta, Landward Limited Liability Company and Landward Limited).

## 2 Maternity Policy

### 2.1 Policy Principles

The law entitles all employees who are pregnant to:

- Paid time off to attend antenatal care.

- A period of Maternity Leave
- The right to return to the same job held before the start of the Maternity Leave with the same terms and conditions, unless after additional Maternity Leave, this is not reasonably practicable.

Most staff members who are pregnant will also qualify for Statutory Maternity Pay (SMP) (see the [Statutory Maternity Payments](#) section below). Entitlement to statutory rights is dependent on the correct implementation of the procedures as defined by legislation.

Immediately following the date of childbirth, there is a compulsory period of two weeks Maternity Leave during which employees are prohibited from working, or being permitted by the employer to work.

Employees also have the right not to be subjected to detrimental treatment on grounds of pregnancy, childbirth, maternity or suspension on health and safety grounds.

### **2.1.1 Time Off For Antenatal Care**

All staff members, regardless of the length of service or the number of hours worked, are entitled to paid time off during working hours to receive antenatal care on the advice of their doctor, midwife, or health visitor.

Antenatal care is not restricted to medical examinations. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

### **2.1.2 Statutory Maternity Leave Entitlements**

All pregnant staff members are entitled to take up to one year (52 weeks) of Maternity Leave, regardless of their length of service. Maternity Leave is a single continuous period and is made up of 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave. Mothers do not have to take 52 weeks, but they must take 2 weeks' leave after their baby is born.

Maternity Leave can start at any point from the 11th week before the Expected Week of Childbirth (EWC), up to the actual date of birth.

Maternity Leave will also start:

- The day after the birth if the baby is early
- Automatically if a member of staff is off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that their baby is due.

### **2.1.3 Statutory Maternity Payments (SMP)**

Staff Members are eligible for SMP if they meet the following criteria:

- Their average weekly earnings are not less than the lower earnings limit for National Insurance contributions.
- They give the correct notice and proof they're pregnant (see the [Notification of Pregnancy](#) section below).
- They have worked for Landward Research continuously for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth.

SMP is paid for up to 39 weeks. SMP will be paid at the following rates:

- 6 weeks at 90% of the staff member's average weekly earnings.
- 33 weeks, at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

SMP is paid into a staff member's bank account in the same way that salary is normally paid.

SMP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

#### *2.1.3.1 Early Births or Loss of a Baby*

Staff members are still eligible for Statutory Maternity Leave and SMP if their baby:

- Is born early
- Is stillborn after the start of your 24th week of pregnancy
- Dies after being born

## 3 Maternity Procedure

### 3.1 Antenatal Appointments

Staff members should give their line manager as much notice as possible for paid time off to attend appointments. For second and subsequent appointments, a certificate from the employee's GP, registered midwife, or registered health visitor, with confirmation of pregnancy may be asked for by the line manager. The line manager may also ask for an appointment card or other evidence of the appointment.

### 3.2 Notification Procedures

The notification procedures are a statutory obligation and therefore, in cases where these are not complied with, it may affect payment of SMP.

#### 3.2.1 Notification of Pregnancy and Intention to Take Maternity Leave

At least 15 weeks before the baby is due, the Expected Week of Childbirth (EWC), or as soon as reasonably practicable afterwards, the staff member must provide the line manager with notice, in writing, that the staff member is pregnant, their expected date of childbirth and the intended start date of Maternity Leave.

The Maternity Leave period may start on the 11th week before the EWC up until the expected date of childbirth. Any subsequent change to the intended start date should also be notified in writing 28 days before the original or new date, whichever is earlier.

The staff member must also provide their line manager with a MAT B1 certificate with a copy sent to Human Resources. The MAT B1 certificate, which is a form confirming the expected date of childbirth, can be obtained from a GP/Midwife approximately 20 weeks prior to the EWC.

If childbirth occurs before the notified start date then Maternity Leave will begin on the day after childbirth and the line manager should be notified in writing within 28 days of the childbirth date, copied to Human Resources, with a copy of the birth certificate as evidence of the date of birth

The line manager will formally respond in writing to a staff member's notification of their leave plans within 28 days, confirming the date on which the staff member is expected to return to work if they take their full 52-week entitlement to Maternity Leave. It will be presumed that the full 52 weeks leave will be taken, unless the staff member gives the line manager notification of an earlier return.

### **3.2.2 Notification of Return to Work**

By law all employees have the right to return to work after a period of Maternity Leave. The following procedures should be followed to ensure protection of both legislative and contractual rights.

If staff member intends to return at the end of the full 52 weeks of Maternity Leave and has not notified their line manager that they wish to come back at any other time, there is no need to provide any further notice. However, if the staff member intends to return before the end of the 52 weeks of Maternity Leave, or earlier or later than planned, then eight weeks' written notice must be provided.

## **3.3 Transfer of Maternity Leave – Shared Parental Leave**

If a staff member proposes to return to work early, without using the full 52-week entitlement to Maternity Leave, then they may be eligible to apply for Shared Parental Leave with their partner. For more information on this, please see the Shared Parental Leave Policy.

## **3.4 Contract of Employment**

During the period of Maternity Leave, the staff member's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the staff member is receiving SMP, but not during any period of unpaid Maternity Leave. Employee contributions will be based on actual pay, while Landward Research's contributions will be based on the salary that the staff member would have received had they not been taking Maternity Leave.



Should the staff member wish, they can make additional contributions for their period of unpaid leave upon returning and if they decide to do this, Landward Research will also make contributions in accordance with the pension scheme rules. Subsequent awards of backdated salary, which takes effect during the calculation period used to work out SMP, will lead to a recalculation of the amount payable.

The staff member will automatically return to the job in which they were employed under the original contract of employment, on the same terms and conditions, following the 26 weeks of ordinary Maternity Leave. If more than 26 weeks of Maternity Leave has been taken, and it is not reasonably practicable for a return to the same job, then suitable alternative work with the same status and on terms and conditions, which are no less favourable than the original job, will be found for the staff member.

### **3.5 Contact during Maternity Leave**

Before a staff member's Maternity Leave begins, they should discuss and agree the arrangements for keeping in touch during the leave with their line manager.

Landward Research reserves the right to maintain reasonable contact with staff members during Maternity Leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or to update them on developments at work during their absence. It may be to fulfil the legal obligations Landward Research has to the employee while they're taking Maternity Leave.

### **3.6 'Keeping In Touch' Days**

A staff member can agree to work for Landward Research (or to attend training) for up to 10 days during Maternity Leave without that work bringing the period of their Maternity Leave and SMP to an end. These are known as "Keeping in Touch" (KIT) days.

Staff members cannot be required to carry out any work and have no right to undertake any work during their Maternity Leave. Any work undertaken is a matter for agreement between Landward Research and the staff member.

If a line manager requests that a staff member works a KIT day, the individual is entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for an individual to suffer detriment for not agreeing to work keeping in touch days, or for requesting to work KIT days.

Where a disagreement arises in respect of KIT days either about the principle of taking such days or the schedule of how the days are to be taken, the line manager and the staff member should try to resolve the disagreement as informally and quickly as possible.

If KIT days are used the line manager will need to inform Payroll by email confirming the date of the KIT day and the number of hours worked, so that, where necessary, a payment can be made. A 'day', in KIT terms, is defined as anything from attending a 1 hour meeting to a full 7.5 hour day.

Payment for a KIT day will be inclusive of the SMP payment for the week. Where payment for the day's work is in excess of the weekly SMP payment, the difference will be paid (up to a full 7.5 hour day's pay). Where payment for a day's work is less than the weekly SMP payment then the employee will receive the SMP payment only.

Where a disagreement arises in respect of KIT days either about the principle of taking such days or the schedule of how the days are to be taken, the manager and the employee should try to resolve the disagreement as informally and quickly as possible.

### **3.7 Sickness Absence During Pregnancy**

Any sickness absence during pregnancy that occurs prior to the start of the Maternity Leave period should be treated in the same way as normal sickness absence. However, pregnancy-related sickness within the four weeks immediately preceding the EWC triggers the start of the Maternity Leave, which will start on the day after the first complete day of absence from work.

### 3.8 Premature Births

In the case of a premature birth, Maternity Leave and SMP will start with the date following the birth. In exceptional circumstances, for example where there are continuing health problems for the mother and/or child an application may be made for a further period of additional unpaid leave and/or parental leave following on from Additional Maternity Leave. This application should be made in writing to the staff member's line manager and copied to Human Resources.

### 3.9 Loss of Pregnancy

Miscarriage or stillbirth can be a traumatic experience and each staff member will experience their loss differently and have individual needs. Landward Research acknowledges the personal nature of miscarriage or stillbirth and is committed to supporting staff members in practical and reasonable ways. This section sets out staff members' rights on miscarriage or stillbirth, as well as the support Landward Research can provide.

A miscarriage, for these purposes, may also include an ectopic or molar pregnancy where a termination is then carried out on medical grounds.

When a staff member contacts their line manager to advise them of the loss and absence from work, the line manager will also ask the staff member how much information, if any, they would like their colleagues to be given about their loss - if a staff member does not wish to share this information with their colleagues, they do not have to do so.

When a staff member feels able to return to work, Landward Research will ensure that, if needed and/or wanted, the staff member will be given appropriate support on their return. This may include:

- A meeting with their line manager where any specific needs can be discussed
- A phased return to work on a reduced hours basis or a temporary working from home arrangement, where practicable and subject to the agreement of their line manager
- Temporary adjustments to their duties and responsibilities, again where practicable and subject to the agreement of their line manager
- Signposting to professional counselling services and other sources of support.

Once a staff member has returned to work, if they then need time off to attend medical or professional counselling appointments related to their loss, then they will be allowed reasonable time off work for such appointments in accordance with Landward Research's Absence Management Policy.

### **3.9.1 Miscarriage**

If a miscarriage occurs before the end of the 24th week of a staff member's pregnancy, then they are not entitled in law to either Maternity Leave or SMP. However, they are permitted to be absent from work due to sickness and may be eligible to receive statutory sick pay (SSP), provided that they comply with Landward Research's sickness absence reporting procedure and the absence is properly certified, as set out in Landward Research's Absence Management Procedure.

### **3.9.2 Stillbirth**

If the stillbirth occurs after the end of the 24th week of a pregnancy, the staff member is still entitled to both Maternity Leave and, if eligible, SMP. If ordinary Maternity Leave has not yet begun at the point of the stillbirth, Maternity Leave will begin automatically on the day after the day on which the stillbirth occurs, and, if eligible, they will be paid SMP from the start of their Maternity Leave. In this scenario, Landward Research must be notified in writing of the date of the stillbirth as soon as reasonably practicable. If the staff member has already begun ordinary Maternity Leave at the point of the stillbirth, their statutory rights are unaffected and so they would continue on their Maternity Leave and, if eligible, continue to be paid SMP.

If, as a result of the stillbirth, a staff member wishes to return to work earlier than their expected Maternity Leave return date, they may do so. In this scenario, Landward Research must first be given at least eight weeks' notice of your proposed date of early return, preferably in writing.

In the case of a stillbirth after at least 24 weeks of pregnancy, a staff member may also be eligible for statutory parental bereavement leave and pay after Maternity Leave. Further information on this in Landward Research's Parental Bereavement Leave Policy.

### **3.10 Decision Made Not To Return To Landward Research**

If, after Maternity Leave begins, a decision is made not to return to work, the normal contractual period of notice must be given, in writing.

### **3.11 Failure To Return After The Maternity Leave Period**

Failure to return on the due date after the Maternity Leave expires will be regarded as unauthorised absence and may be treated as a disciplinary matter. This will not apply if the absence is due to illness and the sickness absence procedure has been correctly followed.

### **3.12 Annual Leave And Time Off In Lieu**

Annual leave will be accrued during the whole Maternity Leave period. Where on return to work either, the staff member is unable to take all of their accrued annual leave or if this is not operationally possible, then the untaken leave can be carried over into the following year.

Staff Members should discuss how they wish to take the annual leave that they will accrue whilst on Maternity Leave with their line manager, ideally before the staff member starts Maternity Leave. As with any annual leave request, the annual leave must be agreed by the line manager.

The possible options to discuss with the line manager include taking a block of accrued leave before returning to work or using accrued leave to allow a phased return to work by working shorter working weeks for a fixed period.

If a staff member does not return to work following the period of Maternity Leave due to resignation, then payment in lieu of annual leave not taken before the start of the Maternity Leave (calculated up to the last working day) will be given.

### **3.13 Non-Renewal Of Fixed Term Contracts**

Non-renewal of fixed-term contracts due to pregnancy is discriminatory. Fixed term contracts should be renewed if the work or funding is continuing. Where work or funding is not continuing, procedural advice should be sought from Human Resources.

### 3.14 Redundancy

A pregnant staff member, or one on Maternity Leave, can be made redundant as long as this is genuine. As with all redundancies, the correct procedure must be followed and the normal rules relating to redundancies must be applied, including consultation with the staff member.

### 3.15 Health and safety

Pregnancy causes physical and psychological changes in an expectant mother, which may make it difficult to carry out work in the way it was done before they became pregnant. When informed that a member of staff is pregnant, line managers should review the any risk assessments for the work carried out and any concerns raised by the expectant mother. Risk assessments should also be reviewed periodically over the course of the pregnancy, and when the staff member returns to work after Maternity Leave.

Line managers must also review the suitability of work or working conditions in light of any medical certificates issued. In some cases, the work or shift pattern may need to be modified to enable the expectant mother to continue working. In exceptional circumstances, where it is not possible to avoid a risk and suitable alternative work is not available, suspension on full pay on health and safety grounds must take place. Managers should consult Human Resources for advice on suspension on full pay.

Pregnant staff member may, at times, suffer from fatigue and require rest. Line managers should also be aware that new mothers may need to take short breaks throughout the day in order to express breast milk and should treat requests to do so sympathetically.

## 4 Paternity Policy

### 4.1 Policy Principles

The law entitles all natural and adoptive parents, including parents who adopt from overseas:

- A period of Paternity Leave

- Paid time off to accompany their partner (or the surrogate mother) to two antenatal appointments  
OR
- Paid time off to attend two adoption appointments after they have been matched with a child.
- The right to return to the same job held before the start of the Paternity Leave with the same terms and conditions, unless after additional Paternity Leave, this is not reasonably practicable.

Most staff members will also qualify for Statutory Paternity Pay (SPP) (see the [Statutory Paternity Payments](#) section below). Entitlement to statutory rights is dependent on the correct implementation of the procedures as defined by legislation.

#### **4.1.1 Eligibility To Take Paternity Leave**

Ordinary Paternity Leave is available to both natural and adoptive parents, including parents who adopt from overseas. All staff members are entitled to take Paternity Leave, regardless of their length of service.

From 5th April 2015, parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 will be able to take Paternity Leave and pay (birth and adoption) if they meet the eligibility criteria set out below.

The statutory right to take ordinary Paternity Leave is available to employees who meet each of the following eligibility criteria:

- They have, or expect to have, responsibility (or the main responsibility, other than that of the child's mother or adopter) for the upbringing of the child
- They are the biological father of the child or are the partner of the child's mother,  
OR  
They the partner of the child's adopter or are one of a couple jointly adopting a child.

Where a couple adopt a child jointly, assuming they are eligible, one may take Adoption Leave and the other Paternity Leave. They are entitled to choose for themselves which parent takes which type of leave.

Paternity Leave can only be taken in order care for the child or supporting the child's mother or adopter (or both).

The Paternity and Adoption Leave Regulations 2014 provide that an employee cannot take Paternity Leave if they have already taken a period of shared parental leave in relation to the same child. Therefore, a staff member can choose to take both paternity and shared parental leave, but the period of Paternity Leave must come first. Paternity Leave cannot be taken if a staff member has already taken shared parental leave.

#### **4.1.2 Time Off To Accompany An Expectant Mother to Antenatal Care**

A staff member who is the father of an expected child or the partner of an expectant mother is entitled to take unpaid time off work in order that they may accompany the expectant mother to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse. Landward Research recognises the importance of a partner being involved with the pregnancy and baby, and therefore offers paid time off to attend up to two ante-natal appointments.

From 5 April 2015, intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two antenatal appointments. Once again, Landward Research recognises the importance of a partner being involved with the pregnancy and baby, and therefore offers paid time off to attend up to two ante-natal appointments.

If there are pregnancy complications, additional time off can be given, on a compassionate basis, for attendance at additional antenatal appointments.

Antenatal care is not restricted to medical examinations. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

#### **4.1.3 Statutory Paternity Leave Entitlements**

An eligible staff member is entitled to take either one week or two consecutive weeks of Paternity Leave. It cannot be taken as odd days.



Paternity Leave cannot start before the child's birth or placement for adoption. It must end within 56 days of the birth (or due date if the baby is early).

A staff member can choose to start Paternity Leave from:

- The date the child is born or placed for adoption (whether this is earlier or later than expected), or
- A specified number of days after the date of childbirth or placement for adoption (whether this is earlier or later than expected), or
- A predetermined date which is later than the first day of the week in which the child is expected to be born or later than the expected date of placement for adoption. If the child is then born or adopted later than this date, the staff member must delay their leave until at least the date of the actual birth or adoption, and provide Landward Research with a notice of variation as soon as is reasonably practicable, as leave cannot start before the child is born or adopted.

In the case of multiple births from the same pregnancy, or multiple adoptions under the same arrangement, only one period of Paternity Leave is available.

#### **4.1.4 Statutory Paternity Payments (SPP)**

Staff Members are eligible for PMP if they meet the following criteria:

- Their average weekly earnings are not less than the lower earnings limit for National Insurance contributions.
- They give the correct notice (see the Notification of Pregnancy section below).
- They have worked for Landward Research continuously for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth.

SPP is paid in full for up to ten working days.

SMP is paid into a staff member's bank account in the same way as salary is normally paid.

SMP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

#### 4.1.4.1 *Early Births or Loss of a Baby*

Staff members are still eligible for Statutory Paternity Leave and SPP if their baby:

- Is born early
- Is stillborn after the start of your 24th week of pregnancy
- Dies after being born

## 5 Paternity Procedure

### 5.1 Antenatal Appointments

A line manager can request that the staff member signs a declaration which states that they have a qualifying relationship with an expectant mother or their expected child and they are taking the time off to accompany the expectant mother to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse and the date and time of the appointment. However, the staff member will not be required to produce evidence of either the pregnancy or the antenatal appointment. If the expectant mother is a surrogate mother, this right also applies to the intended parent if they are the potential applicant for a parental order.

A staff member should give their line manager as much notice as possible for paid time off to accompany an expectant mother to an antenatal appointment. The line manager may ask for an appointment card or other evidence of the appointment.

Landward Research offers paid time off to attend up to two ante-natal appointments. Any further antenatal appointments that partners wish to attend will be at the line managers' discretion and subject to operational needs. Line managers, depending on the operational requirements, could, for example, adopt a flexible working approach whereby a partner makes up any time missed.

### 5.2 Notification Procedures

The notification procedures are a statutory obligation and therefore, in cases where these are not complied with, it may affect payment of SPP.

### 5.2.1 Notification of Pregnancy and Intention to Take Paternity Leave

At least 15 weeks before the baby is due, the Expected Week of Childbirth (EWC), or as soon as reasonably practicable afterwards, the staff member must provide the line manager with notice, in writing:

- Their expected date of childbirth.
- When they want their Paternity Leave to start, for example the day of the birth or the week after the birth
- If they want one or two weeks' leave

The Paternity Leave period cannot start before the child's birth or placement for adoption. It must end within 56 days of the birth (or due date if the baby is early).

A staff member can choose to start Paternity Leave from:

- The date the child is born or placed for adoption (whether this is earlier or later than expected), or
- A specified number of days after the date of childbirth or placement for adoption (whether this is earlier or later than expected), or
- A predetermined date which is later than the first day of the week in which the child is expected to be born or later than the expected date of placement for adoption. If the child is then born or adopted later than this date, the staff member must delay their leave until at least the date of the actual birth or adoption, and provide Landward Research with a notice of variation as soon as is reasonably practicable, as leave cannot start before the child is born or adopted.

In the case of multiple births from the same pregnancy, or multiple adoptions under the same arrangement, only one period of Paternity Leave is available.

A precise Paternity Leave start date does not need to be given (for example 1 February), instead a staff member can give a general time, such as the day of the birth or one week after the birth.

Any subsequent change to the intended start date should be notified in writing 28 days before the original or new date, whichever is earlier.

The staff member must also provide their line manager with a SC3 Form<sup>1</sup>, with a copy sent to Human Resources. The SC3 Form, which is a form confirming the expected date of childbirth, can be obtained from gov.uk.

### **5.3 Transfer of Maternity Leave – Shared Parental Leave**

If a mother proposes to return to work early without using their full 52-week entitlement to maternity or Adoption Leave, their partner may be eligible to apply for Shared Parental Leave. For more information on this, please see the Shared Parental Leave Policy and Procedure.

### **5.4 Contract of Employment**

During the period of Paternity Leave, the staff member's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the staff member is receiving SPP, but not during any period of unpaid Paternity Leave. Employee contributions will be based on actual pay, while Landward Research's contributions will be based on the salary that the staff member would have received had they not been taking Maternity Leave.

Should the staff member wish, they can make additional contributions for their period of unpaid leave upon returning and if they decide to do this, Landward Research will also make contributions in accordance with the pension scheme rules. Subsequent awards of backdated salary, which takes effect during the calculation period used to work out SPP, will lead to a recalculation of the amount payable.

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<sup>1</sup> <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

The staff member will automatically return to the job in which they were employed under the original contract of employment, on the same terms and conditions, following the one or two weeks of Paternity Leave.

## 5.5 Contact during Paternity Leave

Before a staff member's Paternity Leave begins, they should discuss and agree the arrangements for keeping in touch during the leave with their line manager.

Landward Research reserves the right to maintain reasonable contact with staff members during Paternity Leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or to update them on developments at work during their absence. It may be to fulfil the legal obligations Landward Research has to the employee while they're taking Paternity Leave.

## 5.6 Loss of Pregnancy

Miscarriage or stillbirth can be a traumatic experience and each staff member will experience their loss differently and have individual needs. Landward Research acknowledges the personal nature of miscarriage or stillbirth and is committed to supporting staff members in practical and reasonable ways. This section sets out staff members' rights on miscarriage or stillbirth, as well as the support Landward Research can provide.

A miscarriage, for these purposes, may also include an ectopic or molar pregnancy where a termination is then carried out on medical grounds.

When a staff member contacts their line manager to advise them of the loss and absence from work, the line manager will also ask the staff member how much information, if any, they would like their colleagues to be given about their loss - if a staff member does not wish to share this information with their colleagues, they do not have to do so.

When a staff member feels able to return to work, Landward Research will ensure that, if needed/wanted, the staff member will be given appropriate support on their return. This may include:

- A meeting with their line manager where any specific needs can be discussed

- A phased return to work on a reduced hours basis or a temporary working from home arrangement, where practicable and subject to the agreement of their line manager
- Temporary adjustments to their duties and responsibilities, again where practicable and subject to the agreement of their line manager
- Signposting to professional counselling services and other sources of support.

Once a staff member has returned to work, if they then need time off to or attend professional counselling appointments, or to accompany the mother to medical appointments, related to their loss, then they will be allowed reasonable time off work for such appointments in accordance with Landward Research's Absence Management Policy.

## **5.7 Decision Made Not To Return To Landward Research**

If, after Paternity Leave begins, a decision is made not to return to work, the normal contractual period of notice must be given, in writing.

## **5.8 Failure To Return After The Paternity Leave Period**

Failure to return on the due date after the Paternity Leave expires will be regarded as unauthorised absence and may be treated as a disciplinary matter. This will not apply if the absence is due to illness and the sickness absence procedure has been correctly followed.

## **5.9 Non-Renewal Of Fixed Term Contracts**

Fixed term contracts should be renewed if the work or funding is continuing. Where work or funding is not continuing, procedural advice should be sought from Human Resources.

# **6 Adoption Policy (Including Surrogacy)**

## **6.1 Policy Principles**

The law entitles all employees who are newly adopting a child to:

- A period of Adoption Leave
- The right to return to the same job held before the start of the Maternity Leave with the same terms and conditions, unless after additional Maternity Leave, this is not reasonably practicable.

Most staff members will also qualify for Statutory Adoption Pay (SAP) (see the [Statutory Adoption Payments](#) section below). Entitlement to statutory rights is dependent on the correct implementation of the procedures as defined by legislation.

### **6.1.1 Eligibility To Take Adoption Leave**

In order to qualify for the right to take Adoption Leave, a staff member must be adopting a child through an approved adoption agency.

If a staff member is jointly adopting a child with their spouse or partner, then only one person will be entitled to take Adoption Leave. The other adoptive parent will normally be entitled to take Paternity Leave, provided they meet the relevant eligibility criteria. It is therefore important that staff members decide early in the adoption process which person in the relationship will take Adoption Leave.

The right to Adoption Leave is not available to step-parents who adopt their partner's child.

A foster parent may be eligible for Adoption Leave if they go on to adopt a child but only if the child that the staff member fostered is then matched with them for adoption by an approved adoption agency (it does not include adoption via a court order) and the child is then actually placed with them for adoption. In addition, dual approved prospective adopters in the fostering for adoption scheme who have a child placed with them under s.22C of the Children Act 1989 with a view to them adopting that child are entitled to take Adoption Leave.

Where a staff member is to become a parent through a surrogacy arrangement, if the staff member has applied for a parental order under s.54 of the Human Fertilisation and Embryology Act 2008 in respect of the child, or they are eligible for and intend to apply for such an order, or they have already obtained such an order, they will be entitled to take Adoption Leave in respect of that child. A staff member

who intends to apply for an order may be required to provide statutory declarations as to eligibility to apply for a parental order and intention to apply for such an order. The other intended parent in the surrogacy arrangement may then be entitled to take Paternity Leave.

### **6.1.2 Time Off For Adoption Appointments**

All staff members, regardless of the length of service or the number of hours worked, are entitled to paid time off during working hours to attend adoption appointments in the period between being notified of a match with a child and the date that the child joins the family:

1. Single adopters are entitled to paid time off to attend up to five adoption appointments.
2. In the case of joint adoptions (*i.e.* a couple who have been jointly matched to adopt the child) one of the adopters will be entitled to paid time off to attend up to five adoption appointments. The other adopter will be entitled to paid time off work to attend up to two adoption appointments.

From 5 April 2015, intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to paid leave to attend up to two antenatal appointments.

Antenatal care is not restricted to medical examinations. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

### **6.1.3 Statutory Adoption Leave Entitlements**

Staff members taking Adoption Leave are entitled to take up to one year (52 weeks) of Adoption Leave, regardless of their length of service. Adoption Leave is a single continuous period and is made up of 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave.

Adoption Leave can start:

- On the date the child starts living with the staff member or up to 14 days before the expected placement date (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)



- The day the child's born or the day after (parents in surrogacy arrangements)

#### **6.1.4 Statutory Adoption Payments (SAP)**

Staff Members are eligible for SAP if they meet the following criteria:

- Their average weekly earnings are not less than the lower earnings limit for National Insurance contributions.
- They give the correct notice and proof of the adoption (see the [Notification of Adoption](#) section below).
- They have worked for Landward Research continuously for at least 26 weeks continuing into the 'qualifying week' - up to any day in the week they were matched with a child.

SAP is paid for up to 39 weeks. SMP will be paid at the following rates:

- 6 weeks at 90% of the staff member's average weekly earnings.
- 33 weeks, at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

SAP is paid into a staff member's bank account in the same way as salary is normally paid.

SAP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

## **7 Adoption Procedure (Including Surrogacy)**

### **7.1 Adoption Appointments**

Staff members should give their line manager as much notice as possible for paid time off to attend appointments. The appointment must have been arranged by or at the request of the adoption agency. The line manager may also ask for an appointment card or other evidence of the appointment.

## 7.2 Notification Procedures

The notification procedures are a statutory obligation and therefore, in cases where these are not complied with, it may affect payment of SAP.

### 7.2.1 Notification of Adoption and Intention to Take Adoption Leave

Staff members give 28 days' notice before they want to be paid Statutory Adoption Pay, unless the time between the child being matched and placed is less than that. No later than seven days after the date on which notification of the match with the child is provided to a staff member by the adoption agency, the staff member must provide the line manager with notice, in writing, that the staff member has been matched with a child, the date the child is expected to be placed with the staff member for adoption and when they want their Adoption Leave to start.

To qualify for SAP, staff members will also be required to provide a copy of the relevant matching certificate and adoption papers from the adoption agency to their line manager and HR. the proof must show the:

- Name and address of the agency and employee
- Date the child was matched, for example the matching certificate
- Expected or actual date of placement, for example a letter from the agency
- Relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- Date the child arrived in the UK, for example a plane ticket (overseas adoptions only)

For staff members in surrogacy arrangements, at least 15 weeks before the baby is due, the Expected Week of Childbirth (EWC), or as soon as reasonably practicable afterwards, the staff member must provide the line manager with notice, in writing, of the expected date of childbirth and the intended start date of Adoption Leave.

Adoption Leave can start:

- On the date the child starts living with the staff member or up to 14 days before the expected placement date (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child's born or the day after (parents in surrogacy arrangements)

A staff member is permitted to bring forward their Adoption Leave start date, provided they advise their line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. A staff member may also postpone their Adoption Leave start date, provided they advise Landward Research in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Landward Research will formally respond in writing notifications of Adoption Leave plans within 28 days, confirming the date on which the Adoption Leave will end if the staff member takes their full 52-week entitlement to Adoption Leave.

### **7.2.2 Notification of Return to Work**

By law all employees have the right to return to work after a period of Adoption Leave. The following procedures should be followed to ensure protection of both legislative and contractual rights.

If staff member intends to return at the end of the full 52 weeks of Adoption Leave and has not notified their line manager that they wish to come back at any other time, there is no need to provide any further notice. However, if the staff member intends to return before the end of the 52 weeks of Adoption Leave, or earlier or later than planned, then eight weeks' written notice must be provided.

## **7.3 Transfer of Adoption Leave – Shared Parental Leave**

If a staff member proposes to return to work early, without using the full 52-week entitlement to Adoption Leave, then they may be eligible to apply for Shared Parental Leave with their partner. For more information on this, please see the Shared Parental Leave Policy.

## **7.4 Contract of Employment**

During the period of Adoption Leave, the staff member's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the staff member is receiving SAP, but not during any period of unpaid Adoption Leave. Employee contributions will be based on actual pay, while Landward Research's contributions will be based on the salary that the staff member would have received had they not been taking Adoption Leave.

Should the staff member wish, they can make additional contributions for their period of unpaid leave upon returning and if they decide to do this, Landward Research will also make contributions in accordance with the pension scheme rules. Subsequent awards of backdated salary, which takes effect during the calculation period used to work out SAP, will lead to a recalculation of the amount payable.

The staff member will automatically return to the job in which they were employed under the original contract of employment, on the same terms and conditions, following the 26 weeks of ordinary Adoption Leave. If more than 26 weeks of Adoption Leave has been taken, and it is not reasonably practicable for a return to the same job, then suitable alternative work with the same status and on terms and conditions, which are no less favourable than the original job, will be found for the staff member.

## **7.5 Contact during Adoption Leave**

Before a staff member's Adoption Leave begins, they should discuss and agree the arrangements for keeping in touch during the leave with their line manager.

Landward Research reserves the right to maintain reasonable contact with staff members during Adoption Leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or to update them on developments at work during their absence. It may be to fulfil the legal obligations Landward Research has to the employee while they're taking Adoption Leave.

## **7.6 'Keeping In Touch' Days**

A staff member can agree to work for Landward Research (or to attend training) for up to 10 days during Adoption Leave without that work bringing the period of their

Adoption Leave and SAP to an end. These are known as "Keeping in Touch" (KIT) days.

Staff members cannot be required to carry out any work and have no right to undertake any work during their Adoption Leave. Any work undertaken is a matter for agreement between Landward Research and the staff member.

If a line manager requests that a staff member works a KIT day, the individual is entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for an individual to suffer detriment for not agreeing to work keeping in touch days, or for requesting to work KIT days.

Where a disagreement arises in respect of KIT days either about the principle of taking such days or the schedule of how the days are to be taken, the line manager and the staff member should try to resolve the disagreement as informally and quickly as possible.

If KIT days are used the line manager will need to inform Payroll by email confirming the date of the KIT day and the number of hours worked, so that, where necessary, a payment can be made. A 'day', in KIT terms, is defined as anything from attending a 1 hour meeting to a full 7.5 hour day.

Payment for a KIT day will be inclusive of the SMP payment for the week. Where payment for the day's work is in excess of the weekly SMP payment, the difference will be paid (up to a full 7.5 hour day's pay). Where payment for a day's work is less than the weekly SMP payment then the employee will receive the SMP payment only.

Where a disagreement arises in respect of KIT days either about the principle of taking such days or the schedule of how the days are to be taken, the manager and the employee should try to resolve the disagreement as informally and quickly as possible.

## **7.7 Sickness Absence**

If a member of staff is unable to return to work at the end of Adoption Leave due to ill health, this will be managed under the Sickness Absence policy. A fit note will be

required for absence immediately following on from the date of the end of Adoption Leave, even if this subsequent absence is for seven calendar days or less.

## 7.8 Premature Births

In the case of a premature birth, Adoption Leave and SAP will start with the child starts living with the staff member. In exceptional circumstances, for example where there are continuing health problems for the child an application may be made for a further period of additional unpaid leave and/or parental leave following on from Additional Adoption Leave. This application should be made in writing to the staff member's line manager and copied to Human Resources.

## 7.9 Loss of Pregnancy

Miscarriage or stillbirth can be a traumatic experience and each staff member will experience their loss differently and have individual needs. Landward Research acknowledges the personal nature of miscarriage or stillbirth and is committed to supporting staff members in practical and reasonable ways. This section sets out staff members' rights on miscarriage or stillbirth, as well as the support Landward Research can provide.

A miscarriage, for these purposes, may also include an ectopic or molar pregnancy where a termination is then carried out on medical grounds.

When a staff member contacts their line manager to advise them of the loss and absence from work, the line manager will also ask the staff member how much information, if any, they would like their colleagues to be given about their loss - if a staff member does not wish to share this information with their colleagues, they do not have to do so.

When a staff member feels able to return to work, Landward Research will ensure that, if needed/wanted, the staff member will be given appropriate support on their return. This may include:

- A meeting with their line manager where any specific needs can be discussed
- A phased return to work on a reduced hours basis or a temporary working from home arrangement, where practicable and subject to the agreement of their line manager

- Temporary adjustments to their duties and responsibilities, again where practicable and subject to the agreement of their line manager
- Signposting to professional counselling services and other sources of support.

Once a staff member has returned to work, if they then need time off to attend professional counselling appointments related to their loss, then they will be allowed reasonable time off work for such appointments in accordance with Landward Research's Absence Management Policy.

## **7.10 Decision Made Not To Return To Landward Research**

If, after Adoption Leave begins, a decision is made not to return to work, the normal contractual period of notice must be given, in writing.

## **7.11 Failure To Return After The Adoption Leave Period**

Failure to return on the due date after the Adoption Leave expires will be regarded as unauthorised absence and may be treated as a disciplinary matter. This will not apply if the absence is due to illness and the sickness absence procedure has been correctly followed.

## **7.12 Annual Leave And Time Off In Lieu**

Annual leave will be accrued during the whole Adoption Leave period. Where on return to work either, the staff member is unable to take all of their accrued annual leave or if this is not operationally possible, then the untaken leave can be carried over into the following year.

Staff Members should discuss how they wish to take the annual leave that they will accrue whilst on Adoption Leave with their line manager, ideally before the staff member starts Adoption Leave. As with any annual leave request, the annual leave must be agreed by the line manager.

The possible options to discuss with the line manager include taking a block of accrued leave before returning to work or using accrued leave to allow a phased return to work by working shorter working weeks for a fixed period.

If a staff member does not return to work following the period of Adoption Leave due to resignation, then payment in lieu of annual leave not taken before the start of the Adoption Leave (calculated up to the last working day) will be given.

### **7.13 Non-Renewal Of Fixed Term Contracts**

Fixed term contracts should be renewed if the work or funding is continuing. Where work or funding is not continuing, procedural advice should be sought from Human Resources.

### **7.14 Redundancy**

A staff member on Adoption Leave can be made redundant as long as it is genuine. As with all redundancies, the correct procedure must be followed and the normal rules relating to redundancies must be applied, including consultation with the staff member.

## **8 Other Related Documentation**

Where necessary, this policy should be read in conjunction with other Landward Research Policies, such as:

- Health and Safety Policy
- Code of Conduct
- Absence Management Procedure
- Equity, Diversity, and Inclusion Policy
- Annual Leave Policy

## **9 Review**

Landward Research will review this policy on an ongoing basis and carry out a formal review not less than every three years. Such review shall take into account the operation of the Policy since the last formal review, any legal or regulatory developments, an assessment of current best practice and any other relevant information.