



Family Leave Policy

Maternity

Paternity

Adoption

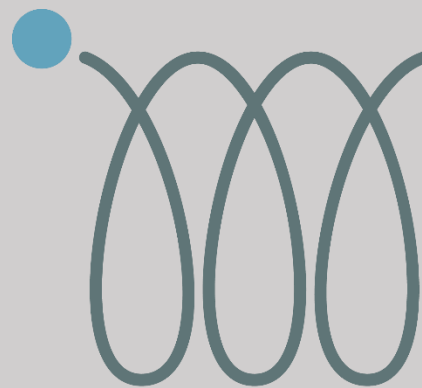
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1	05/21	HR Manager	Policy launched – combined Maternity/Paternity/Adoption policies
2	02/22	HR Advisor	Amended section 3.6 to clarify length of service criteria
3	04/24	HR Advisor	Amended section 4.1 and 4.2 and added section 7 in line with legislation updates

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1. Introduction

This policy sets out the entitlements for maternity, paternity and adoption. This policy is **entirely non-contractual** and does not form part of an employee's contract of employment. Throughout this policy, references to "The Company" mean IM Group Limited and/or your employer within this group of companies headed by IM Group Limited.

The purpose of this policy is to provide staff with information about their entitlement to leave and pay for the birth or adoption of a baby or child. The policy includes information on the qualification requirements for leave and pay in both circumstances and provides guidance on the steps staff should take. This policy has been written to comply with legal requirements.

IM Group recognises that, from time to time, employees may have questions or concerns relating to their rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees must ensure they clarify the relevant procedures with the HR department to ensure the procedures are followed correctly. This policy applies to all employees of I.M Group.

The following abbreviations are used in this policy:

SMP	Statutory Maternity Pay
KIT	Keep in Touch Days
SPP	Statutory Paternity Pay
SAP	Statutory Adoption Pay

2. Data Protection

When managing an employee's leave and pay, the Company processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the Company that he/she plans to take leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Company's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Company's disciplinary procedure.

3. Maternity Leave

3.1 Introduction

All pregnant employees, regardless of length of service, have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave. The employee is therefore entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave, except during the first two weeks from the date of childbirth, subject to their following of the correct notification procedures set out below.

3.2 Notice Requirements

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for the company.

By the end of the qualifying week which is the 15th week before your baby is due, or as soon as reasonably practicable afterwards, the employee is required to inform the company in writing of:

- The fact that she is pregnant
- Her expected week of childbirth
- The date on which she intends to start her maternity leave

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

The employee is permitted to bring forward/postpone her maternity leave start date, provided that she advises the company in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably possible.

The company will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement.

The employee is required to give at least 28 days' notice of the date she wants her SMP to begin. If it is not possible for the employee to give 28 days' notice, for example, if the baby arrives early, she should tell the company as soon as reasonably possible.

3.3 Timing of Maternity Leave

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

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

If the employee gives birth before her maternity leave was due to start, she must notify the company in writing of the date of birth as soon as reasonably possible.

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

3.4 Time off for Antenatal Care

Once an employee has advised the company that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

To be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant, except in the case of the first appointment. The employee should also produce evidence of the appointment, such as medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor had advised her to attend, in addition to medical examinations.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. If the appointment finishes during the working day, the employee must return to work.

An individual who has qualifying relationship with the employee, who includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments. The individual with the qualifying relationship should ask his/her employer for more details of the right.

3.5 Health and Safety

The company has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding, where the work is of a kind that could involve a risk of harm or danger to her health and safety or that of her baby, and that arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the company will provide the employee with information as to any risks identified. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the company will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employees suitable alternative work, if available, on terms and conditions that are not substantially less favourable.

If it is not possible for the company to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work to offer her on a temporary basis, the company may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she unreasonably refused an offer of suitable alternative employment.

3.6 Maternity Pay

3.6.1 Option 1 – Enhanced Maternity Pay

The company pays employees with the required one year's continuous service at the end of their qualifying week (which is the 15th week before your baby is due), their net gross salary (this is

defined as gross salary less salary sacrifice pension) during the first thirteen weeks' (3 months) maternity leave. Should the employee have two years' continuous service at the end of their qualifying week, this would be followed by half pay for the subsequent thirteen weeks' maternity leave. This is then followed by thirteen weeks Statutory Maternity Pay.

Example:

1-year continuous service = 3 months full pay + 6 months SMP

2-years continuous service = 3 months full pay + 3 months half pay + 3 months SMP

For the purpose of this policy, continuous service may exclude any period over four weeks where the employee has been absent from work for any reason other than annual leave.

3.6.2 Option 2 – Employees entitled only to Statutory Maternity Pay

Employees who have been continuously employed by the company for at least 26 weeks at the end of their qualifying week and are still employed during that week, will also qualify for statutory maternity pay, providing that:

- They are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth)
- They have provided a MAT B1 form stating their expected week of childbirth; and
- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions

SMP is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. The remaining 33 weeks are payable 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. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that she may qualify for the SMP if she did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable because of the pay rise.

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

SMP is payable regardless of whether the employee intends to return to work after her maternity leave

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable directly from the Government. If an employee is not entitled to SMP, the company will provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance.

There will be no claw back of enhanced maternity leave payments. The company seeks to positively support employees through their maternity leave and encourage employees to return to work after maternity leave in a committed way and does not wish employees to feel obliged to return where this might not suit personal circumstances.

3.7 Bonus

The arrangement in relation to an early return from maternity leave bonus is at the discretion of the line manager/Department Head and Human Resources. It will depend on the health of the employee and the employee's baby, as well as the company requirements during the period of maternity leave. An early return would not be proposed during the ordinary maternity leave (first 26 weeks following childbirth).

3.8 Sickness Absence

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

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

3.9 Rights during Maternity Leave

During ordinary maternity leave and additional maternity leave, the terms and conditions of the employee's contract, except normal pay, will continue. Salary will be replaced by SMP if the employee is eligible for it. This means that, while sum is payable by way of salary will cease, other benefits, such as holiday entitlement, will remain in place.

The company's pension contributions will continue based on the employee's normal pay during ordinary maternity leave and additional maternity leave. However, the company's pension contributions will cease during any periods of unpaid additional maternity leave. The employees will remain in the life assurance and private medical insurance schemes.

Employees are encouraged to take any outstanding holiday due to them before the commencement of maternity leave. Employees are reminded that holiday should be taken the year that it is earned.

3.10 Contact and Keeping in Touch Days

The company reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans to 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.

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

The company has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on a KIT day, is entirely a matter of agreement between employee and company.

3.11 Returning to Work

The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided she gives the appropriate notification. Alternatively, the employee may take her full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of maternity leave has elapsed, she must give at least eight weeks' notice in writing to the company on the date on which she intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, she is entitled to return either to the same job, or if this is not reasonably practicable, to another suitable job that is on terms and conditions no less favourable.

Failure to return to work by the end of maternity leave will be treated as unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the company as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the Company may require you to return to work for the remainder of the notice period.

If you work full time prior to your maternity leave, you have no automatic right to return to work on a part time basis or to make other changes to your working patterns. However, all requests for part time work or other flexible working arrangements will be considered in line with the operational requirements of the Company's business. If you would like this option to be considered, you should write to your line manager setting out your proposals as soon as possible in advance of your return date, so that there is adequate time for consideration of the request.

4. Paternity Leave

4.1 Introduction

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave. To be eligible for paternity leave, the employee must have 26 weeks' continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or support the child's mother.

Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave can be taken as two non-consecutive blocks of one week within the first year of the child's birth, or adoption of the child. If the child is born early, it can be taken from the time of the birth but within eight weeks of the expected date of childbirth. A week's paternity leave will reflect the normal working week of the employee, for example if the employee works 2 days in any 7-day working week, 'one week' of paternity leave will equate to two days.

Employees who wish to take both paternity leave and shared parental leave (see below) must take their period of paternity leave first. An employee cannot take paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

4.2 Notification of Paternity Leave

Where an employee wishes to request paternity leave in respect of a birth child, he/she must give their line manager 15 weeks' written notice of the date the baby is due.

Employees must provide their employers with at least 28 days' notice of the date they wish their paternity leave to commence, and how much leave they wish to take.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify:

- The date the child is expected to be placed for adoption
- The date the employee intends to start paternity leave
- The length of the intended paternity leave period
- The date on which the adopter was notified of having been matched with the child

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if requested, complete and sign a self-certificate declaring they are entitled to paternity leave and statutory paternity pay.

4.3 Time off for Antenatal Care

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. The company's policy is that this time off will be paid but appointments should be confined to the start or end of the day where possible and the employee should endeavour to make the time up.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should contact their line manager or the HR department and give as much notice as possible. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse.

4.4 Paternity Pay

4.4.1 Option 1 – Enhanced paternity pay

Employees who have been continuously employed by the company for a minimum of 52 weeks before the child is born, will receive 2 weeks fully paid paternity leave. This is to be booked in advance or to be taken within four weeks of their child's birth.

For the purposes of this policy, continuous service would exclude any period over four weeks where the employee has been absent from work for any reason other than annual leave.

4.4.2 Option 2 – Statutory Paternity Pay

Employees who have been continuously employed by the company for at least 26 weeks at the end of their qualifying week and are still employed during that week, will qualify for SPP during paternity leave. This will be 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

However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for SPP.

SPP is treated as earnings and is therefore subject to PAYE and national insurance deductions. SPP can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

4.5 Your rights on returning to work

On returning to work after paternity leave, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

If you are a full-time employee, you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns at the end of your paternity leave. However, all requests for part time work or other flexible working arrangements will be considered in line with the operational requirements of the Company's business.

5. Adoption Leave

5.1 Introduction

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of their employment.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore 52 weeks.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

5.2 Adoption Pay

5.2.1 Option 1 – Enhanced Adoption Pay

The company pays employees with the required one year's continuous service their net gross salary (this is defined as gross salary less salary sacrifice pension) during the first thirteen weeks' (three months) adoption leave.

Should the employee have two years' continuous service, this would be followed by half pay for the subsequent thirteen weeks' adoption leave. This is then followed by thirteen weeks Statutory Adoption Pay (SAP).

Example

1-year continuous service = 3 months full pay + 6 months SAP

2-years continuous service = 3 months full pay + 3 months half pay + 3 months SAP

For the purpose of this policy, continuous service would exclude any period over four weeks where the employee has been absent from work for any reason other than annual leave.

5.2.2 Option 2 – employees entitled only to Statutory Adoption Pay

Employees who take adoption leave will also qualify for SAP, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions. SAP is payable for up to 39 weeks. SAP is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government rate).

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether ordinary adoption leave, or additional adoption leave), the higher or standard rate of SAP will be recalculated to take account of the employee's pay regardless of whether SAP has already been paid. This means that the employee's SAP will be recalculated and increased retrospectively, or that they may qualify for SAP if they did not previously. The employee will be paid a lump sum to make up any difference between SAP already paid and the amount payable because of the pay rise.

SAP is payable whether the employee intends to return to work after their adoption leave.

SAP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

5.3 Timing of Adoption Leave

Parents who will become the legal parents of a child under surrogacy arrangements are entitled to take SAP. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take adoption leave.

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. To make administration as easy as possible, the employee should discuss the timing of their adoption leave with their immediate manager as early as possible.

5.4 Notice Requirements

To be entitled to take adoption leave and receive SAP, the employee is required to give the company written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which may be in writing, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends their adoption leave to start.

The employee is permitted to bring forward their adoption leave start date, provided they advise the company in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided they advise the company in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also, provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the company will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

5.5 Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments. An employee adopting a child alone is entitled to take paid time off to attend up to five appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

The purpose of the appointment is to enable the employee (and their partner) to have contact with the child (for example, to bond with them before the placement) and for any other purposes connected with the adoption (e.g. meeting with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The company will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (e.g. a letter or email from the adoption agency).

5.6 Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue, and pension contributions will continue to be paid. The employee will remain in the life assurance and private medical insurance schemes.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday would ideally be taken in the year that it is earned.

5.7 Contact and Keeping-in-touch days

The company reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans to 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.

Employees can agree to work for the company (or to attend training) for up to 10 days during their adoption leave without that work bringing their leave to an end and without loss of a week's SAP. These are known as "keeping-in-touch days". Any work carried out on a day shall constitute a day's work for these purposes.

The company has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on a KIT day, is entirely a matter of agreement between employee and company.

5.8 Returning to work after adoption leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to the company of the date on which they intend to return. The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return to either the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the company as soon as possible and in accordance with the terms of their contract of employment.

6. Shared Parental Leave

Shared parental leave enables employees to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the company is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the company's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the employee curtailing their maternity/adoption leave.

The employee and the partner should ensure they are each liaising with their own employer when making requests for shared parental leave.

7. Neonatal Leave

When a baby is born prematurely or sick, they may receive neonatal care in hospital or another agreed care setting, often for a prolonged period of time. We understand that this is extremely difficult for parents.

Under the Neonatal Care Act 2023, parents are entitled to neonatal leave if their baby has stayed in intensive care for more than seven consecutive days. Parents can take up to 12 weeks of paid leave in addition to other parental leave entitlements. This applies to the parents of babies who are admitted into hospital up to the age of 28 days.