

*Approved by Trustee Board: May 2024*

*Review Period: 3 Years*

hwunion.com

*Heriot-Watt Student Union*

***MATERNITY AND FAMILY FRIENDLY POLICY***

Contents

[1. Overview 2](#_Toc164330173)

[2. What happens during pregnancy? 2](#_Toc164330174)

[3. What happens during maternity leave? 4](#_Toc164330175)

[4. How much is my maternity pay? 5](#_Toc164330176)

[5. What happens when I return to work? 6](#_Toc164330177)

[6. How do I claim paternity leave? 7](#_Toc164330178)

[7. How much is my paternity pay? 8](#_Toc164330179)

[8. How do I qualify for Shared Parental Leave? 8](#_Toc164330180)

[9. How do I claim Shared Parental Leave? 9](#_Toc164330181)

[10. How do I organise Shared Parental Leave? 11](#_Toc164330182)

[11. What happens during Shared Parental Leave? 13](#_Toc164330183)

[12. What happens when I return to work? 14](#_Toc164330184)

[13. Can I claim statutory Shared Parental Pay? 15](#_Toc164330185)

[14. What is Ordinary Parental Leave? 15](#_Toc164330186)

[15. What happens if I am adopting a child? 16](#_Toc164330187)

[16. Can I claim adoption leave and pay? 17](#_Toc164330188)

[17. Can I claim bereavement leave? 17](#_Toc164330189)

[18. What happens if I am undergoing Fertility Treatment 18](#_Toc164330190)

[19. What time can I take whilst receiving fertility treatment? 18](#_Toc164330191)

[20. What time can I take if I am an unpaid carer? 19](#_Toc164330192)

[APPENDIX 20](#_Toc164330194)

[GLOSSARY OF TERMS 20](#_Toc164330195)

### 1. Overview

1.1 This Heriot-Watt University Student Union (HWUnion) policy covers the Student Union’s procedures for all types of family-related leave and pay and includes details of employee’s statutory rights. This is our most complex policy, not because we set out to make things complicated, but because the law is very detailed on maternity and family friendly rights. This policy summarises the legal position; furthermore, if there is anything in this policy which does not accord with legal requirements, the statutory provisions will always take precedence.

1.2 This policy does not form part of your employment contract, and HWUnion may update it at any time.

1.3 The policy applies to all employees. Self-employed contractors and other workers are not covered.

1.4 Most of the rights set out in this policy apply to each pregnancy, not each baby. This means (for example) that the periods of leave are the same whether you have one baby or twins.

1.5 We use abbreviations throughout this policy. They are explained the first time they are used, and for convenience are set out in the glossary at the end.

### 2. What happens during pregnancy?

2.1 To take Statutory Maternity Leave (‘SML’) and be paid Statutory Maternity Pay ('SMP'), we need you to give us the following information in writing before the end of what is known as your ‘Qualifying Week’ (the 15th week before the Expected Week of Confinement):

* Confirmation that you are pregnant;
* The date of the week — starting on a Sunday — that your baby is due;
* The date you want your maternity leave to begin; and
* The date when you will start claiming SMP.

2.2 Although you are not obliged to tell us that you are pregnant before the end of your Qualifying Week, we would appreciate it if you could tell us earlier. This gives us more time to plan and gives us the chance to think about any health and safety matters that may arise.

2.3 We need a form ‘MAT B1’ from you as soon as possible. Your midwife will normally give this to you automatically at the first antenatal appointment after your 20-week scan, or you can obtain a copy from your GP surgery. It must be signed by your doctor or midwife and confirm the date your baby is due.

#### Antenatal appointments

2.4 You are entitled to paid time off for antenatal appointments during working hours. We ask for as much notice as possible, and we may want to see confirmation of your pregnancy and an appointment card for all but the initial appointment.

2.5 If you have what is known as a ‘qualifying relationship’ with a pregnant person or the unborn child, you are entitled to unpaid time off to accompany the pregnant person to normally a maximum of two antenatal appointments. This applies to each pregnancy. A ‘qualifying relationship’ is one where you are:

* the baby’s parent;
* the pregnant person’s spouse; or
* the pregnant person’s partner.

We expect you to give us as much notice as possible. Legally, you are only entitled to 6.5 hours off work for each appointment (which includes travelling and waiting time), but if you need more time, please discuss it with us. To attend any further appointments, you will need to request time off as holiday (which will be managed as laid out in our Holiday Policy) or unpaid leave.

You must provide a signed statement showing the date and time of each appointment. It must also confirm that:

you are eligible under the ‘qualifying relationship’ criteria;

the time off is solely to accompany the pregnant person to her appointment; and

a doctor, midwife, or nurse has advised that the woman needs the appointment.

2.6 You may be entitled to time off to attend up to normally two antenatal appointments if you are having a child by surrogate. For guidance, ask your line manager.

2.7 If, tragically, you suffer a miscarriage before the end of the 24th week of your pregnancy then, according to the statutory provisions, any time off work is treated as sickness absence. However, HWUnion will be compassionate in providing support to you and considering individual circumstances and any emergency leave you may need. If you suffer a stillbirth after 24 completed weeks of pregnancy, you will receive the SMP and SML to which you otherwise would have been entitled. HWUnion recognise that these circumstances are very distressing and will offer as much support as practicable e.g., Occupational Health.

### 3. What happens during maternity leave?

3.1 You can decide when you want your maternity leave to begin, if it is not earlier than the 11th week before your ‘Expected Week of Confinement’ ('EWC'), i.e., the week in which you are expected to deliver your baby.

3.2 We will write to you within 28 days of you telling us that you are pregnant and providing the information concerning your Qualifying Week (see paragraph 2.1) to tell you when your maternity leave will end if you take your full entitlement.

3.3 You can change the start date for your maternity leave if we have the new date in writing at least 28 days before the earlier of the original or revised date. We will write to you within 28 days of you giving us the new date to tell you when your maternity leave will end (if you take your full entitlement).

3.4 Regardless of how long you have worked for HWUnion or how many hours you work, you are entitled to 52 weeks' maternity leave, made up of 26 weeks’ 'ordinary' maternity leave and 26 weeks’ 'additional' maternity leave; your rights differ during the additional period of maternity leave, as set out in this policy.

3.5 Your maternity leave may start earlier than the date you wanted if you are off work because of your pregnancy at any time in the four weeks leading up to your EWC. Maternity leave will also start early if your baby is born before your preferred start date.

3.6 If you and your spouse or partner are both eligible, you may want to use the Shared Parental Leave ('ShPL') scheme so that you have more flexibility around your childcare in the first year after birth (see section 8). However, no woman is allowed to come back to work for the two weeks immediately after her baby is born. This is called ‘Compulsory Maternity Leave.’

3.7 We may contact you from time to time while you are on maternity leave, for example, to discuss arrangements for when you return, or to provide you with information that might be of interest such as major developments in the Student Union, internal job vacancies (see paragraph 5.2 concerning returning to your previous job), training/professional qualification opportunities or qualification expiry dates. If you would prefer us not to contact you, please tell us.

3.8 You may also be offered up to 10 days’ work while you are on maternity leave at a rate of pay agreed in advance. These are sometimes used for purposes such as maintaining the validity of a professional qualification, key meetings, corporate training days, appraisals, or consultation meetings. You do not have to attend if you would prefer not to and your decision about whether to work some or all these days will not affect your right to maternity leave and SMP. These are known as Keeping In Touch days (‘KIT days’).

3.9 You will continue to receive benefits due to you under your employment contract while on maternity leave (see also HWUnion Holiday Policy). Except for terms relating to pay, all your normal terms and conditions will apply, and you will continue to accrue holiday entitlement. If you are due any holiday before your maternity leave begins, you should try to take it where practical.

### 4. How much is my maternity pay?

4.1 If you are pregnant, you are eligible to take maternity leave, regardless of the number of hours you work or your length of service. You are entitled to up to 26 weeks’ ordinary maternity leave and up to 26 weeks’ additional maternity leave, making a total of 52 weeks’ leave.

4.2 Additional maternity leave begins on the day after ordinary maternity leave ends. You must take at least two weeks’ maternity leave following the birth of your child.

4.3 If you have been continuously employed by the Union for a minimum period of 12 months as at the Qualifying Week, and have indicated an intention to return to work, you will be entitled to enhanced maternity pay.

4.4 If you have been continuously employed by HWUnion for more than 26 weeks, but less than 12 months, before the Qualifying Week, you will be entitled to statutory maternity pay only.

4.5 Whether or not you qualify then depends on whether:

* your average weekly earnings are at or above the National Insurance Lower Earnings Limit;
* you can give at least 28 days’ notice that you intend taking maternity leave (or as much notice as you can);
* you are still pregnant, or have already had your baby, 11 weeks before the EWC.

We calculate average weekly earnings during the eight weeks that end with the Qualifying Week.

4.6 Subject to the above qualifying conditions for enhanced maternity pay, you are entitled to the following 8 weeks on full pay, followed by 18 weeks on half-pay plus SMP, followed by 13 weeks’ on SMP only and then an additional 13 weeks’ unpaid leave.

4.7 We will deduct tax and National Insurance contributions from your maternity payments/salary in the same way as we do from your regular salary.

### 5. What happens when I return to work?

5.1 If you intend returning to work at the end of your full 52 weeks' maternity leave, there is no need to let us know. However, if you want an earlier return date you must give your line manager at least eight weeks’ written notice. We may delay your return to work by up to eight weeks — or the end of your maternity leave if that is earlier — if you do not give us at least eight weeks’ notice of your revised plans.

5.2 You are entitled to take up the same job, on the same terms and conditions as you had before going on maternity leave if you return to work immediately after your ordinary maternity leave ends (i.e. at the end of the first six months’ maternity leave). Should you instead return after taking additional maternity leave (i.e., in months 7-12), you may be offered a similar job (on no less favourable terms) if it is not practical for you to resume your previous role.

5.3 When you return after maternity leave, you will meet your line manager to discuss what has happened in your absence. You also can talk about other matters, such as breastfeeding or expressing milk during working hours.

5.4 Please tell us in writing (to your line manager) as soon as possible if you decide not to return at all after maternity leave. You must give notice as required under your employment contract.

5.5 Please refer to the HWUnion Flexible Working Policy if you wish to make a flexible working request. It would be helpful if you could make any request as early as possible to allow time for proper consideration.

5.6 If your job is one that has been identified as posing a risk to your health and safety as a new mother, or because you are breastfeeding, we will notify you and take measures to eliminate all risks. This also applies to women during pregnancy. If you have any concerns about your health and safety, you should speak to your line manager in the first instance.

### 6. How do I claim paternity leave?

6.1 If you qualify for paternity leave (see 6.3 below), you are entitled to a maximum of two weeks statutory paternity leave. This must be taken after the birth to care for the child and/or support the mother. If you choose to take two weeks, you can take them together or separately. You get the same amount of leave even if you have more than one child (for example, twins).

6.2 You must have used your leave within 52 weeks of the birth (or due date if the baby is early).

6.3 To qualify, you must have worked for us for at least 26 weeks by the end of the 15th week before the EWC. You must also:

* be the biological father and have the main responsibility with the mother for the child’s upbringing; or
* be the mother’s partner and expect to have the main responsibility with the mother for the child’s upbringing; or
* be the biological father and have some responsibility for the child’s upbringing.

6.4 You must give 4 weeks notice of each period of parental leave you wish to take. You must give us 28 days notice if you wish to change your start date.

6.5 While you are on paternity leave, all the terms and conditions (other than those relating to pay) in your employment contract will apply. When you return, you have the right to the same job with the same terms and conditions as you had before your paternity leave began.

### 7. How much is my paternity pay?

7.1 Your Statutory Paternity Pay is the lower of a fixed weekly rate set by the Government or 90% of your average weekly earnings. Tax and National Insurance contributions are deducted in the usual way.

### 8. How do I qualify for Shared Parental Leave?

8.1 If you want more flexibility in the first year after your baby is born, you and your partner may want to consider ‘Shared Parental Leave’ (ShPL) instead of just taking maternity and paternity leave. Provided that you are both eligible, ShPL allows you to split the available leave between you, so that you can either be off work at the same time or consecutively.

8.2 There is a total of 52 weeks of ShPL available, less any weeks the mother has either been on maternity leave (including the compulsory period) or receiving SMP or Maternity Allowance ('MA') if the mother is not entitled to maternity leave. ShPL is additional to paternity leave.

8.3 You or your partner may be eligible for ShPL if:

* you are the mother and share the main childcare responsibility with the child’s father or your partner; or
* you are the father and share the main childcare responsibility with the child’s mother; or
* you are the mother’s partner and share the main childcare responsibility with the mother in place of the father; and
* you have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and you will still be employed by us before you take ShPL; and
* the other parent has worked at least 26 of the 66 weeks before the EWC, either as an employee or self-employed, and had weekly earnings averaging at least £30 during 13 of those weeks; and
* you and the other parent fulfil the notice and other requirements detailed in this policy.

8.4 The child’s mother cannot start ShPL until the end of the compulsory maternity leave period. This is usually two weeks after the birth.

8.5 The child’s father, or the mother’s partner, may consider using their two weeks’ paternity leave before starting ShPL; this is because once ShPL starts, any paternity leave not already taken is lost.

### 9. How do I claim Shared Parental Leave?

9.1 You must tell us in writing at least eight weeks before you intend your ShPL to begin that you want to opt in to the ShPL scheme; this notification is referred to as the ‘ShPL Opt-in Notice’. We will also need to know:

* your name and the other parent’s name;
* the start and end dates of the mother’s maternity leave (or the SMP or MA start and end dates if she is not eligible for maternity leave);
* how many weeks of ShPL is available — that is, 52 weeks less maternity leave, SMP or MA already taken by the mother or due to be taken;
* how many weeks ShPL you will take and how many the other parent will take — you can change this by telling us in writing and you do not have to take your full allowance;
* the total Statutory Shared Parental Pay ('ShPP') available — that is, 39 weeks less the number of weeks of SMP or MA already taken or due to be taken;
* how many weeks of the ShPP available is to be allocated to you and how many to the other parent — you can change this by writing to us, and you do not need to use all your allocation;
* the pattern of leave you want to take, with start and end dates for each block of leave. Although this is not binding, it will help HWUnion if you give us as much information as possible; and
* that you and the other parent are both eligible to claim ShPL and ShPP; HWUnion will require signed declarations from both of you.

9.2 If you are the child’s mother, you must give us at least eight weeks’ notice in writing ending your maternity leave. We need this ‘Curtailment Notice’ at the same time as you supply the ShPL Opt-in Notice; you cannot take ShPL unless we have this. In the Curtailment Notice, you must tell us the date your maternity leave will end, which must be at least two weeks after the baby is born.

9.3 If your partner is the one taking ShPL, we need a written declaration from their employer that the employer has received an ShPL Opt-in Notice and confirmation that all the necessary declarations have been made. The partner may be able to take ShPL from their employer before your maternity leave ends, but only if HWUnion has received your Curtailment Notice.

9.4 Curtailment Notices are binding and can only be revoked if your maternity leave has yet to finish and you meet one of these conditions:

* you find out that neither you nor the other parent is eligible for ShPL or ShPP. In this case you can revoke the Curtailment Notice by writing to HWUnion any time up to eight weeks after you provided it; or
* the Curtailment Notice was issued before the birth and you are revoking it in writing during the six weeks after the birth; or
* the child’s other parent has died.

9.5 You cannot opt back into the ShPL scheme after you revoke a Curtailment Notice except if the notice was given to HWUnion before the birth and it is revoked in writing during the six weeks following the birth.

9.6 If the mother is still on maternity leave or claiming SMP or MA, you as the partner will be unable to start ShPL until the mother:

* has returned to work; or
* has given a Curtailment Notice to her employer to finish her maternity leave; or
* has given a Curtailment Notice to her employer to finish her SMP; or
* has given the Department for Work & Pensions (DWP (Department for Work & Pensions)) Benefits Office a Curtailment Notice ending her MA.

9.7 HWUnion may also ask you to provide the following:

* A copy of your child’s birth certificate or a signed declaration of the date and place of birth if you have yet to obtain the certificate; and
* Contact details for the other parent’s employer, or a declaration that they do not have an employer.

### 10. How do I organise Shared Parental Leave?

10.1 Once you have opted into the ShPL scheme, you need to provide HWUnion with a ‘Period of Leave’ Notice to book your time off. You can provide this at the same time as your SPL Opt-in Notice or at any other time if it is at least eight weeks before the first period of ShPL begins.

10.2 On the ‘Period of Leave’ Notice you can either provide specific dates or the number of days after the birth that you want ShPL to start and finish. You may prefer the second option if the father plans taking paternity leave as soon as the baby is born and wants ShPL to run on from it. You must take ShPL in blocks of at least one week at a time.

10.3 You are automatically entitled to take a single continuous block of ShPL. However, we will also consider any requests for separate blocks of ShPL (as detailed in the following paragraphs).

10.4 You may lodge up to three ‘Period of Leave’ Notices, which may allow you to take up to three separate ShPL blocks with periods at work in between. If you later reschedule or cancel one of the blocks, it nevertheless counts towards the three Periods of Leave Notice you can lodge.

10.5 To make it easier for HWUnion to consider allowing you to take ShPL in more than one block, you should discuss your requirements with your line manager as soon as possible before you submit your formal ‘Period of Leave’ Notice.

10.6 If you want to take separate blocks of ShPL, you must provide HWUnion with details of the pattern you want to follow in your ‘Period of Leave’ Notice. Once this has been received, HWUnion will either agree immediately or we will have discussions with you over a period which may last up to two weeks. If agreement is reached through the discussions, HWUnion will confirm this in writing, and this will be provided within the two-week period. If we fail to agree, you can take all the ShPL you requested in one continuous block, beginning on the start date you stated in your Notice. For example, if you asked for three separate three-week periods and HWUnion is unable to agree to this, you can combine them into one continuous 9-week ShPL period.

10.7 The other way HWUnion is willing to approach this is if you agree to the following:

* Choosing a new start date and telling us what it is within five days of the two-week discussion period ending. The new date must be at least eight weeks after the start date of the first of the blocks you requested; or
* Withdrawing the ShPL Notice and informing us within two days of the two-week discussion period ending. This will not be counted as a ‘Period of Leave’ Notice and you are free to submit a fresh one.

10.8 If you need to cancel a period of ShPL, you must tell us in writing at least eight weeks ahead of the relevant block start date.

10.9 If you want to change a start date, you must put your request in writing at least eight weeks before whichever is the earlier of the original and new start dates. Similarly, you can change the end date if you inform HWUnion at least eight weeks before whichever is the earlier of the original or new end dates.

10.10 If you wish to combine blocks of ShPL into one continuous period, you will need to provide HWUnion with the new start or end date, whichever is relevant.

10.11 If you wish to split a continuous period of ShPL into two or more periods separated by periods at work, you will need to tell HWUnion the new start or end date. It may not be possible for HWUnion to agree, however, we are willing to consider your request as if you had asked for separate blocks of ShPL in the first place.

10.12 If you submit a notice to change or cancel a block of leave, we will count this as one of your three ‘Period of Leave’ Notices. There are three exceptions to this rule, which are:

* if the change is because your baby was born earlier or later than the EWC;
* if you cancel a request for separate blocks of leave within two days of the two-week discussion period ending; or
* HWUnion asks you to consider making the change.

### 11. What happens during Shared Parental Leave?

11.1 If your baby is born before the beginning of the EWC, we may allow you to start ShPL during the eight weeks following birth despite you being unable to give us eight weeks’ notice. To enable us to do so, we need to apply the following rules:

* If your ‘Period of Leave’ Notice gave us a set date within the eight weeks following the EWC for your ShPL to start, you can move the date forward by the same number of days as long as you write to tell us as soon as possible;
* If you want to take ShPL in the eight weeks following birth and your baby arrives early, you will need to give us your ShPL Opt-in Notice and ‘Period of Leave’ Notice as soon as possible.

11.2 If you had a start date of a set number of days (rather than a set date) after the birth in your ‘Period of Leave’ Notice, you do not need to do anything.

11.3 You will continue to receive benefits due to you under your employment contract; except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue holiday entitlement (see HWUnion Holiday Policy).

11.4 If you are due any holiday, you should discuss with your line manager when to take this before starting ShPL, and if you are the mother you should try to take any holiday due to you before your maternity leave begins.

11.5 We may need to contact you from time to time while you are on ShPL leave — for example to discuss arrangements for when you return.

11.6 You may also be asked to work during ShPL for up to 20 days. These are known as ‘SPLIT (Shared Parental Leave In Touch)’ (Shared Parental Leave In Touch) days. This includes training and — if you are the mother — is in addition to the 10 Keeping In Touch days you have the option to work during your maternity leave. You are not obliged to work any of these days, but if you do, you will be paid at a rate agreed with your line manager. This also applies if you ask to work any of the 20 SPLIT days.

### 12. What happens when I return to work?

12.1 You must give us eight weeks’ notice in writing if you want to end a ShPL period early and provide the new return-to-work date. You will be unable to end your ShPL early without our agreement if you have already used your three ‘Period of Leave’ Notices.

12.2 If you have unused ShPL entitlement and want to extend your leave, you must tell us in writing by submitting a ‘Period of Leave’ Notice at least eight weeks before the date you had intended returning to work. You will be unable to extend your ShPL without agreement from HWUnion if you have already used your three ‘Period of Leave’ Notices. However, instead, you may be able to take annual leave or ordinary parental leave (see Section 14).

12.3 You are entitled to take up the same job with the same employment terms you had before going on ShPL. However, in certain circumstances it may not be practical for you to resume your previous role and we may place you in another appropriate post with no less favourable terms and conditions. This will only apply if:

* your ShPL plus any maternity or paternity leave taken amounts to more than 26 weeks, irrespective of whether or not it was taken consecutively; or
* your ShPL was taken consecutively, before or after more than four weeks of ordinary parental leave (see Section 14).

### 13. Can I claim statutory Shared Parental Pay?

13.1 If you have at least 26 weeks’ continuous employment with us at the end of the Qualifying Week, you may be able to claim ‘Statutory Shared Parental Pay’ (ShPP) for up to 39 weeks. We will pay this at the rate set annually by the Government, less any SMP or MA already claimed by either you or your partner. Your average earnings must be not less than the lower earnings limit set each tax year for you to qualify.

13.2 When you provide HWUnion with your ‘Period of Leave’ Notice (or Notices), you must notify us that you intend to claim ShPP while you are on ShPL. You can also write to us at least eight weeks before the date you want us to start paying your ShPP if you have not already told us in a ‘Period of Leave’ Notice.

### 14. What is Ordinary Parental Leave?

14.1 ‘Ordinary Parental Leave’ (OPL) can be taken at any time until a child’s 18th birthday and comprises 18 weeks’ unpaid leave per child.

14.2 If you have responsibility for a child, you are entitled to take parental leave. Those eligible include the registered father and anyone else with formal parental responsibility for the child.

14.3 You must have worked for us for at least a year before you can take parental leave and must already have (or expect to have) responsibility for a child and intend using the OPL only to care for the child or otherwise spend time with the child.

14.4 You can take up to four weeks of OPL per child per year, in blocks of a single week or more. You cannot take less than a week at a time unless the child is disabled (in which case alternative arrangements can be considered).

14.5 You need to give your line manager at least 21 days’ notice that you intend to take OPL. HWUnion will always try to accommodate your request but may have to rearrange your dates if your absence would disrupt the Student Union business by, for example, leaving us short-staffed. If your leave must be postponed, we will explain why in writing within seven days of your request and liaise with you concerning alternative start and end dates.

14.6 HWUnion is unable to postpone OPL if you have asked for it to start immediately after a child’s birth or adoption. We are also unable to postpone OPL beyond a six month period or beyond the child’s 18th birthday.

14.7 Your employment contract and all its terms and conditions remain in force throughout OPL, other than the fact that it is unpaid. Your holiday entitlement continues to accrue in the normal way (see HWUnion Holiday Policy).

### 15. What happens if I am adopting a child?

15.1 You are entitled to time off to attend an adoption appointment. This is an appointment arranged by an adoption agency, usually for you to get to know the child who will be placed with you, but sometimes for other reasons related to the adoption.

15.2 If more than one child is being placed with you at the same time, HWUnion treats this as one adoption and will not give you time off to attend additional appointments. Time off for this type of appointment must be taken before any child is placed with you.

15.3 You may attend up to five appointments per adoption, with pay, if you are adopting on your own or will be the primary adopter. You may attend up to two appointments, on unpaid leave, if you are the secondary adopter.

15.4 You are entitled to take up to 6.5 hours for each appointment. This includes travelling and waiting time. HWUnion will require a signed statement with details of the time and date of the appointment as well as confirmation that:

* the adoption agency has arranged or requested the appointment;
* you are either adopting the child on your own or jointly with someone else; and
* you are electing to take either paid or unpaid time off work if you are adopting jointly.

15.5 It may be necessary to ask you to rearrange an appointment, and HWUnion reserves the right to refuse a request for a particular day or time in exceptional circumstances. We will however never do this without good reason and will liaise with you timeously concerning any necessary change.

### 16. Can I claim adoption leave and pay?

16.1 We have similar arrangements in place for adoption as we do for maternity leave and pay. You should ask your line manager for full details.

16.2 You may be entitled to adoption leave if you are having a baby by a surrogate mother. Your line manager will be able to explain the process.

16.3 You may also be eligible for ShPL and ShPP if you are adopting or having a child by a surrogate mother. Again, ask your line manager for more information.

### 17. Can I claim bereavement leave?

17.1 HWUnion offers two weeks’ paid bereavement leave for any parent who experiences a miscarriage or loses a child aged under 18; this includes a miscarriage or stillbirth after 24 weeks of pregnancy. The Student Union will be flexible about how you take this leave (for example, you might want to take it in one block, or as two separate weeks).

17.2 If you suffer the death of any other close relative, you can take a reasonable amount of paid leave as agreed with your line manager.

17.3 We understand that you may not be in an appropriate situation or the right frame of mind to have a detailed discussion with your line manager immediately after somebody close to you dies. However, please do let your line manager know what has happened as soon as you feel able to do so (or ask someone to do this for you), even if an email is as much as you can manage initially. We will be understanding and this means that we can provide support to you and arrange cover, as necessary.

### 18. What happens if I am undergoing Fertility Treatment

18.1 The Union recognises the physical and emotional impact of undergoing fertility treatment and understands the impact that this can have on staff. To support staff currently the Union offers paid time off.

18.2 This is applicable to all staff employed by the Union, who have 26 weeks continuous service who are undergoing In Vitro Fertilisation (IVF) treatment or other medical intervention / procedures in relation to fertility treatment.

18.3 It is the responsibility of line managers to provide appropriate support to staff undergoing fertility treatment.

18.4 It is the responsibility of staff to apply for leave in accordance with this policy.

### 19. What time can I take whilst receiving fertility treatment?

19.1 Staff undergoing fertility treatment will be entitled to up to **five days leave per cycle of treatment**, limited to **one cycle in twelve months** and no more than three cycles in total.

19.2 The leave is for the purpose of receiving and recovering from fertility treatment and to attend appointments specifically associated with the process. For example, consultant appointments, collection of eggs, monitoring tests etc.

19.3 Staff whose partner is undergoing fertility treatment will be entitled to **up to two days of fertility treatment leave per cycle, limited to one cycle in twelve months** and no more than three cycles in total. For the purposes of this policy, “partner” refers to the partner of the member of staff undergoing treatment and includes same sex partners. This time off is also available to staff who have a surrogate or co-parent undergoing fertility treatment.

19.4 Where possible, appointments for the investigation of and testing for fertility treatment should be arranged outside of normal working hours and will be treated in the same way as all other medical appointments.

19.5 The Union recognises that appointments and subsequent time off during fertility treatment may be required at short notice and line managers are asked to be as flexible as possible.

19.6 Request for fertility treatment leave will be treated in strictest confidence.

19.7 Should the member of staff require time off because of side effects or impact of treatment, this will be subject to normal sickness absence provisions. Sickness absence associated with fertility treatment will not be regarded as pregnancy related.

19.8 In the event that a member of staff exhausts the time off allowed under this policy, they make take additional leave as annual leave, or the Union may consider flexible working arrangements to facilitate further treatment, subject always to the operational needs of the Union.

19.9 Managers may require evidence to confirm medical appointments where necessary.

### 20. What time can I take if I am an unpaid carer?

20.1 Staff are entitled to unpaid leave to give or arrange care for a “dependant” who has:

* a physical or mental illness or injury that means they’re expected to need care for more than 3 months
* a disability (as defined in Equality Act 2010)
* care needs because of their old age

The dependent does not have to be a family member. It can be anyone that relies on them for care. Staff are entitled to carer’s leave from the first day of employment, and other employment rights are protected during carer’s leave.

20.2 Staff can take up to one week of leave every 12 months. A week means the length of time you usually work over 7 days. The entitlement can be taken as half-days, full-days or as a block.

20.3 If you care for more than one person, you cannot take a week of carer’s leave for each dependent. You can only take one week every 12 months in total.

20.4 Staff must give notice before they want their leave to start. The notice required is:

* Half or 1 days leave – 3 days notice must be given
* 2+ days leave – twice the leave period must be given

20.5 We will not refuse a carer’s leave request, however we can ask a staff member to use it at a different time if it would cause serious disruption to the organisation. In these circumstances we will agree another date within one month of the originally requested date and confirm in writing the reason for the delay and the new date within 7 days of the original request date.

20.6 Carer’s leave is unpaid, however consideration may be given to work time back instead if agreed in advance with your Line Manager.

### Review Tracking

|  |  |
| --- | --- |
| Action | Date |
| Creation & Approval | October 2022 |
| Reviewed | May 2024 |

# APPENDIX

### GLOSSARY OF TERMS

**Compulsory Maternity** Leave – Two-week period immediately after a baby is born during which no mother is allowed to return to work

**Curtailment Notice** – Notice which must be provided to HWUnion by the mother at least 8 weeks prior to ending the period of maternity leave and confirming the proposed end date

**EWC** — Expected Week of Confinement, or the week in which a pregnant person is due to deliver

**IVF** – In Vitro Fertilisation is one of several techniques available to help people with fertility problems have a baby.

**IVF Cycle** - A “cycle of IVF” and a “round of IVF” are synonymous. They are also used to define the number of egg retrievals, regardless of how many eggs are retrieved or embryos transferred. So:

* If you have an egg retrieval and zero transfers, that is one cycle of IVF.
* If you have an egg retrieval and one transfer, that is one cycle of IVF.
* If you have an egg retrieval and four transfers, that is one cycle of IVF.

**KIT** – Keeping In Touch days

**MA** — Maternity Allowance

**OPL** – Ordinary Parental Leave – 18 weeks’ unpaid leave per child which can be taken any time up until a child’s 18th birthday

**Period of Leave Notice** – Once an employee has opted in to ShPL, this notice must be provided to book their time off from HWUnion; required at least 8 weeks before the first period of ShPL is due to begin

**Qualifying week** — the 15th week before the EWC

**ShPL** — Shared Parental Leave, the scheme under which a mother can share leave with somebody else (usually the father) by opting out of the Statutory Maternity Leave scheme

**ShPL Opt-In Notice** – Shared Parental Leave Opt-In Notice, which must be provided to HWUnion 8 weeks before an employee wants ShPL to begin

**ShPP** — Statutory Shared Parental Pay, a payment like SMP but paid to the mother and her partner while they are on ShPL

**SML** – Statutory Maternity Leave, the legal minimum amount of leave to which pregnant women are entitled

**SMP** — Statutory Maternity Pay, the legal minimum women are entitled to receive while on maternity leave

**SPLIT** – Shared Parental Leave (keeping) In Touch days. The equivalent of KITs, in the ShPL context.