

5 Maternity, adoption, parental and paternity (leave and pay)

5.1 Maternity leave scheme

RfL (I) Ltd's maternity leave scheme is open to all employees regardless of length of service. All employees will be entitled to take 26 weeks of Ordinary Maternity Leave (OML) followed by 26 weeks of Additional Maternity Leave (AML). This allows employees to take up to a maximum of 52 weeks maternity leave in total.

5.1.1 Pay scheme

Where employees have been continuously employed by RfL (I) Ltd for 26 weeks leading into the 15th week before the expected week of childbirth (EWC), Occupational Maternity Pay (OMP) is payable at a rate equivalent to 100% of contractual salary inclusive of Statutory Maternity Pay (SMP) for the first 26 weeks. The following 13 weeks will be paid at SMP only, with the remaining 13 weeks of Additional Maternity Leave (AML) being unpaid.

OMP is based on contractual salary at the date of commencement of OML. Where applicable this includes shift allowance and overtime averaged over the previous 26 weeks. Back pay resulting from a consolidated base pay award which includes this date is also payable.

5.1.2 Statutory maternity leave and pay

Some employees may meet the qualifying period for statutory maternity leave and pay but have not been continuously employed by RfL (I) Ltd for 26 weeks leading into the 15th week before EWC. These employees will be entitled to statutory maternity leave and pay as outlined below.

Statutory Maternity Pay (SMP) is paid for the first 6 weeks at a rate equivalent to 90% of average weekly earnings, with no upper limit. The remaining 33 weeks will be paid at whichever is the lower of either the statutory rate per week or 90% of average weekly earnings. The average weekly earnings is a fixed government rate which is reviewed every year.

The remaining 13 weeks of additional maternity leave is unpaid.

5.1.3 State maternity allowance

In circumstances where employees do not qualify for SMP/OMP as outlined above they may be entitled to State Maternity Allowance (SMA) for up to 39 weeks. To qualify they must have been employed or self employed for 26 weeks out of the 66 weeks before the expected week of childbirth and have average weekly earnings as outlined by the statutory rate. Employees who fall within this category are advised to contact their local Benefits Agency.

5.1.4 Maternity pay - claiming OMP/SMP

The earliest date from which a claim can start is 11 weeks before the baby is due.

More information on the pay scheme can be found on [Working at TfL](#) or by contacting HR Services.

5.1.5 Compulsory maternity leave

Employment legislation requires every woman to take a minimum of two weeks maternity leave following the birth of her baby.

5.1.6 Annual leave

Annual leave may be taken at any time up to the start of maternity leave at a mutually acceptable time. Annual leave and Bank Holidays will continue to accrue during both OML and AML. Employees are encouraged to use this leave before returning to work.

5.1.7 Miscarriage or stillbirth

Where a stillbirth or miscarriage is suffered before the end of 23 weeks of the pregnancy absence will be treated as sick leave with full entitlement to occupational sick pay/statutory sick pay.

Where this occurs from the beginning of the 24th week the employee may be entitled to maternity pay and leave as if a live birth had occurred provided they meet the service requirements as outlined on page 4.

RfL (I) Ltd will give as much support as possible to assist in the recovery and should additional recovery time be required after maternity leave then this should be discussed with your line manager.

5.1.8 General information

Time off for antenatal care

Expectant mothers are entitled to paid time off to attend antenatal care which may include hospital appointments, doctor and midwife appointments, health visitor clinics, relaxation and parent craft classes. Time off for antenatal care will be classed as special leave and will not be counted towards sickness absence.

Fitness to continue working

Employees who are feeling fit and well can work until their baby is born and their rights to OMP/SMP will not be affected. If an employee, their manager, or GP think there are significant health and safety risks to either the employee or their baby whilst in their current role, a risk assessment will be undertaken to determine whether the employee can continue in their role. The risk assessment will be conducted by the line manager and relevant health and safety advisor taking into consideration reasonable adjustments or suitable alternative work.

If an employee is absent from work with a pregnancy related illness during the four weeks before the start of expected week of childbirth, maternity leave starts automatically regardless of when the employee wants it to start. Suitable advice should be sought from Occupational Health and HR Services before confirming the start of maternity leave.

Free treatment

During pregnancy and for a year after the birth, mothers are entitled to free medical prescriptions and free NHS dental treatment. There are also a range of other benefits available. To find out what you are entitled to and how to claim contact your local Benefits Agency, midwife or GP for advice and guidance.

Medical evidence

Medical evidence, normally in the form of the maternity certificate (MATB1) must be provided to your line manager in order to qualify for maternity leave and pay. This is issued by a doctor or midwife approximately 14-20 weeks before the EWC. The MATB1 must be signed and stamped by the employee's doctor or have the midwife's signature or registration number on it.

Notification of return to work

RfL (I) Ltd wishes to encourage all mothers to return to work following maternity leave as there are positive benefits to the business in retaining skilled and experienced employees. An employee does not have to notify their manager of their intention to return to work at the end of OML or AML. It is preferable however that employees inform their line manager of their intended return to work date as this will assist managers in planning work schedules. Where no return date is given it will be assumed the employee intends to take their full entitlement of OML and AML. Should an employee want to change their stated return date this must be declared in writing eight weeks prior to returning to work.

Right to return to work

All employees have the right to return to work at the end of their statutory leave period irrespective of length of service. Employees returning from OML have the right to return to the same job. Employees returning from AML have the right to return to a similar job on comparable terms and conditions. Should there be an organisational restructure or redundancy programme whilst the employee is on maternity leave then Regulation 10 of the Maternity and Parental Leave etc. Regulations 1999 will apply.

Flexible working

Some mothers may not wish to return to their full time position following maternity leave and may request a reduction or change in hours. RfL (I) Ltd's flexible working procedure provides employees with the opportunity to request a flexible working pattern with a view to combining childcare responsibilities and flexible working to the mutual benefit of both parties.

Fathers may also choose to apply for flexible working in the same way as mothers. All requests from parents for flexible working will be given due consideration depending on business requirements. Information on flexible working can be found within this document. Further support and advice is available through speaking to your line manager or HR Services.

Time off for post-natal care

Where an employee has returned to work following maternity leave and is required to attend a post-natal clinic or receive other medical treatment after the birth of their baby, this will be treated in the same way as any other medical appointment and employees should show their line manager their appointment card. Where flexible working hours are in operation appointments may be taken as part of flexi-time arrangements.

Salary/benefits

During the period of OML employees will continue to benefit from their usual terms and conditions except pay as described previously. Where employees are eligible for performance related pay this will be assessed for the period that they are at work.

In addition to the above employees are eligible to keep their normal travel facilities for the full period of maternity leave. Spouse/dependants or other nominees will also retain oyster pass and/or privilege facilities.

Keeping in touch

RfL (I) Ltd will maintain reasonable contact with employees during maternity leave. Contact may include keeping employees aware of any changes happening at work, including any job vacancies or promotional opportunities that arise. Keeping in touch can help make it easier for both managers and employees when the time comes to return to work. Employees are not obliged to do any work or attend any events during maternity leave but if both the manager and the employee agree, up to ten days' work can be undertaken during the maternity leave period. These 'keeping in touch' days do not have to be limited to the usual work carried out by the employee and could be used for training or other events. It may be helpful for the employee to use some of the keeping in touch days to ease the return to work. The employee will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any SMP entitlement.

Pension

An employee can find out how taking maternity leave impacts upon their pension by contacting the TfL Pensions Office.

Shared parental leave

Eligible employees on maternity leave or in receipt of Statutory Maternity Pay or Maternity Allowance may be able to opt into the shared parental leave scheme. Please refer to the shared parental leave provisions of this policy.

Unpaid antenatal appointments

Expectant fathers or the spouse, civil partner or partner (including different sex or same sex partners) have the right to unpaid time off work to attend up to two unpaid antenatal appointments up to a maximum of 6.5 hours with the mother pregnant with the child.

Intended parents in surrogacy have the right to unpaid time off work to accompany the woman pregnant with their child to two antenatal appointments of up to 6.5 hours each.

5.2 Adoption scheme

5.2.1 Adoption

The provision of adoption leave allows employees who have ‘primary carer’ responsibility full adoption leave and pay (providing they meet the criteria set out below), and their spouse or partner (secondary carer) adoption support (paternity leave and pay) providing they meet the criteria set out below. The couple must choose which partner takes adoption leave and evidence of this must be provided e.g. confirmation letter from the partner’s employer.

5.2.2 Adoption leave

All employees are entitled to take 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks of Additional Adoption Leave (AAL) to be taken at the end of OAL, provided they have been newly matched with a child for adoption by an approved adoption agency (adoption leave and pay is not available where a child is not newly matched for adoption, for example when a step parent is adopting a partner’s child or children already in residence).

Adoption leave is also available to employees who are placed for adoption or to employees fostering a child under the “Fostering for Adoption” Scheme run by Local Authorities.

For employees who enter into surrogacy arrangements, where the intended parents meet the criteria to apply for a Parental Order under the Human Fertilisation and Embryology Act 2008 and they intend to apply for an Order or have applied for one, they may be eligible for statutory adoption leave and pay and shared parental leave, subject to meeting the qualifying criteria (see below).

5.2.3 Pay scheme

Where employees have been continuously employed by RfL (I) Ltd for 26 weeks leading into the week in which they are notified of being matched with a child for adoption, Occupational Adoption Pay (OAP) is payable at a rate equivalent to 100% of contractual salary inclusive of Statutory Adoption Pay (SAP) for the first 26 weeks. The following 13 weeks will be paid at SAP only, with the remaining 13 weeks of AAL being unpaid.

OAP is based on contractual salary at the date of commencement of OAL. Where applicable this includes shift allowance and overtime averaged over the previous 26 weeks. Back pay resulting from a pay award which includes this date is also payable.

5.2.4 Statutory adoption leave and pay

Some employees may meet the qualifying period for statutory adoption leave and pay but have not been continuously employed by RfL (I) Ltd for 26 weeks leading into the week in which they are notified of being matched with a child for adoption.