

**Title**

Fertility Treatment and IVF

**Associated Policies**

- Maternity (TPO/STA/04)
- Maternity Support Leave (Paternity) (TPO/STA/07)
- Staff Absence (Illness) (TPO/STA/13)
- Special Leave of Absence (TPO/STA/14)

REVIEWED: September 2022

NEXT REVIEW: September 2025

**1. Policy Statement**

- 1.1 This policy sets out the entitlements for staff who are undergoing fertility treatment.
- 1.2 The College recognises the emotional pressure of undergoing IVF treatment and understand the potential anxiety and distress which individuals may suffer during the process. We wish to support members of staff who undertake such treatment themselves or whose partners do so.
- 1.3 No sort of “family friendly” leave will have a detrimental impact on an individual’s employment prospects or pay progression.
- 1.4 The Trust are committed to assessing individuals on family friendly leave against their PDD objectives before their leave begins and when they return.
- 1.5 The Equality Act 2010 makes it unlawful to discriminate against someone, or treat them unfairly, because of pregnancy or maternity.
- 1.6 The decision to divulge information regarding fertility treatment remains firmly in the employee’s hands, and there is no requirement to share this with the school, unless they are requesting to access leave and pay under this policy.
- 1.7 At all times managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality.

**2. Who does this policy apply to?**

- 2.1 This policy applies to:
  - Employees who have 26 weeks continuous service by the first day of Fertility Treatment Leave and are receiving fertility treatment.
  - Employees who have 26 weeks continuous service by the first day of Fertility Treatment Leave and are supporting a partner undergoing fertility treatment

This Policy does not apply to appointments investigating fertility issues, this will be regarded as a Medical Appointment. More information on Medical Appointments can be found under the Special Leave of Absence Policy.

**3. Who is responsible for carrying out this policy?**

- 3.1 The implementation and application of this policy will be monitored by the Senior Leadership Team and governors of the Academy and will remain under constant review by Brooke Weston Trust.
- 3.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.
- 3.3 This information will be monitored and shared with the recognised trade unions on an annual basis, including by protected characteristics.

**4. Definitions**

- 4.1 In the case of IVF, once a fertilised egg has been implanted in the uterus, the woman is deemed legally to

be pregnant. From that time, she is legally protected from unfavourable treatment for the duration of her pregnancy and is entitled to time off for antenatal care and pregnancy-related sickness, as per the Trust's Maternity Policy.

### 5. Types of Leave

- 5.1 **Medical Appointment** – This type of leave might be used for investigating reasons for infertility, initial exploratory consultations regarding treatment options. Time off for medical appointments is set out in the Special Leave of Absence Policy.
- 5.2 **Fertility Treatment Leave** – This type of leave might be used for collecting eggs, implantation, and other treatment options, monitoring, taking time to rest after a procedure, or to recover from some of the emotional effects.
- 5.3 **Sickness Leave** – This type of leave might be used for physically recovering from the effects of the procedure, illness arising from pregnancy, illness arising due to fertility treatment.

### 6. Entitlement to Leave and Pay for Fertility Treatment

- 6.1 Where possible, appointments for the investigation of and testing for fertility treatment should be arranged outside of normal working hours, but we recognise this won't always be an option. Where this is not possible, staff undergoing fertility treatment will be entitled to up to five days paid leave (Fertility Treatment Leave) in any 12-month period.
- 6.2 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.
- 6.3 Should an employee require time off because of the side effects of the treatment, this will be subject to the Trust's normal sickness absence provisions. Sickness absence associated with IVF will not be regarded as 'pregnancy-related'.
- 6.4 Fertility Treatment Leave can be taken to suit the member of staff's needs, subject to operational circumstances, e.g., in one block or separate days or half days. The leave entitlement will be pro-rated for part-time members of staff according to their normal weekly working hours.
- 6.5 If an employee should require any additional time off, then alternative leave arrangements should be agreed with their line manager to include annual leave or unpaid leave. Further guidance can be found in the Special Leave of Absence Policy.
- 6.6 In the unfortunate event that the IVF cycle is not successful, or the pregnancy is not sustained, the woman remains legally protected for a further 2 weeks. In the event that she needs to take time away from the workplace, the woman may use fertility leave or sickness leave as appropriate

### 7. Entitlement to Leave and Pay for Partners

- 7.1 An employee whose partner is undergoing fertility treatment will be eligible to take up to 2 days paid leave in any 12-month period to support fertility treatment.
- 7.2 The fertility treatment paid leave can be taken to suit the member of staff's needs, e.g. 2 days in one block, separate days or half days.

### 8. Requesting Leave

- 8.1 The Trust recognises that appointments and subsequent time off during fertility treatment may be required at short notice and managers are asked to be as flexible as possible.
- 8.2 Eligible employees are encouraged to discuss their situation with their line manager or with an HR contact. Managers should treat such information with sensitivity and confidentiality.
- 8.3 An employee should inform their manager as soon as possible with regards to the Fertility Leave they are requesting.

8.4 The school may ask for evidence (such as an appointment card or letter) to confirm the genuineness of fertility treatment.

## 9. Policy Review

9.1 This policy has been implemented following consultation with the recognised trade unions and subsequent amendments and reviews will be subject to the same.