

# **Supporting Employees Undergoing IVF Treatment Guidance**

## Document Control

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## SECTION 1: INTRODUCTION

### Purpose

This guidance is part of the Council's Family Leave provisions, supporting the diverse needs of families and promoting a compassionate, inclusive workplace.

The Council recognises that employees who feel supported and valued within a compassionate workplace are more likely to openly discuss wellbeing concerns or life events, seek support when needed, and successfully transition back to work. Managers who foster trust and demonstrate effective leadership play a crucial role in creating an environment that is open, respectful, and kind, enabling their teams to thrive.

The purpose of this guidance is to provide employees and managers with relevant information on support during IVF treatment, including details on the available provisions, any eligibility criteria, application requirements and support options.

Aberdeen City Council acknowledges that employees experiencing fertility challenges, investigations or treatment should feel supported due to the possible physical and emotional strain placed on them.

Core to this guidance is that no employee will be adversely treated in the workplace due to taking IVF leave.

The council is committed to ensuring family leave provisions are inclusive, equitable, and accessible to all employees, regardless of family structure. We respect and value each employee's circumstances and will provide support without discrimination based on age, sex, sexual orientation, pregnancy and maternity, gender reassignment, marriage or civil partnership, race, religion or belief, disability. Our aim is to create a workplace where everyone feels supported in balancing work and family life.

This guidance should be read in conjunction with the Council's Family Leave Policy and Family Leave Planning Toolkit.

### Application and Scope

This guidance applies to all employees of the Council except teachers and those other employees under SNCT terms and conditions who have a separate local agreement covering teachers leave of absence.

### Responsibility of Managers

Managers should ensure that they are familiar with the provisions of this guidance and are supportive of any employee seeking to request time off to attend or support IVF treatment. This includes sharing details of our [Employee Assistance Programme](#) and [Mental Health and Wellbeing Support](#).

It is important for managers to approach a conversation with an employee regarding IVF treatment with empathy and be sensitive to how difficult it may be for the

employee to open up, and also to adapt to the side effects of medication which are required to be taken during IVF as the treatment will impact individuals differently.

Managers will treat information relating to an employee who is undergoing IVF treatment with respect and confidentiality.

Where a manager is aware that an employee is undergoing an IVF process, they should make every effort to ensure that the employee is protected from discrimination, harassment or victimisation by other employees in connection with the IVF process. Any instance of the above would be treated as a serious matter and would be investigated under the Council's [Dignity and Respect at Work policy](#).

The council acknowledges that employees may require time and a private location within the workplace for sensitive phone calls during their IVF treatment. Managers should allow employees to use their personal phones during the working day so that they can maintain contact and receive important updates.

If an employee notifies their manager that they require medication during their IVF treatment, managers should ensure there are refrigeration facilities (if required) and a clean and private location for the employee to administer their medication.

### **Responsibility of Employees**

Employees should familiarise themselves with this guidance and engage with their line manager at the earliest opportunity when planning to undergo IVF treatment. This can help the line manager to provide support accordingly and also plan how they may cover any leave, where this is required.

Employees are expected to:

- Provide their line manager with as much notice as possible of any time off request(s) providing appropriate evidence of the appointment(s).
- Inform their line manager when the IVF treatment is to begin.
- Inform their line manager once the embryo transfer has been undertaken so the manager is aware of the employee's pregnancy protection rights and the statutory right to time off for antenatal care appointments.

By undertaking all the above, this will enable the manager to provide appropriate support to the employee and at the same time reduce the chances of any uncertainty or misunderstanding arising.

## SECTION 2 - Employees undergoing IVF

### What is IVF?

In vitro fertilisation (IVF) is a form of fertility treatment. The IVF process involves hormonally controlling the ovulatory process via hormone injections over a period of approximately two weeks with several scans and blood tests undertaken throughout that period. Egg collection is undertaken to remove ova (i.e. unfertilised egg cells) from the individual and fertilised in a laboratory where eggs are grown over approximately 5 days. The fertilised ova are then implanted into the individual with the aim of establishing a successful pregnancy.

A pregnancy/blood test is carried out approximately two weeks after an implantation to determine whether the treatment has been successful. If the treatment is not successful, it may be required to be repeated.

For the purpose of entitlement to employment rights for pregnant employees, an individual is regarded as “pregnant” from the date when the fertilised ova are implanted.

### Time off for IVF investigative appointments and treatment

The IVF process generally involves regular medical appointments. The Council recognises, therefore, that an employee undergoing such treatment will likely require time off work for:

- investigative appointments prior to the start of treatment
- in the course of the IVF treatment itself

The Council will treat employees undergoing an IVF process with respect and consideration, with requests for time off being considered sensitively by managers with a supportive approach taken. It is recognised that employees undergoing IVF treatment may not receive treatment in Grampian and this will be taken into account accordingly.

While there is no legal right for time off work for IVF treatment, the Council supports employees undergoing IVF by providing up to 5 days paid IVF Leave per treatment cycle, limited to one cycle in a 12 month period, up to a maximum of 3 cycles in total.

This 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.

Employees who would like to take time off to support a partner undergoing IVF treatment are eligible to take up to 2 days paid IVF Leave per treatment cycle, limited to one cycle in a 12 month period, up to a maximum of 3 cycles in total. This time off is also available to employees who have a surrogate or co-parent undergoing IVF treatment.

To apply for IVF Leave an employee should let their manager know as soon as possible and request the days they wish to take via the HR/payroll system. Managers may request evidence to confirm the medical appointment where necessary.

Where possible appointments should be arranged outside of normal working hours, as would be for other medical appointments. It is recognised that appointments and subsequent time off during treatment may be required at short notice and managers should be as flexible as possible to accommodate.

An employee may require additional time off for appointments and treatment, over and above the time off provided for under IVF Leave. Medical appointment leave may be appropriate, or depending on the frequency and length of these additional appointments, it may be appropriate that alternative options (or a combination) are explored by the manager and employee to determine the most suitable approach and support with the appropriate one(s) selected to accommodate the request.

The options include:

- Unpaid leave
- Annual leave
- Flexi leave (for those on flexi time)
- Making lost time up at a later date
- Altering hours on a temporary basis
- Consideration of other flexible working options (see the Council's Flexible Working guidance)

### **Pregnancy protection and time off for antenatal care**

An employee undergoing IVF treatment is deemed to be “pregnant” following their embryo transfer. The employee will therefore be legally protected from pregnancy and maternity discrimination, and will have the right to paid time off for antenatal care from this point.

A pregnancy test is usually undertaken two weeks after the transfer to determine whether or not the treatment has been successful. On notification of pregnancy the Council's Maternity Guidance will apply, including the duty on the manager to carry out a risk assessment in relation to the employee's role. The Maternity Guidance can be found on People Anytime.

If IVF is unsuccessful, employees are protected against pregnancy discrimination for two weeks after finding out an embryo transfer was unsuccessful.

### **Employee sickness absence as a result of undergoing IVF treatment**

At any stage of the IVF process, an employee may be absent from work due to the effects of the treatment, with it affecting people in different ways. This could be due to the physical or mental effects (including depression or stress). If this arises, the employee will be regarded as being on sick leave and will report their absence in the normal way.

The manager will undertake a Return to Work Discussion on the employee's return to work after each absence, in line with the [Supporting Attendance and Wellbeing policy](#) at which the opportunity can be taken to explore whether any support can be given within the workplace. If there are any concerns regarding the employee's emotional wellbeing, consideration can be given to referring the employee to the

occupational health service and/or to making them aware of the contact details for the Employee Assistance Programme.

Where a sickness absence review level is met under the Supporting Attendance and Wellbeing policy, the employee will be supported as normal under that policy. Any absences related to IVF treatment that occur following the embryo transfer until pregnancy is determined, will be managed separately as pregnancy related absences (see Supporting Attendance and Wellbeing policy for further details). If the employee's implantation does not result in pregnancy, any IVF related absences from this confirmation will not be considered pregnancy related.

## SECTION 3 – Further Information and Support

### Support and advice

- [Employee Assistance Programme](#) – The Council provides a free, confidential 24-hour counselling service offering a helpline for general advice and guidance, psychological and emotional support and/or individual counselling.
- [Mental Health and Wellbeing Support](#) – These resources provide a variety of information for employees including details about the councils mental health first aiders network.
- [Financial Wellbeing](#) - Sign posting to resources which can help with managing financial wellbeing, including budgeting advice and tools, Money Advice Team and employability support for parents.
- [ABZ Works](#) – Resources to support employees to take care of themselves, physically, emotionally, and mentally. Sometimes, a change in one area can positively impact change in other areas.

### External Support

There are also many charities and external specialist support groups who offer support and information. Some that may be helpful include:

- [Fertility Network UK](#) – the national charity for anyone who has ever experienced fertility problems
- [Fertility Friends Support Forum](#) – an online community dedicated to infertility and fertility support
- [Human Fertilisation and Embryology Authority](#) – a government body with lots of supporting information for everyone whatever their situation
- [British Infertility Counselling Association](#) – signposts to specialist fertility counsellors
- [Tommy's](#) – pregnancy charity funding pioneering research to understand why pregnancy goes wrong. Tommy's provides expert, midwife led advice for parents before, during and after pregnancy
- [MISS](#) - provide one-to-one sessions, virtual support groups, and a range of resources including memory boxes, support packs, podcasts, and a private peer support group.
- [Miscarriage Association](#) - provide support and information to anyone affected by the loss of a baby in pregnancy and to raise awareness.
- [Sands](#) – offer support for all types of pregnancy and baby loss as well as specific support for the partner.
- [The Worst Girl Gang Ever Foundation](#) - bringing people together to share, heal, and support each other through miscarriage, baby loss, and infertility.

### Related policy and guidance

- Family Leave Policy

- Special Leave Policy
- Maternity Leave Guidance
- Paternity Leave Guidance
- Adoption Leave Guidance
- [Flexible Working Policy](#)
- [Flexible Working Guidance](#)
- [Career Break Policy](#)
- Parental Leave Guidance
- [Support Attendance and Wellbeing Policy](#)

### **Further Advice**

For advice and guidance on the application of this guidance please contact People Services.

### **Gathering and Providing Feedback**

As part of the Council's ongoing commitment to supporting employees, those who have accessed the Family Leave provisions may be contacted to collect feedback on their experiences. These insights are invaluable in helping to understand what works well and where improvements could be made, directly contributing to enhancing the support offered to all employees.

At any time, employees and managers can communicate feedback on this guidance or suggestions for improvement to People Services.