

Maternity Scheme

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1. Introduction ~~Who This Scheme Applies To~~

1.1 The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week. This includes surrogate mothers, provided they meet the normal eligibility criteria.

1.2 If an employee has a child through surrogacy but they are not the birth mother, they are not entitled to maternity leave. If they are the intended parent in a surrogacy arrangement, they may be entitled to adoption leave. Otherwise, they may be entitled to take unpaid parental leave.

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1.3 There is an entitlement to only one period of maternity leave regardless of the number of babies born as a result of a single pregnancy.

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2. Notice periods for maternity leave ~~Initial Obligations on the Employee~~

An employee shall notify her employing authority at least 21 days before her absence begins or as soon as is reasonably practicable:

(a) in writing that she is pregnant and the expected week of childbirth (EWC) (an authority can request the employee to produce a certificate from a registered medical practitioner or a certified midwife stating the expected week of childbirth); and

(b) in writing, if requested by the authority, of the date of the beginning of her absence; and

(c) in writing, if requested by the authority, that she intends to return to work with her employer if that is her intention (for employees who qualify)

2.1 The employee must notify the council of her intention to take maternity leave and the start date of her leave. This notice must be in writing and it must be no later than the end of the 15th week before the expected week of childbirth (EWC). Maternity leave cannot be any earlier than the start of the 11th week before the EWC.

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2.2 An employee may change her mind about the date she intends to start maternity leave, provided she gives the council the appropriate amount of notice.

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~~2.3 Once the council receives notice of the proposed start date of maternity leave, it should respond in writing within 28 days, setting out the expected date of the employee's return.~~

~~2.4 The council can trigger the period of maternity leave automatically if the employee is absent for pregnancy-related sickness four weeks before the EWC. If the baby arrives earlier, the maternity leave will start on the day after the child is born.~~

~~2.5 Employees who were pregnant when they start work for the council are entitled to maternity leave.~~

3. Ante-Natal Care

~~3.1 Any pregnant employee has the right to paid time off to attend ante-natal care, and must produce evidence of appointments if requested to do so by her employing authority.~~

~~3.2 The paid time off for pregnant employees is on the condition the appointment is attended on the advice of a registered doctor, midwife or health visitor.~~

~~3.3 The council may ask for proof of the pregnancy before approving paid leave, although evidence cannot be requested for the very first appointment.~~

~~3.4 Fathers and partners, including same-sex partners, also have the right to take unpaid leave to accompany the expectant mother to two of the antenatal appointments. The right is for a maximum of six-and-a-half hours per appointment.~~

4. Maternity Leave Entitlement

~~(a) Employees who have less than one year's continuous local government service at the beginning of the 11th week before the EWC shall have an entitlement to remain absent for up to 18 weeks.~~

~~(b) At the discretion of the authority the employee may be allowed leave without pay in excess of the 18 week period.~~

~~(c) Employees who have completed not less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall have an entitlement to 18 weeks' leave of absence with pay and to remain absent for up to 29 weeks from the beginning of the week in which her confinement occurs.~~

~~(d) Maternity leave shall commence no earlier than 11 weeks before the EWC.~~

~~4.1 All employees, regardless of their length or part or full-time service, qualify for maternity leave.~~

~~4.2 An employee is entitled to take 52 weeks' maternity leave; this is made up of 26 weeks' ordinary maternity leave, followed by 26 weeks' additional maternity leave and up to four weeks' unpaid parental leave if she chooses to take it at this stage rather than subsequently.~~

~~4.3 A couple can choose to switch part of the 52 weeks of maternity leave into shared parental leave and shared parental pay (SPL and ShPP), provided the parents satisfy the eligibility requirements and this is dealt with further in the shared parental leave policy.~~

~~4.4 Compulsory maternity leave is the period two weeks immediately after giving birth, during which the employee is not permitted to work. This is part of the maternity leave period, not additional to it.~~

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5. Maternity Pay

~~Payment for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP).~~

~~Payments for employees who have completed not less than one year's continuous local government service at the 11th week before the EWC shall be as follows:-~~

~~i) For the first six weeks of absence an employee shall be entitled to nine tenths of a week's pay' offset against payments made by way of SNIP or Maternity Allowance (MA) for employees not eligible for SNIP.~~

~~(i) If having declared her intention to return to work then for the subsequent 12 weeks she shall be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay.~~

~~iii) For employees not intending to return to work payments during the subsequent 12 weeks shall be the employee's entitlement to SMP.~~

~~iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will~~

~~return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.~~

~~5.1 Maternity pay starts when an employee's maternity leave starts. Maternity pay is payable for the first 39 weeks of maternity leave and the remaining 13 weeks is unpaid.~~

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~~5.2 An employee is entitled to 39 weeks' statutory maternity pay (SMP) if they have at least 26 weeks' continuous service, ending with the 15th week before the week the baby is due, and providing their average weekly earnings are at least £120 a week, up to the end of the 15th week before the baby is due.~~

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~~5.3 During the first six weeks of the maternity leave, SMP is 90% of the employees' weekly earnings, before statutory deductions. During the next 33 weeks of the maternity leave, SMP is paid at either the lower rate set by the government and reviewed every April or 90% of the employee's average weekly earnings, whichever is lower.~~

~~5.4 If the employee is not entitled to SMP because they do not have at least 26 week's continuous service, the council must provide them with the SMP1 form within seven days of its decision. The employee may also be entitled to claim maternity allowance paid by the government for up to 39 weeks.~~

~~5.5 Occupational maternity pay (OMP) is provided by the council as a benefit to its employees. Employees may be entitled to OMP even if they are not entitled to SMP.~~

~~5.6 OMP will be paid to employees who have at least one year's continuous local government service at the 11th week before the EWC.~~

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~~5.7 OMP is made up of 90% of the employee's contractual weekly earnings, before deductions, for the first six weeks, offset against any maternity allowance payments, and 50% of the employee's contractual weekly earnings, before deductions, for the next 12 weeks, provided the employee returns to work for at least three months following maternity leave.~~

~~5.8 If an employee does not intend to return to work following maternity leave, payments during the subsequent 12 weeks, as per paragraph 5.7, shall revert to SMP.~~

5.9 If an employee is entitled to both statutory and enhanced pay, they will receive the better of these entitlements.

5.9.1 90% of an employee's contractual weekly earnings offset against payments made by way of SMP for the first six weeks or 90% of SMP, whichever is higher

5.9.2 Lower rate SMP or 90% of the employee's average weekly earnings (whichever is lower), plus 50% of the contractual weekly earnings for the next 12 weeks¹

6.7.3 The employee will then receive lower rate SMP or 90% of average weekly earnings (whichever is lower) for the next 21 weeks

5.10 If an employee qualifies for SMP, they are entitled to receive payments regardless of whether they intend to return to work after the end of their maternity leave.

5.11 If an employee qualifies for OMP, payments will be received on the understanding the employee returns to work for a period of at least three months on a full or part-time basis. If the employee informs their line manager they intend to return to work and then change their mind or return for less than three months, the 12 weeks of half pay will be recovered.

5.12 It is the employee's choice when they would like to receive 12 weeks of 50% pay. It can be received either while on adoption leave or it can be held until the employee returns to work and has completed the three months' service.

6. Right to Return to Work

~~The right to return to work (subject to (b)) is to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job" for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.~~

~~Where it is not practicable by reason of redundancy for the authority to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and~~

¹ This is provided the employee returns to work for at least three months on a full or part-time basis following maternity leave. Half pay and SMP must not exceed the employee's normal full pay. If it does, the maximum paid will be equivalent to full pay.

~~conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.~~

~~Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence. The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.~~

~~7. Exercise of the Right to Return to Work~~

~~*Employees who have less than 1 year's continuous service*~~

~~An employee who qualifies for maternity leave shall notify the authority in writing if requested, at least 7 days before the day on which she proposes to return of the date of her intended return if this is before the end of the 18 weeks maternity leave.~~

~~*Employees who have completed not less than 1 year's continuous service*~~

~~An employee who qualifies for leave under paragraph 11.4(c) shall notify the authority in writing if requested, at least 21 days before the day on which she proposes to return, of the date of her intended return. The authority may postpone her return to work until a date not more than 28 days after the notified date of return. To do this the authority's notification shall be conveyed to the employee before the notified date of return and shall give the reasons for postponing her return until the later date.~~

All employees

~~An employee may postpone her return after the end of the maternity leave period by submitting a doctor's statement, stating that she will be incapable of work, before the notified date of return or if no date of return has been notified the expiry of the maternity leave period. The sickness scheme shall apply to such absence.~~

~~For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the notified day, she may instead return when work resumes, or as soon as reasonably practicable thereafter.~~

~~For an employee where no date of return has been notified and there is an interruption of work (whether due to industrial action or some other reason) which makes it unreasonable to expect her to return to work before the end of the maternity leave period and in consequence she does not notify a date of return, she may exercise her right to return by giving at least 7 days' written notice to the authority that she intends to return at any time before the end of 14 days from the end of the interruption.~~

6. Contact during maternity leave

6.1 An employee can do up to 10 keeping in touch (KIT) days without bringing the leave to an end. The maternity leave period will not be extended by KIT days.

6.2 KIT days cannot be taken during the first two weeks following the birth of the employee's child.

6.3 KIT days are optional and both the employee and line manager must agree to them. Work may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

6.6 Any work an employee does as a KIT day, even as little as an hour for example, will be counted as a whole day for the purposes of subtracting that day from the employee's KIT allowance.

6.5 The employee will be paid for any hours worked. Payment will be in accordance with the employee's contract of employment but any SMP, MA or OMP during this period will be offset against any pay due.

6.6 If an employee does any further work after they have used up their 10 KIT days, they will lose a week's SMP/MA for the week in which they have done that work. If a week contains their 10th KIT day and they do a

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further day's work in the same week, they will lose SMP/MA for that week. However, SMP, MA or OMP during this period will be offset against any pay due.

5.5 An employee who is on maternity leave should be kept informed by their line manager of any significant workplace developments and reasonable contact should be made to discuss issues of return to work. This type of contact isn't considered work and doesn't count towards the 10 KIT days.

6. Returning to Work

6.1 Once their maternity leave has ended, the employee's right to return to the same job depends on how much leave they have taken:

6.1.1 up to 26 weeks' maternity leave – the right to return to the same job

6.1.2 more than 26 weeks' maternity leave – the right to return to the same job unless the council has a genuine reason to offer them an alternative or it is not reasonably practicable to take her back in that original job. The alternative must be suitable, appropriate and on similar terms and conditions that are as favourable

6.2 The return to work date should have already been agreed when the employee gave notice of her maternity leave (see paragraph 2.3). However, if an employee wishes to return to work early, before the end of the full maternity leave period, she must give eight weeks' notice of her return date. The council can agree to accept reduced notice if it chooses.

6.3 If the employee does not intend to return to work at the end of maternity leave, she should give the period of notice required by her employment contract.

6.4 An employee who is made redundant while on maternity leave is entitled to:

6.4.1 be offered a suitable available vacancy with the council; and

6.4.2 the vacancy must be suitable and appropriate for the employee to do in the circumstances; and

6.4.3 the terms and conditions must not be substantially less favourable

6.5 There would be no need for an employee on maternity leave to compete for a suitable alternative post as the council must offer such a vacancy to her.

6.6 ~~The council may feel there is no suitable or appropriate vacancy and ideally the employee should be consulted about this. The council should maintain a paper trail to prove it has considered whether a new role is suitable or appropriate for the employee on leave.~~

~~8.~~ **7. Relationship with Sickness and Annual Leave**

7.1 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

7.2 Paid maternity leave and authorised unpaid maternity leave of up to and including 22 weeks duration shall be regarded as continuous service for the purposes of the National Council's sickness scheme and annual leave.

~~(b)~~ 7.3 ~~Employees will continue to accrue their usual holiday entitlement during maternity leave.~~

~~9.~~ **8. Definitions**

~~(a)~~ *A Week's Pay*

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the ~~authority~~ council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

~~(b)~~(a) *Childbirth*

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks. If an employee gives birth to a stillborn baby after 24 weeks of pregnancy or their baby is born alive after that date but later dies, the remain entitled to the benefits of maternity leave and pay.

Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

Maternity Support Leave / Paternity Leave

~~Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.~~

Maternity/Adoption/Paternity Support Leave

1. Introduction

1.1 Maternity or adoption support leave is also known as paternity leave and is the one or two weeks leave (depending on eligibility) that is available to an employee who is supporting the mother/main adopter when the child arrives. An employee may be taking this leave because they are the baby's father or the partner of the mother or main adopter. However, an employee may be eligible to take leave to support the mother/main adopter if they are not the father or partner and the mother has asked them to provide this support instead.

2. Entitlement to Maternity/Adoption/Paternity Support Leave

2.1 Employees are entitled to take either one or two week's paid paternity leave depending on their length of continuous service.

2.2 Employees who are taking time off work to look after the child and are the father or the spouse/partner of the mother/main adopted are able to take one week's paid maternity/adoption/paternity support leave, regardless of length of service.

2.3 Employees are entitled to take a further week's paid leave if they have 26 weeks' continuous service with the council either by the end of the 15th week before the EWC or the week the adopter is matched with the child. A week is the same amount of days the employee normally works in a week.

2.4 If the employee is not the father or partner but has been nominated by the mother/adopter to help with the care of the child and to provide primary support to them at or around the time of the birth/placement, they are entitled to five days paid maternity/adoption support leave, regardless of length of service.

2.5 The mother/main adopter will need to provide written confirmation to the council that they have nominated the employee as their primary support and include a copy of their Mat B1 form.

3. Maternity/Adoption/Paternity Support Leave Notification Requirements

3.1 In the case of childbirth, the employee must inform the council in writing before the end of the 15th week of the EWC of the expected date of childbirth, the length of leave they wish to take (one or two weeks), and the date on which they wish their leave to begin, e.g. the day of the birth. The employee must give 28 days' notice if they want to change their start date.

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3.2 In the case of adoption, no more than seven days after the adopter has been notified of their match with a child, the employee must notify their manager in writing of the date the adopter was notified of being matched, the date the child is expected to be placed, the length of leave they wish to take (one or two weeks), and the date on which they wish their leave to begin. The employee must give 28 days' notice if they want to change their start date.

3.3 In either case, the employee should also confirm there are the father of the child, or the partner of the child's mother or adopter, or they have been nominated by the mother/adopter, and they are taking leave to care for the child and/or to support the child's mother/adopter.

3.4 When the child is born/placed, the employee must notify the council in writing of the date of birth or placement.

3.5 Leave can only be taken once the child is born or placed.

3.6 Whether the employee is taking one or two weeks' leave, they must take the entire period in one single block but it can start on any day of the week. All leave must be taken by the 56th day after the date of birth/placement.

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4. Pay during Maternity/Adoption/Paternity Support Leave

4.1 If an employee is the father/partner, they will receive full contractual pay during their paternity support leave. This will consist of any Statutory Paternity Pay (SPP) they are entitled to, which is then topped up an amount equivalent to their normal pay. Fathers/partners must complete the SC3 form on the gov.uk website and employees who are adopting must complete the SC4 form on the gov.uk website.

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4.2 If an employee is not the father but is the nominated support, they will receive full contractual pay during their maternity/adoption support leave.

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5. Returning to work following Maternity/Adoption/Paternity Support leave

5.1 The employee doesn't need to do anything if they are returning on the expected date. If they cannot return on their expected date, they must contact their manager.

Shared Parental Leave

1. Introduction

1.1 Shared parental leave enables both parents/partners to take leave to look after their child in the first year following birth or adoption, providing they both meet the eligibility criteria (see section 3). This means both will be able to share leave and pay, even if they are in different work places.

2. Providing notice for shared parental leave

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2.1 The mother/main adopter must give at least eight weeks' notice to the council to end their maternity or adoption leave and pay before there is any entitlement to shared parental leave and pay. The employee must give the notice in writing to their line manager and it must include confirmation they are giving binding notice to end their entitlement to maternity/adoption leave and pay at a specified date. By giving binding notice the employee is giving notice that normally cannot be changed.

2.2 An employee who wishes to take shared parental leave must provide their line manager with written notice that confirms their entitlement to shared parental leave and pay. The notice must be given at least eight weeks before the shared parental leave is due to begin.

2.3 Employees are entitled to provide up to three separate written notices to take shared parental leave. Each request may be in relation to a continuous or a discontinuous period of leave but each request requires eight weeks' notice. The written notices should be signed by both partners.

2.4 Employees can change their minds about the date they wanted to start shared parental leave and pay but they must give their line manager at least eight weeks' written notice before both the date they were meant to start their leave and the new date they have chosen.

2.5 An employee's written notice to change their mind is likely to count as one of their three written notices. A written notice can be withdrawn and discounted from the three if the employee withdraws the request or the line manager does not agree to the request for discontinuous leave, or the child was born earlier or later than the EWC.

3. Eligibility for shared parental leave

3.1 The mother/main adopter must end their entitlement to maternity or adoption leave for there to be an entitlement to shared parental leave and there must also be leave remaining.

3.2 An employee must have a partner to be eligible for shared parental leave and they can only share leave with one other person who has responsibility for the child. The other person can work for a different employer but they must be the employee's husband, wife, civil partner or joint adopter; or the child's other parent (even if the parents are no longer a couple; or the employee's partner (if they live with the employee and the child).

3.3 The employee or their partner must be eligible for maternity pay or leave or maternity allowance or adoption pay or leave.

3.4 The employee must have been employed continuously by the council for at least 26 weeks by the end of the 15th week before the due date or by the date they are matched with their adopted child.

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3.5 The employee's partner must also meet the employment and earnings test. This means that during the 66 weeks before the baby is due/child is placed, the partner must have been working for at least 26 weeks (employed, self-employed or agency worker) and have met the earnings criteria as per the gov.uk website.

3.6 Providing the criteria is met, the employee and their partner will be entitled to share the remaining amount of 52 weeks' leave after any maternity or adoption leave has been taken².

4. When can shared parental leave be taken?

4.1 An employee or their partner can only take shared parental leave once the child has been born or adopted.

4.2 Shared parental leave must be taken within their first year, i.e. any time from the date the child is born/placed until 52 weeks after that date.

4.3 Leave must be taken in complete weeks.

4.4 It is for the employee and their partner to choose how to share their leave. They may decide to take leave at the same time or at different

²The mother must take at least two weeks' maternity leave following the birth of the baby and the main adopter can end adoption leave after two weeks. This means 50 weeks' shared parental leave is available in total.

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times. An employee can take their entire share in one continuous period or take shorter periods and return to work in between.

4.5 A request for a continuous period of leave will not be refused by an employee's line manager as they are entitled to take any continuous period of leave during the dates requested. However, the line manager may wish to discuss and suggest alternative dates.

4.6 A request for a discontinuous period of leave will be considered by an employee's line manager. If the request is refused, the total amount of leave requested will become a continuous block, unless the employee withdraws their request within 15 days.

4.7 Employees are encouraged to have early discussions with their line manager when they are planning their shared parental leave; this gives employees plenty of time to consider their options and the council can also make arrangements for cover.

5. Shared Parental Leave in Touch (SPLIT) days

5.1 An employee can work up to 20 days during their shared parental leave without bringing leave to an end; these are called shared parental leave in touch (SPLIT) days and are in addition to the 10 Keeping in Touch (KIT) days already available to those on maternity or adoption leave.

5.2 SPLIT days are optional and both the employee and line manager must agree to them. Work may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

5.3 Any work an employee does as a SPLIT day, even as little as an hour for example, will be counted as a whole day for the purposes of subtracting that day from the employee's SPLIT allowance.

5.4 The employee will be paid for any hours worked. This will include the rate of statutory shared parental pay and will be topped up to the applicable rate of pay in accordance with the employee's contract.

5.5 An employee who is on shared parental leave should be kept informed by their line manager of any significant workplace developments and reasonable contact should be made to discuss issues of return to work. This type of contact isn't considered work and doesn't count towards the 20 SPLIT days.

6. Shared Parental Pay

6.1 If an employee is entitled to shared parental leave, they may also be entitled to statutory shared parental pay ShPP. If both the employee and their partner qualify, they must decide who will receive it or how it will be divided and inform the council of their entitlement, as per the notice requirements in section 2.

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6.2 ShPP will start when the relevant period of shared parental leave starts.

6.3 ShPP is available for up to 37 weeks of shared parental leave and is paid at the current statutory rate, which can be found at gov.uk, or 90% of the employee's average weekly earnings, whichever is lower.

6.4 Any remaining entitlement to shared parental leave, beyond those where ShPP is available, is unpaid.

7. Returning to work after shared parental leave

7.1 An employee has the right to return to work after shared parental leave if they wish. If the employee is not able to return to their job because of redundancy, they are entitled to be offered a suitable alternative vacancy where one exists.

7.2 If an employee is returning on the date agreed, they do not need to do anything. If they want to change the dates, they need to provide the appropriate notice as per section 14.

7.3 If an employee has booked shared parental leave but is no longer responsible for caring for the child, they are no longer entitled to shared parental leave or pay and they must inform their line manager of their change in circumstances.

8. Shared parental leave – contract and pension

8.1 While an employee is on shared parental leave, their employment service is regarded as continuous so they would continue to build up their entitlement to annual leave and sick pay entitlements.

8.2 If an employee is a member of the Local Government Pension Scheme, the amount of pension they build up will not be affected by any period of shared parental leave; the pension is still worked out using an average of the employee's usual pensionable pay.

Adoption Leave

1. Introduction

- 1.1 If an employee has a partner and is adopting as a couple, regardless of whether the employee's partner is the same of opposite sex, they must decide which one of them will take adoption leave. If an employee's partner is taking adoption leave, they may be entitled to maternity/adoption support leave and pay.
- 1.2 There is an entitlement to only one period of adoption leave, regardless of the number of children³ being placed.
- 1.3 If an employee is entitled to adoption leave, they may also have the option of converting some of the leave and statutory adoption pay into shared parental leave and pay.

2. Adoption notification requirements

2.1 There are different notification requirements for UK and overseas adoption:

2.1.1 UK adoptions

Within seven days of being matched with a child, the employee must tell their line manager when they are planning to start their leave and when they plan to return, and the date the child will be placed with them.

2.1.2 Overseas adoptions

The employee must tell their line manager the date of their 'official notification', the date the child is expected to enter the UK, give 28 days' notice of when they are planning to start their leave and when they will return, and within 28 days of the child entering the UK, provide evidence of the date the child entered into the UK.

2.2 If the date of placement of UK date of arrival for overseas adoptions changes, the employee must give their line manager at least 28 days' notice to change the start date of their adoption leave.

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³ A child is up to 18 years of age

2.3 An employee can change their mind about the date they want to return to work following adoption leave but should give at least eight weeks' notice before their intended new return to work date.

2.4 Employees should confirm with their line manager the date the child was placed with them.

3. Eligibility and entitlement

3.1 Adoption leave is available to employees who are adopting a child under 18 years of age and who will be the child's primary carer and who have given the correct notice, as per section 2.

3.2 Employees who are the intended parents in a surrogacy or 'foster to adopt' arrangement are also entitled to adoption leave.

3.3 If an employee has been approved to become an adoptive parent by a UK local authority or adoption agency and are newly matched with a child, they are entitled to adoption leave, including in circumstances where the child is a family member. However, if a child is already known to the employee and is not newly matched for adoption, i.e. the private adoption of a close relative, they are not entitled to adoption leave.

3.4 An employee who becomes a special guardian is not entitled to adoption leave.

3.5 Employees are entitled to 26 weeks' ordinary adoption leave, followed by 26 weeks' additional adoption leave, regardless of the number of hours they work per week. They do not have to take the whole 52 weeks but all the leave must be taken in one continuous period.

3.6 If the child reaches age 18 while the employee is taking adoption leave, both adoption leave and pay will cease at the end of the week in which the child reaches this birthday.

4. When can adoption leave be taken?

4.1 An employee can start their adoption leave up to 14 day before the date of placement. If an employee is adopting from overseas, they can start the leave when the child arrives in the UK or within 28 days of this date. Adoption leave cannot be used to cover travelling to arrange the adoption or to visit the child.

4.2 If an employee is fostering to adopt, they can take adoption leave from when the child goes to live with them. If an employee has used a

surrogate, adoption leave can start the day the child is born or the day after.

5. Contact during adoption leave

5.1 An employee can do up to 10 keeping in touch (KIT) days during their adoption leave without bringing the leave to an end. The adoption leave period will not be extended by KIT days.

5.2 KIT days are optional and both the employee and line manager must agree to them. Work may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

5.3 Any work an employee does as a KIT day, even as little as an hour for example, will be counted as a whole day for the purposes of subtracting that day from the employee's KIT allowance.

5.4 The employee will be paid for any hours worked. Payment will be in accordance with the employee's contract of employment and they will not lose any statutory adoption pay (SAP).

5.5 If an employee does any further work after they have used up their 10 KIT days, they will lose a week's SAP for their week in which they have done that work. If a week contains the employee's 10th KIT day and they do further days' work in the same week, they will lose SAP for that week. However, statutory/contractual adoption pay during this period will be offset against any pay due.

5.5 An employee who is on adoption leave should be kept informed by their line manager of any significant workplace developments and reasonable contact should be made to discuss issues of return to work. This type of contact isn't considered work and doesn't count towards the 20 KIT days.

6. Adoption pay

6.1 An employee's adoption pay starts when their adoption leave starts and is payable for the first 39 weeks of adoption leave. The remaining 13 weeks is unpaid.

6.2 An employee is entitled to 39 weeks' SAP if they have at least 26 weeks' continuous service with the council by the matching week and earn on average at least as much as the lower earnings limit for National Insurance contributions which applies by the end of their qualifying week.

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6.3 The 39 weeks' SAP is 90% of the employee's average weekly earnings⁴ (before statutory deductions) for the first six weeks, and the lower rate SAP or 90% of the employee's average weekly earnings (whichever is lower) for the next 33 weeks. The remainder of the leave will be unpaid.

6.4 Occupational adoption pay (OAP) is provided by the council as a benefit to its employees. An employee may be entitled to OAP even if they are not entitled to SAP.

6.5 An employee is entitled to 18 weeks' OAP if they have at least one year's continuous local government service at the matching week.

6.6 OAP is made up of 90% of the employee's contractual weekly earnings for the first six weeks and 50% of their contractual weekly earnings for the next 12 weeks, provided they return to work for at least three months on a full or part-time basis following adoption leave.

6.7 If an employee is entitled to both statutory and occupational adoption pay, they will receive the better of these entitlements:

6.7.1 90% of an employee's contractual weekly earnings offset against payments made by way of SAP for the first six weeks or 90% of SAP, whichever is higher

6.7.2 Lower rate SAP or 90% of the employee's average weekly earnings (whichever is lower), plus 50% of the contractual weekly earnings for the next 12 weeks⁵

6.7.3 The employee will then receive lower rate SAP or 90% of average weekly earnings (whichever is lower) for the next 21 weeks

7. Entitlement to SAP/OAP if an employee leaves employment

7.1 If an employee leaves their job voluntarily for a reason not connected with the adoption after the matching week, they will continue to be eligible for SAP. If they leave their job voluntarily before the matching week, they will not be eligible for SAP.

7.2 If an employee who has been paid OAP for 12 weeks at 50% of their contractual weekly pay informs their line manager they intend to return to work but changes their mind or returns for less than three months, the 12 weeks of half pay will be recovered.

⁴ The average weekly earnings are the average of payments made over the eight weeks prior to the end of the qualifying week.

⁵ This is provided the employee returns to work for at least three months on a full or part-time basis following adoption leave. Half pay and SAP must not exceed the employee's normal full pay. If it does, the maximum paid will be equivalent to full pay.

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7.3 It is the employee's choice when they would like to receive 12 weeks of 50% pay. It can be received either while on adoption leave or it can be held until the employee returns to work and has completed the three months' service.

8. Returning to work after adoption leave

8.1 An employee has the right to return to work after adoption leave if they wish. If the employee is not able to return to their job because of redundancy, they are entitled to be offered a suitable alternative vacancy where one exists.

8.2 If an employee is returning on the date agreed, they do not need to do anything. If they want to change the dates, they need to provide the appropriate notice as per section 2.

8.3 If an employee has booked adoption leave and will no longer be responsible for caring for the child because the placement has been disrupted, they must return to work within eight weeks of the disruption and give 28 days' notice of their return.

8.4 If an employee has started their adoption leave and is then notified the child will not be placed, or after the child is placed they die or are returned to the adoption agency, the employee will not be entitled to the full adoption period. Adoption leave will end eight weeks after the end of the week in which the adoption ceased and entitlement to SAP also ends at the eight-week point.

9. Adoption leave – contract and pension

9.1 While an employee is on adoption leave, their employment service is regarded as continuous so they would continue to build up their entitlement to annual leave and sick pay entitlements.

8.2 If an employee is a member of the Local Government Pension Scheme, the amount of pension they build up will not be affected by any period of adoption leave; the pension is still worked out using an average of the employee's usual pensionable pay.

Parental Leave

1. Introduction

1.1 Parental leave is a right for parents to take unpaid time off work to look after a child or make arrangements for the child's welfare, including settling a child into new childcare arrangements.

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2. Entitlement and eligibility

2.1 Parental leave is available to employees who have, or expect to have, parental responsibilities for a child and who have at least one year's continuous service with the council.

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2.2 Parents are entitled to take 18 weeks unpaid parental leave up to the child's 18th birthday. Leave must be taken in blocks of multiples of one week (the employee's normal working week), unless the child is disabled. Unless agreed otherwise, employees can take a maximum of four weeks parental leave per year.

2.3 The right to parental leave is in addition to any other type of leave that the employee may be entitled to.

2.4 Employees who are not eligible for parental leave or who do not wish to use their entitlement may still request unpaid leave.

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2.5 All leave applies equally to any employee who has responsibility for a child, whether or not they have a partner and whether or not that partner is the same or opposite sex and regardless of their gender identity.

3. Notice

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3.1 Parental leave is planned in advance and employees are required to give 21 days' notice of the intention to take leave, except where it is to be taken immediately after the child is born or the adoption placement.

3.2 Where operationally possible, requests for unpaid parental leave should be approved.

3.3 Where this causes difficulty operationally, managers can negotiate a postponement with the employee for up to six months (except if the request is for time off immediately after the birth of the child or adoption placement). The manager does not have the option to suggest an alternative length of leave. Where a manager wishes to postpone a request for operational reasons, they must write explaining why within seven days of the request.

Parental Bereavement Leave

1. Introduction

1.1 In addition to normal paid compassionate leave, biological, adoptive or surrogate parents who have suffered the loss of a child under the age of 18 will be entitled to take 10 working days or 2 working weeks statutory Parental Bereavement Leave. This includes parents who suffer a stillbirth after 24 weeks of pregnancy.

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2. When can parental bereavement leave be taken?

2.1 The two weeks leave can be taken either in one block of two weeks, or as two separate blocks of one week each. It must be taken within 56 weeks of the date of the child's death. This is to allow for time to be taken off for difficult events such as birthdays or anniversaries. If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

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3. Pay during parental bereavement leave

3.1 The amount of pay received during Statutory Parental Bereavement leave is dependant on the length of continuous service. Parents who have been employed with the council for a continuous period of at least 26 weeks prior to the loss of a child, and have received pay above the lower earnings limit for the previous eight weeks, are entitled to two weeks statutory paid leave (the statutory rate that applies similarly to maternity, paternity, adoption and shared parental pay or 90% of average weekly earnings, where this is lower).

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3.2 Those who have not been employed for a continuous period of at least 26 weeks, or do not meet the lower earnings limit, are entitled to two weeks unpaid leave.

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