



Maternity, Paternity and Adoption Leave Procedures

Policies and Procedures Control Page

Document Control

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Linked Documents

Title
Leave Procedure
Flexible Working Procedure

Contents

Section	Page
Maternity Leave	4-8
Paternity Leave	9-13
Adoption Leave	14-18
Maternity pay and leave entitlement, Appendix A	19
Notification of maternity leave form, Appendix B	20
Notification of adoption leave form, Appendix C	

1.0 Maternity Procedure

1.2 Introduction

This procedure sets out the statutory rights and responsibilities of employees who are pregnant and gives details of the arrangements for antenatal care, pregnancy related illness and maternity leave and pay.

This procedure applies to all employees with an expected week of childbirth beginning on or after 3 April 2011.

The following definitions are used in this procedure:

Expected week of childbirth (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

Qualifying week means the 15th week before the expected week of childbirth.

1.3 Entitlement

Employees are entitled to up to 52 weeks maternity leave regardless of length of service. Maternity leave will be divided into 26 weeks ordinary maternity leave (OML) and up to 26 weeks additional maternity leave (AML).

To qualify for Statutory Maternity Pay (SMP) employees must have 26 weeks continuous service by the 15th week before their baby is due. SMP will be paid during employees 26 weeks OML and for up to 13 weeks of their AML.

To qualify for occupational maternity pay employees must have at least 1 year continuous service by the beginning of the 15th week before the expected week of childbirth (EWC) and should intend to return to work.

Further information relating to maternity pay and leave entitlements can be found in Appendix A.

1.4 Maternity Procedure

Employees should inform their line manager and Human Resources of their pregnancy as soon as possible to enable a risk assessment to be conducted and to ensure that any duties undertaken are suitable. A maternity leave notification form should be completed at this stage – Appendix B.

Further on during the pregnancy, the maternity leave application form should be completed (Appendix C) no later than the end of the 15th week before the EWC or as soon as is reasonably practicable. When returning the form the employee should attach a formal certificate from a doctor or midwife stating the expected week of childbirth (MATB1).

If a change to the start date of maternity leave is required, the employee should give 28 days notice, where reasonably practical.

If an employee continues to work after the 11th week before her baby is due she can choose when she wants her SMP to start. This means that SMP will start from the first day of an employee's maternity leave.

1.5 Risk Assessments

As soon as the employee informs the Council in writing of the pregnancy, Human Resources will inform the Safety and Premises Manager who will complete a personal health and safety assessment to identify risks to the pregnant employee. The assessment will be done in conjunction with the employee and their line manager. The duty to carry out a risk assessment also applies to employees who are breastfeeding or who gave birth less than 6 months ago.

1.6 Maternity Leave Period

The earliest date from when the employee can start their maternity leave is the beginning of the 11th week before the EWC. If the child is born before the 11th week, the maternity leave period will be effective from the date of birth of the child.

1.7 Sickness

If the employee is ill during pregnancy normal sickness absence rules apply. However, if the illness is pregnancy related it must be recorded as such, and it will not count towards an employee's sickness record. If employees are off work with a pregnancy related absence in the four weeks before the baby is due their maternity leave will automatically commence from the first day of absence.

1.8 Time Off for Ante Natal Care

Employees have the right to reasonable time off to attend ante natal appointments, which includes the time spent travelling to an appointment and waiting. However line managers have the discretion to ask for written proof of appointments and a certificate or note from a doctor or midwife, confirming the pregnancy. Time off will be on full pay and employees will not be expected to use annual leave or flexitime. An ante natal appointment is any appointment made on the advice of a doctor, midwife or health visitor. This includes parent craft and relaxation classes.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

1.9 Miscarriage, Still-Birth and Death of a Baby

If, unfortunately, the baby dies or is born dead before the end of the 24th week of pregnancy, (miscarriage), the employee will not be entitled to their maternity rights. Sympathetic consideration to the circumstances will be given and where necessary special leave granted or sick leave, as appropriate on the basis of the individual circumstances. The decision will be based on the needs of the employee and medical opinion.

If the baby is born dead after the 24th week of pregnancy, (stillbirth), the employee is entitled to all the maternity rights they would have had had their baby been born alive.

If a baby is born alive but later dies, the employee will be entitled to all maternity rights.

In cases of stillbirth or death of a baby, if the employee is already on maternity leave she does not need to take any action. However, if the birth happens before the employee's intended maternity leave commencement date or before the 25th week of pregnancy, (in the case where the baby is born and then later dies), she will need to inform her line manager of the date of the birth. Maternity Leave will commence the day after the day of the birth.

1.10 Contact During Maternity Leave

The Council is entitled to make reasonable contact with the employee during the maternity leave period. This is important as the employee may feel anxious about returning following a long period of absence. It is good practice to keep the employee informed and involved in what is happening in the work place.

Employees are also entitled to make reasonable contact with their line manager.

1.11 Keeping in Touch (KIT) Days

The employee may request to work for up to 10 days without bringing their maternity leave to an end and without losing their SMP. This is to enable the employee to keep in touch during their maternity leave if they wish.

The employee can work during ordinary or additional maternity leave but they cannot work during the two weeks of compulsory maternity leave immediately after the birth.

Keeping in touch days do not need to be consecutive. They can be used for any work related activity including training, conferences or meetings. Any work completed during maternity leave must be by agreement and neither the employee nor their line manager can insist on it. If it is agreed that an employee will work KIT days they are entitled to be paid for this work without loss of a week's SMP. Once the 10 KIT days have been used up, the employee will lose a week's SMP for any week in which they do any work. If a week contains, for example, the last of the KIT days and another day of work, the employee will lose that week's SMP.

1.12 Pregnant Again Whilst on Maternity Leave

If the employee is on maternity leave this does not change their rights to further periods of maternity leave and pay. Continuous service will still apply and therefore the employee will qualify for maternity leave and pay for the next baby. However, the employee may not have earned enough in the relevant calculation period to qualify for SMP. If an employee does not qualify for SMP she may be able to claim maternity allowance (MA). Employees can claim MA from their local Jobcentre Plus on form MA1.

1.13 Return to Work

It is a statutory requirement that the employee does not return to work for a minimum of 2 weeks from the date of birth of their baby.

If an employee intends to return to work at the end of her full maternity leave period entitlement she is not required to give notice of her return. However, it would assist the Council if this was confirmed for the avoidance of doubt.

If the employee wants to extend her maternity leave, return earlier than a date previously specified or is planning not to return, she is required to give 8 weeks written notice of this intention.

If an employee wishes to discuss any proposal to change her working arrangements on her return to work, she should contact her line manager at the earliest opportunity and not less than 8 weeks before she returns to work.

Employees who return to work after ordinary maternity leave are entitled to the same job on terms and conditions no less favourable than if they had not been absent, unless a redundancy situation has arisen.

Employees who return to work after additional maternity leave are entitled to return to the same job or if this is not reasonable and practicable, to a similar job on terms and conditions no less favourable than their original job.

If a fixed term contract expires during the maternity leave period, then this will automatically end the right to return to work.

1.14 Transfer of maternity leave

If an employee proposes to return to work early without using her full 52 week entitlement to maternity leave, and by giving proper notification of an early return, she may be eligible to transfer up to 26 weeks of her outstanding maternity leave (and outstanding SMP) to her spouse, civil partner or partner, or the father of her child, to be taken as additional paternity leave and additional paternity pay on her return to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the employee's child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks of her maternity leave that remains unexpired.

Further details may be found in the section on Paternity Leave.

1.15 Repayment of Occupational Pay

If an employee does not return to work after the specified period, or returns to work but does not subsequently continue in the employment of the Council for a period of at least 3 months, the Council will have the right to reclaim from her any occupational maternity pay that she has received in excess of her statutory maternity pay.

1.16 Annual Leave and Bank Holidays

The employee will accrue paid annual leave throughout their maternity leave, which may be taken before or after the birth, depending on their intention to return to work. Staff that accrue paid annual leave during maternity can: -

a) carry forward up to 5 days annual leave to the next leave year following consultation and agreement with their Head of Service;

b) have outstanding balances of annual leave paid off at the end of the leave year, following consultation and agreement with their Head of Service. This is only in very exceptional circumstances.

Employees will also accrue a day's compensatory leave for any Bank Holidays, which fall in the first 26 weeks of their maternity leave.

1.17 Local Government Pension Scheme

An employee who is a member of the Local Government Pension Scheme (LGPS) during any period of paid maternity absence, including any period when only statutory maternity pay is in payment, must continue to pay the pension contributions. The contributions are payable on the actual pay the employee is entitled to receive. The Council will also continue to pay the employers contributions. Although the contributions are paid on the actual pay received, benefits accrue as if you were working normally.

Where an employee takes an unpaid period of maternity leave she will have the option to make up her pension contributions to avoid a break in service.

2.0 Paternity Procedure

2.1 Introduction

This procedure sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

The Council recognises that more and more employees want to be involved in supporting their partner around the time of their child's birth, or in the case of adoption, the child's placement. Paternity leave gives employees the opportunity to both spend time with their partner and get to know their new child.

2.2 Ordinary Paternity Leave

An employee whose wife, civil partner or partner gives birth to a child is entitled to two weeks' paid paternity leave provided that they have 26 weeks continuous service by the week that falls 15 weeks before the week in which the child is expected.

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

2.3 Entitlement

Eligible employees will be entitled to a maximum of two weeks (10 working days) full paid leave. Leave must be taken in one block; it cannot be taken as individual days. Only one block of leave is available to employees irrespective of whether more than one child is born or adopted.

In childbirth situations, leave can be taken from the date of the baby's birth or from a chosen number of days or weeks after the date of the child's birth; or from a chosen date later than the first day of the week in which the baby is expected to be born.

Labour can be unpredictable and therefore a false start to labour does not trigger paternity leave.

Paternity leave must be taken and used within 56 days of the actual date of birth of the baby. However, if the baby is born prematurely, the period in which leave can be taken is extended to end 56 days after the expected week of childbirth. If a baby is stillborn after 24 weeks of pregnancy, the employee is entitled to paternity leave. This is also the case when the baby is born alive at any stage in pregnancy but then dies.

Adoptive parents can choose to start their leave entitlement from the date of the child's placement; or from a chosen number of days or weeks after the date of the child's placement; or from a chosen date.

Leave can start on any day of the week on or following the child's placement but must be completed within 56 days of the child's placement.

2.4 Applying for Paternity Leave and Pay

Where an employee wishes to request ordinary paternity leave they must give their line manager 15 weeks' written notice of the date on which their baby is due. Employees must also state the length of ordinary paternity leave they wish to take and the date on which they wish the leave to commence, relevant to the birth date.

In the case of an adopted child, an employee should inform their line manager no more than seven weeks after the matching certificate is issued, unless it is not reasonable practicable to do so. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start ordinary paternity leave, the length of the intended ordinary paternity leave and the date on which the adopter was notified of having matched the child.

Employees can change their mind about the date on which they want their leave to start by providing 28 days notice.

To comply with the notification requirements for Statutory Paternity leave (SPL) and Statutory Paternity Pay (SPP) employees entitled to SPL for a newborn child should complete form SC3 which is available in Appendix C. Completed forms should be submitted to Customer Access.

An employee entitled to SPL for a newly adopted child should complete form SC4. Copies of these forms are found in Appendix D. Completed forms should be submitted to Customer Access.

An employee who wishes to take ordinary paternity leave in relation to a child adopted from overseas should complete form SC5 in Appendix E.

2.5 Terms and Conditions during a Period of Ordinary Paternity Leave

On return to work the employee has the right to return to the same job on the same terms and conditions that existed prior to paternity leave.

Annual leave will be accrued during periods of paternity leave.

3. **Additional paternity leave**

The right to additional paternity leave is available to parents of children due on or after 3 April 2011, or adoptive parents who are notified of having been matched with the child on or after 3 April 2011. The provisions enable eligible employees to take up to 26 weeks' additional paternity leave within the first year of their child's life or the first year after the child's placement for adoption, provided always that the mother or the primary adopter has returned to work before using his or her full entitlement to maternity leave or adoption leave (as appropriate). A

mother and father or two adoptive parents cannot take maternity/adoption leave and additional paternity leave at the same time.

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to maternity leave.

Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work before using their full entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

Additional paternity leave will generally commence on the employee's chosen start date specified in their leave notice, or in any subsequent variation notice.

During the period of additional paternity leave, the employee's contract of employment continues in force and they are entitled to receive all of their contractual benefits, except for salary. In particular, any benefits in kind (such as mobile phone, lease car or car allowance) will continue and contractual annual leave entitlement will continue to accrue.

Salary will be replaced by statutory paternity pay for some of the additional paternity leave period if the employee is eligible to receive it. The remaining period of additional paternity leave is unpaid.

Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on additional paternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take their outstanding entitlement before starting their additional paternity leave.

3.1 Eligibility for Additional Paternity Leave

In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- They must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of, the primary adopter, and, in the case

of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, they must have been matched with the child for adoption. In both cases, they must be taking the leave to care for the child.

- They must have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which they were notified of having been matched with the child.
- They must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work and forfeited a portion of their maternity or adoption leave.

3.2 Notification of Additional Paternity Leave

Where an employee wishes to request additional paternity leave and pay, they must give their line manager eight weeks' written notice of the date on which they wish to take the leave and, if applicable, additional statutory paternity pay to commence. To make an application for additional paternity leave employees must complete the relevant form SC7 in Appendix F. To make an application for additional paternity leave where the child is adopted employees must complete for SC8 in Appendix G. If an employee has adopted a child from overseas they must complete the relevant form SC9 in Appendix H.

The employee is permitted to bring forward their additional paternity leave start date, provided that they advise their line manager in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their additional paternity leave start date, or cancel their additional paternity leave altogether, provided that they advise their line manager in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Any statutory paternity pay due during the additional paternity leave will be paid at the current standard rate. Statutory paternity pay is payable whether or not an employee intends to return to work after a period of additional paternity leave.

3.3 Contact During Additional Paternity Leave

Shortly before an employee's additional paternity leave starts, the Line Manager will discuss the arrangements with them to keep in touch during their leave, should they wish to do so. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

3.4 Keeping in Touch Days During Additional Paternity Leave

An employee can agree to work for the Council (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of their additional paternity leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their additional paternity leave. Any work undertaken on keeping-in-touch days, is entirely a matter for agreement between the Council and the employee. Employees will be paid for the actual hours worked on the day at their contracted pay. Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory paternity pay for any week in which they agree to work for the Council. It may also bring the additional paternity leave period to an end.

3.5 Returning to Work After Additional Paternity Leave

The employee will have been formally advised in writing by the Council of the end date of their additional paternity leave. The employee is expected to return on the next working day after this date. If they are unable to attend work at the end of additional paternity leave due to sickness or injury, the council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they must give the Council at least six weeks' notice of their date of early return, preferably in writing. If they fail to do so, the Council may postpone their return to such a date as will give the Council six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after additional paternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period.

3.6 Rights On and After Return to Work

On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

4.0 Adoption Leave Procedure

4.1 Introduction

This procedure sets out the rights and responsibilities of employees who have been notified of a match with a child on or after 3 April 2011 by an adoption agency and the help and support the council will give them. It does not cover other adoptions, for example, where an employee may adopt a stepchild or through a surrogacy arrangement.

4.2 Entitlement

Adoptive leave and pay may allow one member of an adoptive couple to take time off work when their new child starts to live with them. This includes same sex couples. Paternity leave and pay may be available for the other member of the couple, or an adopter's partner.

Adoption and paternity leave are available whether the child is adopted from within the UK or from overseas.

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that they have at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency. Employees may need to supply a copy of their matching certificate.

To qualify for adoption leave and pay an employee who adopts from overseas must have received an official notification. The law defines official notification as a written notification issued by or on behalf of the relevant domestic authority. Adoption leave and pay is not available to employees if they have not been assessed and approved as being a suitable adoptive parent and so have not received an official notification. Employees adopting a child from overseas who is already a relative may qualify if they have followed the due process, have been assessed and approved as being a suitable adoptive parent and have received official notification.

Adoption leave will be divided into 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).

To qualify for Statutory Adoption Pay (SAP) employees must have average weekly earnings at or above the Lower Earnings Limit for National Insurance and will have completed 26 weeks continuous service ending with the week in which they are notified of having being matched with a child. There is no higher 6 week period as there is with statutory maternity pay. It will be payable for 39 weeks to eligible employees. In addition to 39 weeks SAP, 13 weeks unpaid adoption leave may be taken.

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

To qualify for occupational adoption pay employees must have at least 1 year continuous service ending with the week in which they are notified of having being matched with a child and should intend to return to work.

Eligible employees will be entitled to 12 weeks at half pay plus SAP followed by 27 weeks at statutory adoption pay followed by 13 weeks unpaid leave.

If an employee is eligible for SAP but leaves their job for any reason including being dismissed, they are entitled to SAP. However, if they start work for a different employer they cannot receive SAP for any week in which they do work for the new employer.

Employees can choose to begin their leave and pay on the date on which the child is placed with them for adoption or a pre-determined date no earlier than 14 days before the expected date of placement, and no later than the expected date of placement.

4.3 Repayment of Occupational Adoption Pay

If an employee does not return to work after the specified period, or returns to work but does not subsequently continue in the employment of the Council for a period of at least 3 months, the Council will have the right to reclaim from him/her any occupational adoption pay that he/she has received in excess of their statutory adoption pay.

4.4 Adoption Procedure for UK Adoptions

Employees should inform their line manager and Human Resources of their placement within seven days of being told they have been matched with a child. Employees will be required to notify the Council of the following information:

- when the employee expects the child to be placed with him/her.
- When the employee wants the adoption leave to start. This can be either the day of placement or any date up to 14 days before the employee expects the child to arrive, and no later than the expected date of placement.
- state whether the employee wishes to receive adoption pay rather than paternity pay (if employees are adopting jointly and/or have a partner)
- supply documents from the adoption agency which confirm the facts about the adoption, including the expected date of placement, and when the employee was informed of this. A copy of the matching certificate will be required for adoptions in the UK.
- notify their line manager and Human Resources of when they want to receive SAP at least 28 days before the date they want it to begin, or as soon as is reasonably practicable.

To make an adoption leave application employees should complete the form in Appendix C and return to Human Resources.

Human Resources will notify the employee of the end date of any adoption leave within 28 days of receiving the employee's notification.

4.5 Adoption Procedure for Overseas Adoptions

Employees should inform their line manager and Human Resources of:

- The date on which they received official notification; and
- The date the child is expected to enter Great Britain

Where employees have the necessary 26 weeks' qualifying service at the time they receive official notification they are required to give Human Resources this information within 28 days of receiving official notification.

Copies of official notification will be required for overseas adoptions.

Where employees have obtained official notification before they have completed 26 weeks service with the Council they must give Human Resources notice within 28 days of completing 26 weeks employment.

In all cases employees must give Human Resources at least 28 days' notice of the actual date they want their adoption leave and SAP to start.

Employees must inform Human Resources of the child's entry into Great Britain no later than 28 days after the date of entry.

Employees must tell Human Resources and their line manager as soon as is reasonably practicable if it becomes known to them that the child will not be entering Great Britain.

Human Resources will notify the employee of the end date of any adoption leave within 28 days of receiving the employee's notification.

4.6 Time Off for Pre-Placement Meetings

Employees will be granted reasonable paid time off to attend pre-placement appointments (for UK adoptions). However line managers have the discretion to ask for written proof of appointments.

4.7 If the Adoption is Unsuccessful

If an employee has started adoption leave and then the placement is not made, or the child returns to the adoption agency, an employee's entitlement to adoption leave will normally finish 8 weeks later. If an employee is receiving Statutory Adoption Pay, this will also end 8 weeks after the adoption finishes (or at the end of the SAP period if this is earlier).

If an employee starts paternity leave for an adoption, and the placement does not work out, he/she will still be entitled to paternity leave and pay.

If an employee has not started adoption leave or pay when they find out that a child is not going to be placed with them, they cannot take any leave or pay.

4.8 Contact During Adoption leave

The Council is entitled to make reasonable contact with employees during adoption leave periods. This is important as employees may feel anxious about returning following a long period of absence. It is good practice to keep employees informed and involved in what is happening in the work place.

Employees are also entitled to make reasonable contact with their line manager.

The contact between line manager and employee can be made in any way that best suits either or both of them. For example, it could be by letter, telephone, email, home visit or by the employee making a visit to the workplace.

4.9 Keeping in Touch (KIT) Days

Employees may request to work for up to 10 days without bringing their adoption leave to an end and without losing their SAP. This is to enable employees to keep in touch during their adoption leave if they wish. Employees can work during ordinary or additional adoption leave. Keeping in touch days do not need to be consecutive. They can be used for any work related activity including training, conferences or meetings. Any work completed during adoption leave must be by agreement and neither the employee nor their line manager can insist on it. If it is agreed that an employee will work KIT days they are entitled to be paid for this work. This will consist of normal remuneration for that day. Once the keeping-in-touch days have been used up, employees will lose a week's SAP for any week in which they do any work. If a week contains, for example, the last of the keeping-in-touch days and another day of work, the employee will lose that week's SAP.

4.10 Return to Work

All adopters have a right to return to work after ordinary adoption leave in the same job. If the employee returns to work after a period of additional adoption leave, they are entitled to return either to the same job or on terms and conditions not less favourable.

If a fixed term contract expires during the adoption leave period, then this will automatically end the right to return to work.

If an employee wishes to change their date of return from adoption leave they must provide 8 weeks notice of their intention.

If the employee decides not to return to work at the end of adoption leave they should submit their resignation to their line manager giving the required notice period. Employees should also send Human Resources a copy of their resignation letter.

4.11 Transfer of adoption leave

If an employee proposes to return to work by giving proper notification of an early return they may be eligible to transfer some adoption leave and outstanding statutory adoption pay to their spouse, civil partner or partner, to be taken as additional leave and additional statutory paternity pay once they have returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the adopted child's placement. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 16 weeks.

4.12 Annual Leave and Bank Holidays

Employees will accrue paid annual leave throughout their adoption leave, which may be taken after the placement, depending on their intention to

return to work. Staff that accrue paid annual leave during adoption leave can: -

a) carry forward up to 5 days annual leave to the next leave year following consultation and agreement with their Head of Service;

b) have outstanding balances of annual leave paid off at the end of the leave year, following consultation and agreement with their Head of Service. This is only to be used in very exceptional circumstances.

Employees will also accrue a day's compensatory leave for any Bank Holidays, which fall in the first 26 weeks of their adoption leave.

4.13 Local Government Pension Scheme

A member of staff who is a member of the Local Government Pension Scheme (LGPS) during any period of paid adoption leave absence must continue to pay the pension contributions. The contributions are payable on the actual pay the employee is entitled to receive. The Council will also continue to pay the employers contributions. Although the contributions are paid on the actual pay received, benefits accrue as if you were working normally.

Appendix A – Summary of Entitlement

EMPLOYEE'S INTENTION	LENGTH OF SERVICE	PAY PROVISIONS	MATERNITY LEAVE
A. Returning to work:	Employed for more than one year (continuous service) by the end of the 15 th week before the EWC (expected week of childbirth)	6 weeks at 90% of pay <i>Followed by:</i> 12 weeks half pay plus SMP <i>Followed by:</i> 21 weeks SMP <i>Followed by:</i> 13 weeks unpaid leave	39 weeks paid leave to be followed immediately by 13 weeks unpaid <u>Leave may commence not earlier than 11 weeks before EWC.</u>
	Employed for more than 26 weeks but for less than 1 year (continuous service) by the end of the 15 th week before the EWC.	6 weeks at 90% of pay <i>Followed by:</i> 33 weeks SMP <i>Followed by:</i> 13 weeks unpaid leave	39 weeks paid leave to be followed immediately by 13 weeks unpaid leave. <u>Leave may commence not earlier than 11 weeks before EWC.</u>
	Employed for less than 26 weeks (continuous service) by the end of the 15 th week before the EWC.	If an employee has recently been employed or self employed she may be entitled to claim maternity allowance from her local Jobcentre Plus by completing form MA1. SDC will issue her with form SMP1 which needs to be sent with the MA1.	52 weeks unpaid maternity leave. <u>Leave may commence not earlier than 11 weeks before EWC.</u>
B: Not returning to work	Employed for more than 26 weeks Employed for less than 26 weeks	6 weeks at 90% of pay <i>Followed by:</i> 33 weeks SMP To be determined by Jobcentre Plus.	<u>Leave may commence not earlier than 11 weeks before EWC.</u> Resignation to be submitted to the relevant line manager who will forward to Human Resources at the latest 28 days before leaving. <u>Leave may commence not earlier than 11 weeks before EWC.</u> Resignation to be submitted to the relevant line manager who will forward to Human Resources at the latest 28 days before leaving.

Appendix B

NOTIFICATION OF PREGNANCY

Name

Address

.....

Job title.....

Service Area

Manager.....

The expected date of birth of my baby is

Signed
Employee

Date

Please return the completed form to Human Resources in order to notify us of your pregnancy. (Usually around 12 weeks.)

Appendix C

NOTIFICATION OF MATERNITY LEAVE

Name

Address

.....

Job title.....

Service Area

Manager.....

I wish to start my maternity leave on and plan to take week's maternity leave from this date.

The expected date of birth of my baby is

I enclose maternity certificate form MATB1

I propose to return to work on

Could you please confirm how you would like to receive your 12 weeks at half pay OMP entitlement if eligible:

- As a lump sum payable at the end of your half pay period (after week 18)
- As a lump sum payable after returning to work for 3 months
- As a monthly amount spread over 3 months (weeks 7-18)

Signed Date
Employee

Signed Date
Line Manager

Please return the completed form to Human Resources once you have been given your MATB1. (Usually around 24-26 weeks)

Appendix D – Notification of Adoption Leave

Name

Address

.....

Job title.....

Service

Area.....

Manager.....

I confirm I have been matched with a child for adoption and was notified of this on:

.....

The child is expected to be placed on:

I would like my SAP and adoption leave to start on (insert date):

.....

I have chosen to receive SAP rather than Statutory Paternity Pay (tick box)

Could you please confirm how you would like to receive your 12 weeks at half pay OAP entitlement if eligible:

- As a lump sum payable at the end of your half pay period (after week 18)
- As a lump sum payable after returning to work for 3 months
- As a monthly amount spread over 3 months (weeks 7-18)

Signed Date
Employee

Signed Date
Line Manager

Please return the completed form to Human Resources