



CORPORATE / SCHOOLS

MATERNITY & ADOPTION SUPPORT LEAVE POLICY

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For further advice and guidance in relation to this policy, please contact HR ONE at hrdirect@devon.gov.uk or on 01392 385555.

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POLICY

1. Introduction

- 1.1. This policy, procedure and guidance applies to all staff employed by Devon County Council.

2. Policy

- 2.1. Maternity and Adoption Support Leave is to be taken in accordance with national, local and statutory conditions of service. The County Council's Maternity and Adoption Support Leave Policy shall apply to all employees regardless of the number of hours worked per week. Nothing in the provisions shall be construed as providing rights less favourable than statutory rights.
- 2.2. The Maternity and Adoption Support Leave Policy is provided to allow eligible employees paid leave:
 - to care for a child
 - to support the mother following birth
 - to support an adoptive parent who is taking the main caring responsibility

There are two elements to the scheme, the statutory entitlements and the contractual entitlements. The County Council's Maternity and Adoption Support Leave Policy is an amalgamation of the two sets of entitlements.

3. Principles

- 3.1. Devon County Council is committed to equality in its Maternity and Adoption Support Leave Policy. The conditions for qualification for leave and pay under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

PROCEDURE

4. Notification

- 4.1 An eligible employee must give notice in writing to their line manager of their intention to take leave by the 15th week before the week that the child is due or in the case of an adoption within seven days of notification of matching with a child, unless this is not reasonably practicable. This letter must include:
- the expected week the baby is due or the expected date of placement in the case of adoption
 - whether they wish to take one or two weeks leave
 - the date when leave is to begin
 - the relationship of the employee to the mother or in the case of adoption, the main adopter.
- 4.2 A copy of this letter must be forwarded to the Payroll section who will send the employee a Maternity or Adoption Support Information letter which includes notification forms SC3 (maternity) or SC4 (adoption) which must be completed and returned to Payroll section as soon as possible.
- 4.3 The employee can change the date on which the leave will start by giving 28 days notice of the change of date, or as soon as is reasonably practicable in the case of a premature or delayed birth.

5.0 Commencement of leave

- 5.1 When the employee begins maternity or adoption support leave the line manager must ensure that the Online Absence form is completed, stating the date that the employee commenced leave. The reason for absence should be indicated in the 'other' category and 'maternity support leave' or 'adoption support leave' should be clearly written in the box.

6.0 Return to work

- 6.1 Upon return to work the line manager must ensure that the Online Absence form is completed, stating the date that the employee commenced maternity or adoption support leave. The reason for absence should be indicated in the 'other' category and 'maternity support leave' or 'adoption support leave' should be clearly written in the box.

GUIDANCE

7.0 Maternity and adoption support leave and pay eligibility and entitlement.

- 7.1 An employee with **less than 26 weeks continuous service with DCC** at the 15th week before the child is due or the week in which the adoptive parent is notified of having been matched with the adoptive child and is
- the child's biological father OR
 - the mother's civil / married partner or nominated carer OR
 - the child's adoptive parent who is not taking the main caring responsibility is entitled to take one week's leave with pay following the birth or placement (see appendix 1 and 7.4).
- 7.2 An employee with **26 weeks or more continuous service with DCC** at the 15th week before the child is due and is
- the nominated carer of an expectant mother
- is entitled to take one week's leave with pay following the birth (see appendix 1 and 7.4).
- 7.3 An employee with **26 weeks or more continuous service with DCC** at the 15th week before the baby is due or the week in which the adoptive parent is notified of having been matched with the adoptive child and is
- the child's biological father OR
 - the mother's civil / married partner OR
 - the child's adoptive parent who is not taking the main caring responsibility is entitled to take either one week's leave or two consecutive weeks leave following the birth or placement of the child (see appendix 1 and 7.4).

There is no entitlement to take odd days. This is because this option includes the statutory entitlements of leave and pay and a condition for the receipt of statutory pay is that the leave is taken in a block or blocks. Pay during the first week of leave will be full pay. Any entitlement to Statutory Pay will be included in this amount and the Authority will be able to offset this against the full pay. Pay during the second week of leave will be any Statutory Paternity Pay due. (An employee is eligible for Statutory Paternity Pay if their average weekly earnings are at or above the Lower Earnings Limit for National Insurance at the end of the qualifying week). (See appendix 1). Current rates are available from the Directgov website.

- 7.4 Any leave must be taken within 56 days of the birth or placement of the child. If the child is born early, leave can be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of confinement. Leave can start on any day of the week on or after the child's birth/date of placement. If the baby is born earlier than the fourteenth week

before it is due and but for the birth occurring early the employee would have been employed continuously for 26 weeks then the employee will have been deemed to have the necessary length of service.

- 7.5 Employees wishing to take their maternity or adoption support leave flexibly (i.e. in odd days) must obtain the approval of their manager. The statutory scheme which is applicable to employees with 26 weeks or more continuous service allows for leave to be taken only in blocks of a week or two weeks. Therefore, employees who wish to take leave flexibly will only be entitled to the contractual element of the scheme which is one week.
- 7.6 Only one period of leave and pay, which cannot exceed two weeks, can be taken by one employee in respect of each birth or adoption irrespective of whether more than one child is born or adopted.
- 7.7 A qualifying employee will be entitled to paid leave if the child is stillborn after 24 weeks of pregnancy.

8.0 Return to Work

- 8.1 Employees are entitled to return to work to the same job following maternity or adoption support leave.

9.0 Pension contributions and leave

- 9.1 **Teachers** - During the period of paid maternity or adoption support leave, pension contributions will be paid and deducted from the teacher's pay in the usual manner. The service will count as normal for pension purposes i.e. as if the employee had been at work.
- 9.2 **All other staff** - During the period of paid maternity or adoption support leave, employees who are members of the Local Government Pension Scheme, will pay basic pension contributions on the pay actually received but Devon County Council will pay pension contributions on the pay the employee would have received had they been at work (notional pay). The pension will accrue as normal as if the employee had been at work.

10.0 Car Users

- 10.1 An employee who is an essential or lease car user is still entitled to these benefits whilst they are on maternity and adoption support leave.

11.0 Time off for Ante Natal Care

11.1 On 1st October 2014, changes to the law on time off for antenatal appointments came into force. The changes mean that from this date all employees (from day one of their employment) and agency workers (after 12 weeks in the same role) have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be unpaid.

11.2 The following employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments:

- the husband or civil partner of
- Or
- be living with the pregnancy woman in an enduring family relationship

In addition, employees will be eligible for the time off if they are:

- the biological father of the expected child
- Or
- the intended parent of a child in a surrogacy arrangements

11.3 This time off will be unpaid and it is expected that normally no more than half a day is needed for an antenatal appointment, however the right to time off includes time to travel to the appointment and any waiting time needed at the appointment. The maximum amount of time that can be taken is six-and-a-half hours on up to two occasions.

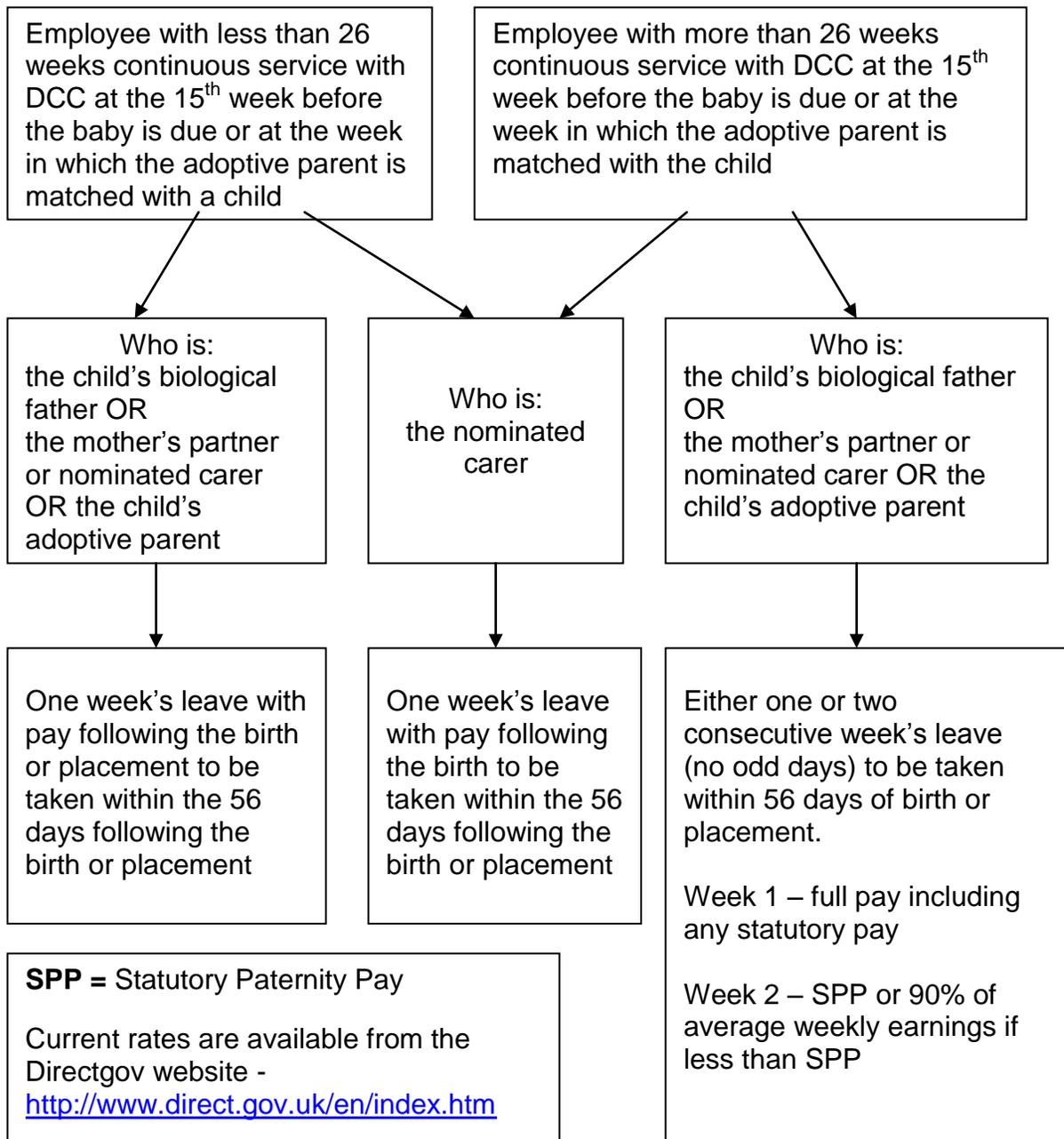
11.4 In order to request this time off, please complete the [Ante Natal Care Form](#) and see [Guidance Document](#)

Please see the [Maternity Policy](#) for information on Antenatal Appointments for pregnant employees.

12.0 Terms and Abbreviations

Matched	A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person.
Maternity/Adoption Support Leave	A maximum of 2 weeks' leave (subject to eligibility) which can be used to care for a child or support the child's mother/adopter.
Nominated carer	The person nominated by the mother to provide support following the birth.
Partner	Someone who lives with the mother and the child in an enduring family relationship but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle. A partner does not have to be of the opposite sex and includes civil and married partners.
Placement	The placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted.
Statutory Paternity Pay (SPP)	A weekly state benefit for employees who are on Maternity/Adoption Support Leave (subject to eligibility). Current rates are available from the Directgov website - http://www.direct.gov.uk/en/index.htm

Maternity and Adoption Support Scheme Eligibility and Entitlements



POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
29.03.07	Policy reformatted & rate of SMP, effective from 1.4.07, updated to £112.75.	P&S		01.04.2008
06.04.08	Policy updated as statutory pay increased to £117.18 per week.	P&S	06.04.08	April 2009
24.03.09	Policy updated as Statutory Paternity Pay increased to £123.06 per week.	P&S	06.04.09	April 2010
06.04.2010	Statutory Paternity Pay rates deleted as information can be obtained from Directgov website.	P&S	04.04.2010	April 2011
29.11.2011	Policy updated, previous section 7.7 moved to the end of section 7.4	P&S	29.11.2011	
15.11.2012	Update to section 4.2 to reflect that Payroll send out information letter. Update to reflect change from CTP1 to Online Absence form.	HR Direct	15.11.2011	
13.05.2014	Update to definition of 'partner' at para. 11 to clarify eligibility of civil / married partner;	HR ONE		
22.7.2014	Pension paragraphs at para. 9 updated to reflect changes in LGPS scheme.	HR ONE	22.07.2014	
16.12.2014	New section added - 11.0 to reflect the change in law in relation to the right to time off to accompany a pregnant woman at Ante Natal Care appointments.	HR ONE	5.1.2015	
26.06.2015	Update reference in documents to 'around the time of the birth' to reflect legislation.	HR Direct	26.06.2015	
06.10.2015	Amended typo error in 7.1 ('the' appeared twice).	HR Direct	06.10.2015	