



**Staff Guidance on:
Maternity, Paternity, Adoption and
Shared Parental Leave and Pay and
Parental Bereavement**

26th January 2021

Contents

1. Introduction	1
1.1. Entitlements to maternity leave and pay	1
1.2. Maternity Risk Assessment.....	3
1.3. Performance Appraisal/ Performance Related Pay Scheme	3
1.4. Ante-Natal Care.....	3
1.5. Expected Week of Childbirth (EWC)	3
1.6. Childbirth	4
1.7. Maternity Leave	4
1.8. Ordinary Maternity Leave	4
1.9. Additional Maternity Leave	4
1.10.Extension to Additional Maternity Leave	4
1.11.Compulsory Maternity Leave.....	5
1.12.Annual Leave.....	5
1.13.Bank Holidays.....	5
1.14.Health at Work during pregnancy	5
1.15.Sickness Absence during Pregnancy	5
1.16.Miscarriage	6
1.17.Notification of Start of Maternity Leave.....	6
1.18 Contact during Maternity Leave and Keeping In Touch (KIT) Days	6
1.1. Returning to Work	7
1.20 Return to work on Reduced Hours or other Flexible/New Way of Working Arrangements	8
1.21.Probation	8
1.22.Redundancy	9
1.23.Resignation during or within three months of return from Maternity Leave.....	9
1.24.Failure to Return to Work.....	9
1.25.Continuous Service	9
1.26.Pension.....	9
1.27.Car Allowances.....	10
1.28.Authority Equipment	10
1.29.First Aid Allowance	10
1.30.Annual Season Ticket Loans.....	10
2. Paternity Leave and Pay.....	11
2.1. Paternity Leave & Pay – (Childbirth).....	11
2.2. Ante Natal Care	12
2.3. Maternity Support Leave	12
2.4. Annual Leave.....	13
2.5. Bank Holidays.....	13
2.6. Pension.....	13
2.7. Additional Statutory Paternity Pay/Leave	13
3. Adoption Leave and Pay	14
3.1. Adoption Leave	14
3.1.1. Eligibility for adoption leave.....	14
3.1.2. Notifying the Authority.....	15
3.1.3. If you adopt or foster to adopt 2 or more children.....	15
3.1.4. If the child’s placement ends during adoption leave.....	15

3.2. Adoption Pay.....	16
3.2.1 Eligibility for adoption pay.....	16
3.3. Time off for Appointments	16
3.4. Changing the date you start your Adoption leave.....	16
3.5. Contact during Adoption Leave and Keeping In Touch (KIT) Days	16
3.6. Returning to Work	17
3.6.1. Notifying the Authority of your return date.....	17
3.6.2. Changing the date you return.....	18
3.6.3. Application to vary contracted Working Arrangements.....	18
3.6.4. Resignation during or within three months of return from Adoption Leave	18
3.6.5. Failure to Return to Work.....	18
3.7. Redundancy	19
3.8. Probation	19
3.9. Performance Related Pay Scheme.....	19
3.10. Annual Leave.....	19
3.11. Bank Holidays.....	20
3.12. Pension.....	20
3.13. Car Allowances.....	20
3.14. Authority Equipment	20
3.15. First Aid Allowance	21
3.16. Annual Season Ticket Loans.....	21
4. Shared Parental Leave (SPL)	22
4.1. Scope.....	22
4.2. Eligibility for Shared Parental Leave	22
4.3. Shared Parental Leave Entitlement	23
4.4. How can Shared Parental Leave be used?.....	23
4.5. Giving notice of entitlement to Shared Parental Leave (SPL).....	24
4.6. Booking Shared Parental Leave	24
<input type="checkbox"/> Continuous leave notifications.....	24
<input type="checkbox"/> Discontinuous leave notifications.....	24
4.7. Changing the dated of booked leave	25
4.8. Statutory Shared Parental Pay (ShPP)	25
4.9. Giving notice of entitlement to Shared Parental Pay (ShPP).....	26
4.10. If a Parent ceases being eligible.....	26
4.11. Fraudulent claims.....	27
4.12. Terms and conditions during Shared Parental Leave	27
4.13. Contact during Shared Parental Leave and Keeping In Touch (KIT) days.....	27
4.14. Returning to work after Shared Parental Leave	27
5. Parental Bereavement	29
5.1. Giving notice to take leave	29
5.2. Claiming Statutory Parental Bereavement Pay	30

1. Introduction

This guidance is for employees who are either expecting a baby or whose partner is expecting a baby and includes information on entitlements to paid and unpaid leave.

1.1. Entitlements to maternity leave and pay

All expectant mothers, regardless of length of service, are entitled to a minimum of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave and must not return to work for a compulsory maternity leave period of 2 weeks from the day on which childbirth took place.

You may be entitled to take some of your leave as Shared Parental Leave (see section 4 – Shared Parental Leave guidance).

However, entitlement to maternity pay depends on length of continuous service in relation to your expected week of childbirth.

The length of your continuous service will be taken as service accrued up to the beginning of 11th week (qualifying week for occupational maternity pay) and 15th week (qualifying week for statutory maternity pay) before the week in which your baby is due. Counting 11 and 15 weeks backwards from the expected week of childbirth will therefore provide you with these two qualifying weeks.

For the purposes of the above calculation the relevant week commences at midnight on the Saturday night/Sunday morning. Once the qualifying weeks are determined it will be possible to establish the benefits available to you.

You can work out your entitlement to maternity leave and pay by plotting your length of local government and Authority continuous service on the following table:

		Length of Western Riverside Waste Authority continuous service	
		Less than 26 weeks by the beginning of the 15th week before the expected week of childbirth	26 weeks or more by the beginning of the 15th week before the expected week of childbirth
Length of continuous local government service	Less than one year by the beginning of the 11th week before the expected week of childbirth	<ul style="list-style-type: none"> • 26 weeks ordinary maternity leave – unpaid • 26 weeks additional maternity leave – unpaid • An extension of the additional maternity leave period to 52 weeks from the week of childbirth - unpaid 	<ul style="list-style-type: none"> • 26 weeks ordinary maternity leave • 26 weeks additional maternity leave – unpaid • An extension of the additional maternity leave period to 52 weeks from the week of childbirth – unpaid • Up to 39 weeks Statutory Maternity Pay (SMP)
	More than one year by the beginning of the 11th week before the expected week of childbirth	<ul style="list-style-type: none"> • 26 weeks ordinary maternity leave • 26 weeks additional maternity leave – unpaid • An extension of the additional maternity leave period to 52 weeks from the week of childbirth – unpaid • Up to 18 weeks Occupational Maternity Pay (OMP) 	<ul style="list-style-type: none"> • 26 weeks ordinary maternity leave • 26 weeks additional maternity leave – unpaid • An extension of the additional maternity leave period to 52 weeks from the week of childbirth – unpaid • Up to 39 weeks Statutory Maternity Pay (SMP) • Up to 18 weeks Occupational Maternity Pay (OMP) – providing you return to work for a minimum period of 3 months.

For more information about statutory maternity pay visit <https://www.gov.uk/maternity-pay-leave>.

1.2. Maternity Risk Assessment

When you are pregnant and inform your manager of this, one of the first steps will be to conduct a joint risk assessment to establish what risks, if any, are posed to you and/or your unborn baby whilst at work. This covers you if you are pregnant, have given birth or miscarried within the previous 6 months or you are breastfeeding. Where risks are identified, your line manager will take any reasonable steps to remove or minimise the risk.

1.3. Performance Appraisal/ Performance Related Pay Scheme

After you have advised your manager of your pregnancy, your manager will arrange to meet with you to review and revise your performance appraisal targets, taking into account your pending maternity leave. This review can be undertaken either for an absence starting later in the current 'PrP' year, (i.e. the financial year) or, in readiness for an absence which is expected to begin after the start of the next 'PrP' year. Subsequently, as near as possible to the actual date that you go on maternity leave, another meeting will take place at which your manager will assess with you your achievement of the targets. The same arrangements will apply on your return to work in relation to the remainder of that PrP year. Any PrP award payable to you will be calculated by reference to your salary pro rata'd for the period during which you were at work and including the 2 week compulsory maternity leave period.

1.4. Ante-Natal Care

As an expectant mother you are entitled to time off with pay for ante-natal appointments you attend on the advice of a doctor, a registered midwife or a registered health visitor. You must let your line manager know in advance of any ante-natal appointment and show the appointment card, or email confirming a booking, as soon as you have it. Where possible appointments should be made with service needs in mind, for example at the beginning or end of the day or at a time when your absence will cause least disruption.

1.5. Expected Week of Childbirth (EWC)

When you are 20 weeks pregnant you will be able to ask for a MAT B1 certificate from your doctor or midwife. This certificate indicates the week, beginning with midnight between Saturday and Sunday, in which it is expected that you will give birth. This will then enable your entitlements to be calculated. You must submit the

original MAT B1 certificate to the Executive Officer together with a letter detailing when you would wish your period of Maternity Leave to start, 28 days before you wish your maternity leave to start.

Exceptionally, if this is not possible then notification should be made as soon as is reasonably practicable. You are advised to take a photocopy of the MAT B1 for your own records.

1.6. Childbirth

Childbirth in the context of these guidelines means the birth of a child whether living or stillborn after the start of the 25th week of pregnancy i.e. in the period from the beginning of the 16th week before the EWC.

1.7. Maternity Leave

You are entitled to both ordinary and additional maternity leave and an extension to the additional maternity leave period up to a maximum of 52 weeks from the week of childbirth.

1.8. Ordinary Maternity Leave

Ordinary Maternity leave is a sliding period of up to 26 weeks duration which you can choose to begin at any time after the beginning of the 11th week before the EWC. However, the latest possible day you can start this leave is the day following childbirth.

1.9. Additional Maternity Leave

Your additional maternity leave period will commence immediately following your ordinary maternity leave period and will continue for a further 26 weeks.

1.10. Extension to Additional Maternity Leave

You may if you wish extend the additional maternity leave period to 52 weeks from the week of childbirth.

1.11. Compulsory Maternity Leave

Under no circumstances will you be allowed to return to work in the 2 week period from the day on which childbirth occurs.

1.12. Annual Leave

Annual leave will accrue, at the normal rate, during the ordinary, additional and extended additional maternity leave period.

You will be encouraged to take the annual leave you have already accrued in the leave year prior to the commencement of your maternity leave whenever possible. Any annual leave accrued during the period of your maternity leave can, by agreement with your manager, be taken immediately following the maternity leave period or may be used to shorten the unpaid maternity leave period subject to notification requirements for maternity leave also being fulfilled. Once you have commenced annual leave in this way, this will be regarded as a return to work. If your maternity leave goes over the end of one leave year and into the next, then all the annual leave outstanding will be carried forward.

1.13. Bank Holidays

Bank holidays will accrue as they fall during the maternity leave period, with a substitute day's leave being provided on your return to work.

1.14. Health at Work during pregnancy

If you are experiencing any difficulties in your pregnancy i.e. morning sickness, and it's affecting your work, you should talk to your line manager. It may be possible to change your working arrangement i.e. a change in start and finish times, extra breaks for periods of feeling unwell, working from home.

1.15. Sickness Absence during Pregnancy

If you are not already on maternity leave and are absent due to sickness you will receive Occupational Sick Pay and Statutory Sick Pay subject to the normal arrangements which apply to all employees. However, if you are absent for sickness reasons wholly or partly due to pregnancy in the 4 weeks leading up to the EWC your maternity leave will automatically commence from the day which follows the first day of sickness absence within that 4 week period.

If you are not already on maternity leave, in addition to the normal absence reporting arrangements, you must notify the Executive Officer immediately if you are absent due to sickness which is wholly or partly due to your pregnancy in the 4 weeks leading up to the EWC. Such an absence will trigger the start of the maternity leave period from the day which follows the first day of sickness absence within that 4 week period.

1.16. Miscarriage

If a miscarriage occurs in the first 24 weeks of pregnancy, you will be required to submit a medical certificate for any sickness absence which may result and will be considered to be on sick leave. You will receive Occupational Sick Pay and Statutory Sick Pay subject to the normal arrangements. However, if this occurs from the beginning of the 25th week of pregnancy onwards this will be treated as a still birth and maternity leave will automatically commence from the following day.

1.17. Notification of Start of Maternity Leave

You must submit the original MAT B1 certificate to your line manager together with a letter confirming the date you intend to start your period of Maternity Leave, no later than 28 days before you wish your maternity leave to commence.

Exceptionally, if this is not possible then notification should be made as soon as you are able. You may vary the date you have advised that your maternity leave will start provided you inform your line manager at least 28 days before the original date, or 28 days before the new date, whichever is the earlier. You are advised to take a photocopy of the MAT B1 for your own records.

If you are not already on maternity leave and you give birth, you must notify your line manager as soon as possible as childbirth will automatically trigger the commencement of maternity leave from the following day.

Within 28 days of receiving your letter confirming your Maternity Leave start date or, where this is not submitted, within 28 days of your maternity leave period commencing, you will be informed of the date on which your maternity leave period will end.

1.18. Contact during Maternity Leave and Keeping In Touch (KIT) Days

Apart from 'Keeping in Touch Days' (KIT), which are covered below, during maternity leave your manager may make contact with you and in the same way you may make contact with your manager. The frequency and nature of the contact will depend on a number of factors such as the nature of the work and your post, and any agreement on contact should be made in a meeting that takes place before the maternity leave began.

This might include agreement on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that may be discussed.

The contact can be made in any way that suits either both parties. For example, it could be by telephone, email, or could involve you visiting the office or arranging to meet your manager off site.

Managers should note that they must, in any event, keep you informed of information relating to your job that you would normally be made aware of when you were working e.g. restructures, job vacancies.

It is also important for your manager to arrange to meet with you as soon as possible after you have returned from maternity leave and have a 'return to work' plan ready and in place for you as it is acknowledged that there can be some issues returning to the work place after a year off.

During your maternity leave you may return to work for up to 10 keeping in touch (KIT) days without bringing your maternity leave to an end or losing any benefits. During a KIT day you may undertake your normal work or, for example, attend training or briefings that have been arranged in your work area. KIT days do not extend your maternity leave period and you cannot work during the two week compulsory maternity leave period.

Arrangements for attending work on a KIT day must be agreed in advance with your manager. You may work one or more days consecutively or you may work part days but not less than one hour.

When attending work for a KIT day you will receive your normal contractual rate of pay, inclusive of any maternity payment that you receive. You are free to choose whether or not you wish to make use of all or some of the KIT days.

1.19. Returning to Work

Unless there are exceptional circumstances, you are entitled to return to the job in which you were employed prior to commencing maternity leave and be on no less favourable terms and conditions of employment. Those on fixed term or temporary contracts should seek advice.

Unless you choose to return earlier, or have already advised that you will not be returning to work following maternity leave, it will be assumed that you will return to work at the end of the additional or extended additional maternity leave period.

However, you may return to work as soon as you wish any time after the compulsory period subject to 21 days written notice. If you wish to return to work before the end of the additional or extended additional maternity leave period you must give 21 days' written notice to your line manager. Failure to give appropriate notice may result in the Authority postponing your return to work date to ensure there is appropriate notice or to delay your return until the end of the additional maternity leave period, whichever is the earlier.

If, due to sickness, whether pregnancy related or not, you are unable to attend for work at the end of the additional or extended additional maternity leave period, or any earlier date as notified by you, the Authority's normal sickness arrangements will apply, and you will be regarded as having returned to work. You are encouraged, as is your line manager, to maintain reasonable contact during your maternity leave. This will enable you to keep each other updated and for any developments affecting your return to work to be discussed.

If you declare an intention to return to work immediately following maternity leave you will receive, for 12 weeks, Occupational Maternity Pay of half a week's normal pay without deduction except by the extent to which the combined pay and SMP exceeds full pay. If you do not return to local authority employment for a continuous period of not less than 3 months immediately following maternity leave the 12 weeks OMP will be refundable to the Authority.

1.20. Return to work on Reduced Hours or other Flexible/New Way of Working Arrangements

Requests to return on reduced hours following maternity leave should be made by completing a "Flexible working and New Ways of Working" application form, available from the Executive Officer, and passing to your line manager giving as much notice as is possible. Although the right to return to work following maternity leave relates to your original terms and conditions, any request for a change in working arrangements will be carefully considered on a case by case basis. If you are considering reducing your hours you are recommended to seek advice on the potential implications of this in more detail, including the impact on your pension arrangements.

1.21. Probation

If you commence a period of maternity leave whilst in your probation period then your probationary period will be extended to reflect the remaining period.

1.22. Redundancy

If during your maternity leave period it is not practicable by reason of redundancy to continue to employ you under your existing contract of employment, and there is a suitable vacancy, you will be offered this before your existing contract comes to an end and this will take effect immediately on the ending of the existing contract. By way of KIT you will be kept up-to-date with any organisational changes by your line manager.

1.23. Resignation during or within three months of return from Maternity Leave

You do not have to confirm your return to work date when you notify the Authority of the start date of your Maternity Leave unless you wish to do so. If you have decided, at an early stage during your pregnancy that you do not wish to return to work, you may wish to confirm this. If you decide to resign at a later stage during your maternity leave you must confirm this in writing to your line manager, giving appropriate notice. In all cases of resignation any excess annual leave taken will need to be repaid. As described already in paragraph 1.19, it may also prove necessary to repay some of the occupational maternity pay (not Statutory Maternity pay) paid to date.

1.24. Failure to Return to Work

If you fail to return to work following your maternity leave, and your absence is not authorised, your absence may be treated as unauthorised and appropriate action may commence under the Authority's Code of Practice on Absence Management.

1.25. Continuous Service

Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

1.26. Pension

If you are contributing to the Local Government Pension Scheme you are required to pay pension contributions on all payments made to you during your maternity leave. Once no payments are made to you, you have the option whether to pay the remaining contributions for your unpaid maternity related absence.

You may elect to do so either, within the first 30 days of the beginning of unpaid maternity leave or within 30 days after the end of your maternity leave. The amount you will pay is based on the rate of pay you were receiving immediately before the period of unpaid absence. If you decide to pay the contributions you should write to the Executive Officer, notifying your decision.

Please note that if you decide not to pay contributions, where you have the option not to pay, then this period will not count for the purposes of calculating your pension benefits.

1.27. Car Allowances

The Executive Officer will inform payroll of the date you start and return from your maternity leave. If you are in receipt of an essential car user allowance you will continue to receive this in full for 26 weeks from the beginning of your maternity leave.

1.28. Authority Equipment

You will be required to return any Authority equipment, (e.g. mobile phone, lap top computer) to your manager at the commencement of your maternity leave period.

1.29. First Aid Allowance

First aid allowance is regarded as part of your normal salary and hence will be included in any maternity pay you receive.

1.30. Annual Season Ticket Loans

You may want to surrender your annual season ticket/ travelcard/ oystercard at the commencement of your maternity leave but deductions will continue to be recouped from your salary in the normal way or invoiced to you if you are not in receipt of pay.

2. Paternity Leave and Pay

This section is for expectant fathers, or an expectant mother's husband/civil partner or partner, or the expectant mother's nominated carer, and relates to paid time off for the purpose of caring for the new born baby or supporting the expectant mother at or around the time of childbirth

2.1. Paternity Leave & Pay – (Childbirth)

As an Authority employee you will be eligible for paternity leave of either one week's leave or two consecutive weeks' leave with pay (one week's normal pay for the first week, and statutory paternity pay for the second week) for the purpose of caring for the new born baby or supporting the expectant mother at or around the time of childbirth if you fulfil the following conditions –

- a) you have been in continuous Authority employment for a period of not less than 26 weeks ending with the week immediately preceding the 15th week before the expected week of the child's birth and have had average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions; and
- b) you are either the baby's father, who has or expects to have responsibility for bringing up the child; or
- c) you are the husband/civil partner or partner, who has or expects to have the main responsibility (apart from the expectant mother's responsibility) for the upbringing of the child.
- d) the expectant mother's nominated carer who has or expects to have the main responsibility (apart from the expectant mother's responsibility) for the upbringing of the child.

If you wish to apply for paternity leave you must do so 28 days before the date you wish the leave to commence, or if not reasonably practicable to do so, as soon as is reasonably practicable. You should make your request by contacting the Executive Officer and you should provide details of the EWC (a copy of the expectant mother's MAT B1 should be attached), the length of the period of leave required, and the date the period of paternity leave should commence. The declaration on Form SC3F will need to be completed and signed by both you and the expectant mother to confirm that the qualifying conditions have been met. Paternity leave must be taken during the period of 56 days immediately following childbirth or the first day of the EWC, whichever is the later. The date of commencement of

paternity leave may be varied by you by giving 28 days written notice. If this is not reasonably practicable, then notification should be made as soon as is reasonably practicable. You must, as soon as is reasonably practicable after the child's birth, advise of the date on which the child was born.

If you chose to commence your period of paternity support leave on the date on which the child was born and you were at work on that day, your period of leave will begin on the day following that date.

2.2. Ante Natal Care

You are also entitled to take time off work to attend 2 antenatal appointments. As an Authority employee, this time off will be paid. You must let your line manager know in advance of any ante-natal appointment and show the appointment card, or email confirming a booking, as soon as you have it. Where possible appointments should be made with service needs in mind, for example at the beginning or end of the day or at a time when your absence will cause least disruption.

2.3. Maternity Support Leave

If you are the expectant father, or the husband/civil partner or partner of the expectant mother but do not have enough service to qualify for paternity leave, or if you are the expectant mother's nominated carer, you may be eligible for maternity support leave of one week with normal pay for the purpose of caring for the new born baby or the expectant mother at or around the time of birth.

If you wish to apply for maternity support leave you must do so 28 days before the date you wish the leave to commence, or if not reasonably practicable to do so, as soon as is reasonably practicable. You should make your request by writing to the Authority's Executive Officer and you should provide a copy of the EWC (a copy of the expectant mother's MAT B1 should be attached), the length of the period of leave required, and the date the period of maternity leave should commence.

If you are the nominated carer and not the father or civil partner or partner, you will need to demonstrate that you will be the primary provider at or around the time of birth. You will also need to demonstrate that the granting of maternity support leave will address problems or commitments outside work which are likely to have a bearing on your well-being and work performance.

Only one period of paternity or maternity support leave may be taken in the case of childbirth or multiple births.

2.4. Annual Leave

Annual leave will accrue, at the normal rate, during the paternity and maternity support leave period.

2.5. Bank Holidays

Bank holidays will accrue as they fall during the paternity and maternity support leave period, with a substitute day's leave being provided on your return to work.

2.6. Pension

If you are contributing to the Local Government Pension Scheme you are required to pay pension contributions on all the payments made to you during your paternity/maternity support leave.

2.7. Additional Statutory Paternity Pay/Leave

You may be entitled to Additional Statutory Paternity Pay/Leave (ASPP/APL) Additional Paternity Leave is for a maximum of 26 weeks and cannot start before the mother of the child has returned to work and stopped receiving SMP. If the mother takes annual leave or is sick during the maternity period, this does not count as a return to work. If your partner has returned to work, the leave can be taken between 20 weeks and one year after your child's birth and must be taken in complete continuous weeks. You may be entitled to receive Additional Statutory Paternity Pay during your partner's Statutory Maternity Pay, Maternity Allowance or Adoption Pay period. This is payable during the 39 consecutive weeks in which SMP would have been payable if the mother had not returned to work, with at least two weeks of the payment period remaining. You should make your request for ASPP/APL by contacting the Executive Officer.

3. Adoption Leave and Pay

This section of the guidance document is for employees who are either adopting a child or are fostering a child permanently and becoming the legal guardian. It includes information on entitlements to paid and unpaid leave.

If you are in a couple, only one of you will be entitled to receive adoption leave and pay. The other partner may be eligible for paternity leave instead. You may wish to look at the Paternity Leave/Pay and Shared Parental Leave/Pay sections of this guidance.

3.1. Adoption Leave

You are entitled to take up to 52 weeks Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

You can start your leave:

- on the date the child starts living with you or up to 14 days before the expected placement date (UK adoptions)
- when you have been matched with a child to be placed with you by a UK adoption agency
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)

You have the right to adoption leave from the first day of your employment.

3.1.1. Eligibility for adoption leave

To be eligible for adoption leave, you must i) inform the Authority, providing the correct notice period and ii) provide proof that you're adopting or fostering to adopt a child.

Please note you will not be entitled to take adoption leave for a private adoption, for example, if you're adopting or fostering to adopt a relative.

3.1.2. Notifying the Authority

You must contact your line manager within 7 days of either being matched with a child, your adoption placement being confirmed (if you are fostering a child permanently and becoming their legal parent (fostering to adopt), informing them, in writing, of the date the child will be placed with you and the date you wish your adoption leave to start. You may wish to inform your manager at an earlier stage.

If you are not in a position to inform your line manager within 7 days, you must tell them as soon as you can.

You will also be required to provide proof of the adoption. You must provide your line manager with the following information:

- the name and address of the adoption agency
- the date you were matched with the child
- the date of placement - for example a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only)

You will then receive a letter within 28 days confirming the date your adoption leave will run to.

3.1.3. If you adopt or foster to adopt 2 or more children

If you adopt or foster to adopt 2 or more children on the same placement, you will be entitled to one period of adoption leave.

If it is a separate placement, you are entitled to a second period of adoption leave. Your adoption leave restarts when the second placement begins.

3.1.4. If the child's placement ends during adoption leave

Your adoption leave will end 8 weeks after the placement ended if:

- you've started your adoption leave and the agency tells you the placement cannot happen
- the child dies during adoption leave
- the child is returned to the adoption agency

3.2. Adoption Pay

3.2.1 Eligibility for adoption pay

Entitlement to adoption pay from the Authority depends on length of continuous service in relation to your expected week of placement of a child. As with Maternity Pay, you will be required to have been employed by the Authority for 26 weeks continuously.

If you are entitled to receive adoption pay from the Authority, it will be paid from the date you start your adoption leave.

To receive Statutory Adoption Pay, you must also be continuously employed by your one employer for at least 26 weeks. If you're not eligible for Statutory Adoption Pay or Adoption Pay from the Authority due to length of service, you will still be entitled to adoption leave without pay.

3.3. Time off for Appointments

You are entitled to time off with pay for five adoption appointments after you have been matched with a child. You must let your line manager know in advance of any such appointments and show the appointment card or letter, or email confirming a booking, as soon as you have it. Where possible appointments should be made with service needs in mind, for example at the beginning or end of the day or at a time when your absence will cause least disruption.

3.4. Changing the date you start your Adoption leave

If you wish to delay starting your adoption leave, you must tell your line manager at least 28 days before the date your leave is currently due to start.

If you wish to start your adoption leave earlier than planned, you must tell your line manager at least 28 days before the date you want to change it to.

3.5. Contact during Adoption Leave and Keeping In Touch (KIT) Days

Apart from 'Keeping in Touch Days' (KIT), which are covered below, during adoption leave your manager may make contact with you and in the same way you may make contact with your manager. The frequency and nature of the contact

will depend on a number of factors such as the nature of the work and your post, and any agreement on contact should be made in a meeting that takes place before the adoption leave began.

This might include agreement on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that may be discussed.

The contact can be made in any way that suits both parties. For example, it could be by telephone, email, or could involve you visiting the office or arranging to meet your manager off site.

Managers should note that they must keep you informed of information relating to your job that you would normally be made aware of when you were working e.g. restructures, job vacancies.

It is also important for your manager to arrange to meet with you as soon as possible after you have returned from adoption leave and have a 'return to work' plan ready and in place for you as it is acknowledged that there can be some issues returning to the work place after a year off.

During your adoption leave you may return to work for up to 10 keeping in touch (KIT) days without bringing your adoption leave to an end or losing any benefits. During a KIT day you may undertake your normal work or, for example, attend training or briefings that have been arranged in your work area. KIT days do not extend your adoption leave period and you cannot work during the two week compulsory adoption leave period.

Arrangements for attending work on a KIT day must be agreed in advance with your manager. You may work one or more days consecutively or you may work part days but not less than one hour.

When attending work for a KIT day you will receive your normal contractual rate of pay, inclusive of any adoption payment that you receive. You are free to choose whether or not you wish to make use of all or some of the KIT days.

3.6. Returning to Work

3.6.1. Notifying the Authority of your return date

If you have already made a decision on the date you wish to return to work, please inform your line manager before you start your adoption leave in order that the Authority can plan for your return.

3.6.2. Changing the date you return

If you wish to return to work before the date you have previously indicated you will need to provide the Authority with 8 weeks' notice. The Authority may consider agreeing a return to work date with less than 8 weeks' notice.

3.6.3. Application to vary contracted Working Arrangements

Requests to vary contracted working arrangements should be made by completion of a "Flexible working and New Ways of Working" application form, available from the Executive Officer. The form should be returned to your line manager giving as much notice as is possible. Although the right to return to work following adoption leave relates to your original terms and conditions, any request for a change in working arrangements will be carefully considered on a case by case basis. If you are considering reducing your hours you are recommended to seek advice on the potential implications of this in more detail, including the impact on your pension arrangements.

3.6.4. Resignation during or within three months of return from Adoption Leave

You do not have to confirm your return to work date when you notify the Authority of the start date of your Adoption Leave unless you wish to do so. If you have decided that you do not wish to return to work, prior to start of your Adoption Leave, you may wish to confirm this. If you decide to resign during your Adoption leave you must confirm this in writing to your line manager, giving the notice required (as determined by your Contract of Employment). In all cases of resignation any excess annual leave taken will need to be repaid. It may also prove necessary to repay some of the occupational Adoption pay (not Statutory Adoption pay) paid to date.

3.6.5. Failure to Return to Work

If you fail to return to work following your Adoption leave, and your absence is not authorised, your absence may be treated as unauthorised

and appropriate action may commence under the Authority's Code of Practice on Absence Management.

3.7. Redundancy

If during your Adoption leave period it is not practicable by reason of redundancy to continue to employ you under your existing contract of employment, and there is a suitable vacancy, you will be offered this before your existing contract comes to an end and this will take effect immediately on the ending of the existing contract. By way of KIT you will be kept up-to-date with any organisational changes by your line manager.

3.8. Probation

If you commence a period of adoption leave whilst in your probation period then your probationary period will be extended to reflect the remaining period.

3.9. Performance Related Pay Scheme

After you have advised your manager of your adoption leave your manager will arrange to meet with you to review and revise your performance appraisal targets, taking into account your pending adoption leave. This review can be undertaken either for an absence starting later in the current 'PrP' year, (i.e. the financial year) or, in readiness for an absence which is expected to begin after the start of the next 'PrP' year. Subsequently, as near as possible to the actual date that you go on adoption leave, another meeting will take place at which your manager will assess with you your achievement of the targets. The same arrangements will apply on your return to work in relation to the remainder of that PrP year. Any PrP award payable to you will be calculated by reference to your salary pro rata'd for the period during which you were at work and including the 2 week compulsory adoption leave period.

3.10. Annual Leave

Annual leave will accrue, at the normal rate during the period of Adoption leave. You will be encouraged to take the annual leave you have already accrued in the leave year prior to the commencement of your adoption leave whenever possible. Any annual leave accrued during the period of your adoption leave can, by agreement with your manager, be taken immediately following the adoption leave

period or may be used to shorten the unpaid adoption leave period subject to notification requirements for adoption leave also being fulfilled. Once you have commenced annual leave in this way, this will be regarded as a return to work. If your adoption leave goes over the end of one leave year and into the next, then all the annual leave outstanding will be carried forward.

3.11. Bank Holidays

Bank holidays will accrue as they fall during the adoption leave period, with a substitute day's leave being provided on your return to work.

3.12. Pension

If you are contributing to the Local Government Pension Scheme you are required to pay pension contributions on all payments made to you during your adoption leave. Once no payments are made to you, you have the option whether to pay the remaining contributions for your unpaid adoption related absence.

You may elect to do so either, within the first 30 days of the beginning of unpaid adoption leave or within 30 days after the end of your adoption leave. The amount you will pay is based on the rate of pay you were receiving immediately before the period of unpaid absence. If you decide to pay the contributions you should write to the Executive Officer, notifying your decision.

Please note that if you decide not to pay contributions, where you have the option not to pay, then this period will not count for the purposes of calculating your pension benefits.

3.13. Car Allowances

The Executive Officer will inform payroll of the date you start and return from your adoption leave. If you are in receipt of an essential car user allowance you will continue to receive this in full for 26 weeks from the beginning of your adoption leave.

3.14. Authority Equipment

You will be required to return any Authority equipment, (e.g. mobile phone, lap top computer) to your manager at the commencement of your adoption leave period.

3.15. First Aid Allowance

If you are in receipt of First aid allowance, it will be regarded as part of your normal salary and hence will be included in any adoption pay you receive.

3.16. Annual Season Ticket Loans

You may want to surrender your annual season ticket/ travelcard/ oystercard at the commencement of your adoption leave but deductions will continue to be recouped from your salary in the normal way or invoiced to you if you are not in receipt of pay.

4. Shared Parental Leave (SPL)

Shared Parental Leave provides employees with more flexibility in considering how to best care for, and bond with, their child.

4.1. Scope

All eligible employees have a statutory right to take Shared Parental Leave. In addition, subject to meeting specific eligibility criteria, there may be an entitlement to some Shared Parental Pay. This section applies to all Authority employees and sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

4.2. Eligibility for Shared Parental Leave

SPL can **only** be used by two people:

- The mother/adopter **and**
- **One** of the following:
 - the father of the child (in the case of birth) **or**
 - the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth or in the case of adoption the time of the placement.

The parent who is to take SPL must:

- have worked for the Authority for at least 26 weeks by the end of the 15th week before their baby is due or their adoption match date
- still be working for the Authority at the start of each block of leave they take

It is the employee's responsibility to correctly notify the Authority of their entitlement and to provide evidence of eligibility.

4.3. Shared Parental Leave Entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available will depend on how much maternity/adoption leave has been taken (entitlement being up to 52 weeks' leave).

If the mother/adopter reduces their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

It will be the same amount of SPL even if the parents have more than one baby i.e. twins or there is more than one child in the same adoption placement.

A mother/adopter may reduce their entitlement to maternity/adoption leave in two ways either by:

- Returning to work before the full entitlement of 52 weeks has been taken,
- or
- By giving notice to end their leave at a specified future date.

4.4. How can Shared Parental Leave be used?

SPL can be used in a variety of ways i.e.

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes SPL at a later date (legally required 2 weeks maternity/adoption leave must be taken)
- the birth parent or primary adopter returns to work and their partner takes SPL
- both parents are off at the same time
- the parents share SPL evenly and are off at different times
- The father/partner/spouse can take SPL immediately following the birth/placement of the child. The father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement of adoption will be lost.

4.5. Giving notice of entitlement to Shared Parental Leave (SPL)

If you wish to take SPL, you should provide your line manager with the following information:

- how much maternity or adoption entitlement has been used
- how much leave and pay is left over from the maternity or adoption entitlement
- how much leave you and the other parent wish to take
- when you wish to take this leave
- the signature of both parents

You must also provide a declaration from the other parent that confirms at the time of the birth or adoption placement they:

- share responsibility for the care of the child
- meet the employment and earnings test
- agree to the amount of SPL and ShPP given to you

When the line manager receives the required information they should confirm that the notice has been received.

4.6. Booking Shared Parental Leave

You may notify the Authority of your intention to take or request SPL in two ways; either as a “Continuous Leave notification” or a “Discontinuous Leave Notification”.

➤ Continuous leave notifications

You have the statutory right to take a continuous block of unbroken Leave (allowing up to 3 blocks of SPL), so long as it does not exceed the total number of weeks of SPL available to you and you have given your line manager eight weeks’ notice.

All requests for continuous leave will be granted.

➤ Discontinuous leave notifications

You may also provide a single notification which may contain a request for two or more periods of discontinuous leave, (i.e. a set number of weeks of leave over a period of time, with breaks between the leave where you wish to return to work).

If your line manager has concerns about how this can be accommodated they will discuss this with you with the aim of finding a mutually agreed arrangement. The manager will consider your request for discontinuous leave but will balance this against the needs of the service. The Authority does have the right to refuse it.

Before refusing any notification request the Line Manager should seek advice from Human Resources.

If the leave pattern is refused, you can take the leave in a single continuous block.

4.7. Changing the dated of booked leave

You can amend the dates of booked leave up to 3 times but you must provide 8 weeks' notice to your line manager.

4.8. Statutory Shared Parental Pay (ShPP)

Employees can claim statutory Shared Parental Pay (ShPP) for any remaining weeks after the birth parent or primary adopter stops their maternity pay, adoption pay or maternity allowance.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date of not less than the lower earnings limit in force for national insurance contributions;
- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

4.9. Giving notice of entitlement to Shared Parental Pay (ShPP)

If you are entitled to receive ShPP you must, at least eight weeks before receiving any ShPP, give your line manager written notice advising of your entitlement to ShPP. To avoid duplication, if possible, this should be included when you notify of your entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- The start and end dates of any maternity/adoption pay or maternity allowance;
- The total amount of ShPP available, the amount of ShPP you and your partner each intend to claim, and a non-binding indication of when you expect to claim ShPP;
- A signed declaration from you confirming that the information that you have provided is correct, that they meet, or will meet, the criteria for ShPP and that you will immediately inform the Authority should you cease to be eligible.

It must be accompanied by a signed declaration from your partner confirming:

- Their agreement to you claiming ShPP and for the Authority to process any ShPP payments to you;
- In the case whether the partner is the mother/ adopter, that they have reduced their maternity/adoption pay or maternity allowance;
- In the case whether the partner is the mother/ adopter, that they will immediately inform you should they cease to satisfy the eligibility conditions.

4.10. If a Parent ceases being eligible

If you stop sharing responsibility for the child, you must tell your line manager straight away. Your entitlement to SPL or ShPP will end and you will be required to return to work.

4.11. Fraudulent claims

Where the Authority has been informed by the HMRC that a fraudulent claim has been made, or has other reasonable grounds for a suspicion that fraudulent information may have been provided, it may investigate the matter further in accordance with the Authority's Disciplinary Procedure.

4.12. Terms and conditions during Shared Parental Leave

During the period of SPL, your contract of employment will continue in force and you will be entitled to receive all your contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when an employee is receiving ShPP but not during any period of unpaid SPL.

4.13. Contact during Shared Parental Leave and Keeping In Touch (KIT) days

Contact during Shared parental leave will be in line with the contact detailed for Maternity Leave (para. 1.18 – page 6).

4.14. Returning to work after Shared Parental Leave

At the end date of any period of SPL you are expected to return on the next working day after this date, unless you notify the Authority otherwise. If you are unable to attend work due to sickness or injury, the Authority's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you wish to return to work earlier than the expected return date, you must give your line manager at least eight weeks' notice of their date of early return. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then your line manager does not have to accept the notice to return early but will endeavour to do so if it is reasonably practicable to do so.

On returning to work after SPL, you will return to the same job on the same terms and conditions of employment as if you had not been absent. If during the SPL it is not practicable by reason of redundancy to continue to employ

you under your existing contract of employment, and there is a suitable vacancy, you will be offered this before your existing contract comes to an end and this will take effect immediately on the ending of the existing contract. By way of KIT you will be kept up-to-date with any organisational changes by your line manager.

5. Parental Bereavement

Authority employees who lose a child under the age of 18 or suffer a stillbirth from the 24th week of pregnancy, will be entitled to two weeks paid leave. This will be an entitlement for all staff, regardless of length of service.

The employee must be the:

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

The leave can be taken as a single two-week period, as two separate periods of one week, or as a single week. Parents will have 56 weeks from their child's bereavement to take the leave.

5.1. Giving notice to take leave

An employee must firstly tell their line manager:

- when they wish their Parental Bereavement Leave to start
- whether they want to take 1 or 2 weeks leave
- the date their child died

Taking leave in the first 8 weeks

Within 8 weeks (56 days) of the death, they can start their leave as soon as they give notice. This can be on the first day of leave as long as it's before they're due to start work. For example, if they've started work and give notice to start their leave straight away, Statutory Parental Bereavement Leave must start the following day.

The employee can also cancel the leave, as long as they tell their line manager before the leave starts. This can be on the day their leave is due to start, as long as it's before they're usually due to start work. Any cancelled leave can be taken later by giving notice again.

Taking leave after the first 8 weeks

If an employee wishes to take the leave more than 8 weeks (56 days) after the death, they should give their line manager 1 week's notice to take the leave or cancel the leave. Any cancelled leave can be taken later by giving notice again.

5.2. Claiming Statutory Parental Bereavement Pay

To receive Statutory Parental Bereavement Pay, the employee must confirm in writing:

- their name
- their entitlement to Statutory Parental Bereavement Pay
- the start and end dates of the leave they want to claim the pay for
- the date of their child's death
- their relationship with the child

Notice must be given within 28 days of starting leave. If they take the 2 weeks off separately, they must give notice in writing for each week.

Employees can give notice for their leave and pay in one document.