



Okehampton Town Council

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Maternity, Paternity and Adoption Policies

MATERNITY POLICY

1. Definitions

The following definitions are used in this policy:

- "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; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth.

2. To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

3. Notification Requirements

An employee shall notify the Town Clerk in writing at least 28 days before her absence begins or as soon as is reasonably practical:

- That she is pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which she intends to start her maternity leave.

The employee may vary the date on which they intend to start their maternity leave provided that they notify their employer of the revised start date. To start the leave sooner, the employee must tell the employer at least 28 days before the **new** start date. To start the leave later, the employee must tell the employer at least 28 days before the **old** start date. If either of these are not reasonably practicable, the employee must tell the employer as soon as is reasonably practicable.

3. Health and Safety

On receipt of written notification from an employee that she is pregnant, the Town Clerk should carry out a risk assessment. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

5. Ante-Natal Care

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

6. Maternity Leave

6.1 Ordinary and Additional Maternity Leave

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave may be triggered if she is absent due to a pregnancy-related illness.

7. Maternity Pay

7.1 Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website www.gov.uk

7.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

An employee who declares in writing that she intends to return to work will, for the subsequent 12 weeks' absence, receive half a week's pay. She will also receive SMP, if eligible to do so, and the only reason that any deduction will be made is if the

combined pay and SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the authority during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that she does not do so, she will be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

For employees not intending to return to work, payments during their maternity leave period following the first 6 weeks will only be their entitlement to SMP (currently ending after week 39), where eligible.

8. Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

8.1 Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

8.2 Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related

Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Town Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Town Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

9. Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

10. Leave During Maternity Leave

10.1 Annual Leave

Annual leave continues to accrue during maternity leave.

10.2 Bank/Public Holidays

Bank/public holidays continue to accrue during maternity leave.

10.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

10.4 Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

For an example of calculating this, see Appendix A.

11. Returning To Work

11.1 Notification requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

11.2 Early return

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

11.3 Keeping In Touch

A woman can do up to 10 days' work during her maternity leave, in agreement with her manager, without bringing her maternity leave to an end. Working for part of a day will count as one day. A woman will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

PATERNITY POLICY

12 To Whom This Policy Applies

An employee has a statutory entitlement to take paternity leave for the purpose of caring for a child or supporting the child's mother in the first few weeks following the birth.

13 Paternity Leave (PL) and Maternity Support Leave (MSL)

13.1 Eligibility Criteria

To qualify for paternity leave the employee must satisfy the following. They must:

- Be the father of the child, or be married to or be the partner of the child's mother;
- Have or expect to have responsibility for the upbringing of the child; and
- Have 26 weeks' continuous service with the Council by the end of the fifteenth week before the expected week of childbirth (EWC).

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take paternity leave where the other adoptive parent has qualified and elected to take adoption leave.

13.2 Paternity Leave (PL)

An employee who meets the qualifying criteria is entitled to two weeks' Paternity Leave.

An employee can take either one week or two consecutive weeks' Paternity Leave, paid at the current Statutory Paternity Pay (SPP) rate. It must be taken within 56 days after the child is born or adopted. Employees must take this leave in full weeks, i.e. either one or two weeks' leave.

13.3 Maternity Support Leave (MSL)

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave (MSL) of one week. This is provided for the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP is topped up to full pay. Therefore an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity Support Leave (during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

13.4 Notification Requirements for Paternity Leave and Maternity Support Leave

13.5 Before Paternity Leave starts

The employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not possible, notice must be provided as soon as is reasonably practical:

- The expected week of childbirth (EWC);
- Whether they intend to take one or two weeks' leave;
- The date the employee wishes to take their leave, as discussed with their manager.

If requested, the employee must also provide a copy of the mothers MATB1 as well as providing the employer with a signed declaration confirming they are:

- The baby's biological father, married to or in a civil partnership with the mother, or living with the mother in an enduring family relationship, but are not an immediate relative; and
- Will be responsible for the child's upbringing and will take time off work to support the mother or care for the child.

13.6 After the birth

The employee must also inform the employer of the date the child was born, as soon as is reasonably practical after the child's birth.

14. Ante-natal Care

Expectant fathers, and partners of pregnant women have the right to unpaid time off to attend two antenatal appointments with the expectant mother, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. They must produce evidence of appointments if requested to do so.

15. Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

15.1 Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

15.2 Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Town Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Town Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

16. Continuous Service

Paternity leave and Maternity Support leave will count as continuous service for statutory and contractual purposes.

17. Annual Leave and Bank/Public Holidays

Annual leave and Bank/Public holidays will continue to accrue during paternity leave and Maternity Support leave.

ADOPTION POLICY

18. To Whom This Policy Applies

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies.

The right to adoption leave is available to men and women (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them (known as the primary adopter) will be entitled to take adoption leave (the couple can choose which). The other adoptive parent (known as the secondary adopter) will normally be entitled to take Statutory Paternity Leave, provided that he or she meets the relevant statutory criteria.

19. Adoption Leave

All employees, regardless of their length of service, are entitled to 26 weeks of Ordinary Adoption Leave and 26 weeks Additional Adoption Leave (subject to providing the sufficient evidence as per below).

Adoption leave can start:

- up to 14 days before the date the child starts living with the adopter (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if the employee has used a surrogate to have a child)

An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

20 Adoption Pay

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay (SAP), where eligible.

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of employees average weekly earnings for the first 6 weeks
- SAP or 90% of employees average weekly earnings (whichever is lower) for the next 33 weeks

This provision is the statutory entitlement. Details of the current rates of Adoption Pay may be found on the government's website www.gov.uk

21 Eligibility Criteria

To qualify for adoption pay an employee must:

- Have 26 weeks' service by the notification week; and

- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide the Council with the appropriate notice and evidence of entitlement.

22 Notification Requirements

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform the Town Clerk in writing of the following:

- the date the child is expected to be placed with them for adoption;
- the date the employee has chosen to start their leave and pay.

23 Evidence

In order to receive adoption pay and leave, the employee must provide the Town Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:

- the name and address of the adoption agency;
- the employee's name and address;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

24 Adoption Appointments

The main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

25 Leave During Adoption Leave

25.1 Annual Leave

Annual leave continues to accrue during adoption leave.

25.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

25.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to adoption leave being taken. Where taking adoption leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

26 Continuous Service

Adoption leave counts as continuous service for statutory and contractual purposes.

27 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

27.1 Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

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- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

27.2 Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Town Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Town Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

28 Returning to Work

28.1 Notification Requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

28.2 Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

29 Keeping in Touch

An employee can do up to 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If you do not wish to be contacted please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

Appendix A

Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity leave, she had not taken any of the current annual leave year's entitlement.*

Her maternity leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours

The employee's total annual leave for the current year will be 116.4 hours. Because she will be reducing the length of her working day to 4 hours, this will equate to 29.1 days on her return to work.

* For simplicity, this example does not take account of bank/public holidays, although these accrue during maternity leave and would also need to be factored in to any calculations.