



CORPORATE / SCHOOLS

MATERNITY & ADOPTION SUPPORT LEAVE POLICY

Policy Date : 2004

Employee Relations
Policy & Strategy Team
Personnel & Performance Directorate

If you require further help in the interpretation of this policy you can contact the HR Helpdesk at hrsshelphelp@devon.gov.uk or Schools Personnel Helpdesk at hrealaid@devon.gov.uk

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POLICY

1. Introduction

- 1.1. This policy, procedure and guidance apply 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 Scheme 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 Scheme 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
- 2.3. There are two elements to the scheme, the statutory entitlements and the contractual entitlements. The Devon County Council Maternity and Adoption Support Scheme 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 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

4.0 Notification

- 4.1 An eligible employee must give notice in writing to their line manager of their intention to take leave by the fifteenth 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 pack 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 CTP1 'Report of Absence' form is completed, stating the date that the employee commenced adoption 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 CTP1 'Report of Absence' form is completed, stating the date that the employee commenced adoption 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 fifteenth 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 father or
 - the mother's husband, 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 at or around the time of the birth or placement (see appendix 1).
- 7.2 An employee with **26 weeks or more continuous service with DCC** at the fifteenth 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 at or around the time of the birth (see appendix 1).
- 7.3 An employee with **26 weeks or more continuous service with DCC** at the fifteenth 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 father or
 - the mother's husband or 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. 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).
- 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.
- 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 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.
- 7.8 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 service will count as normal for pension purposes i.e. as if the employee had been at work.

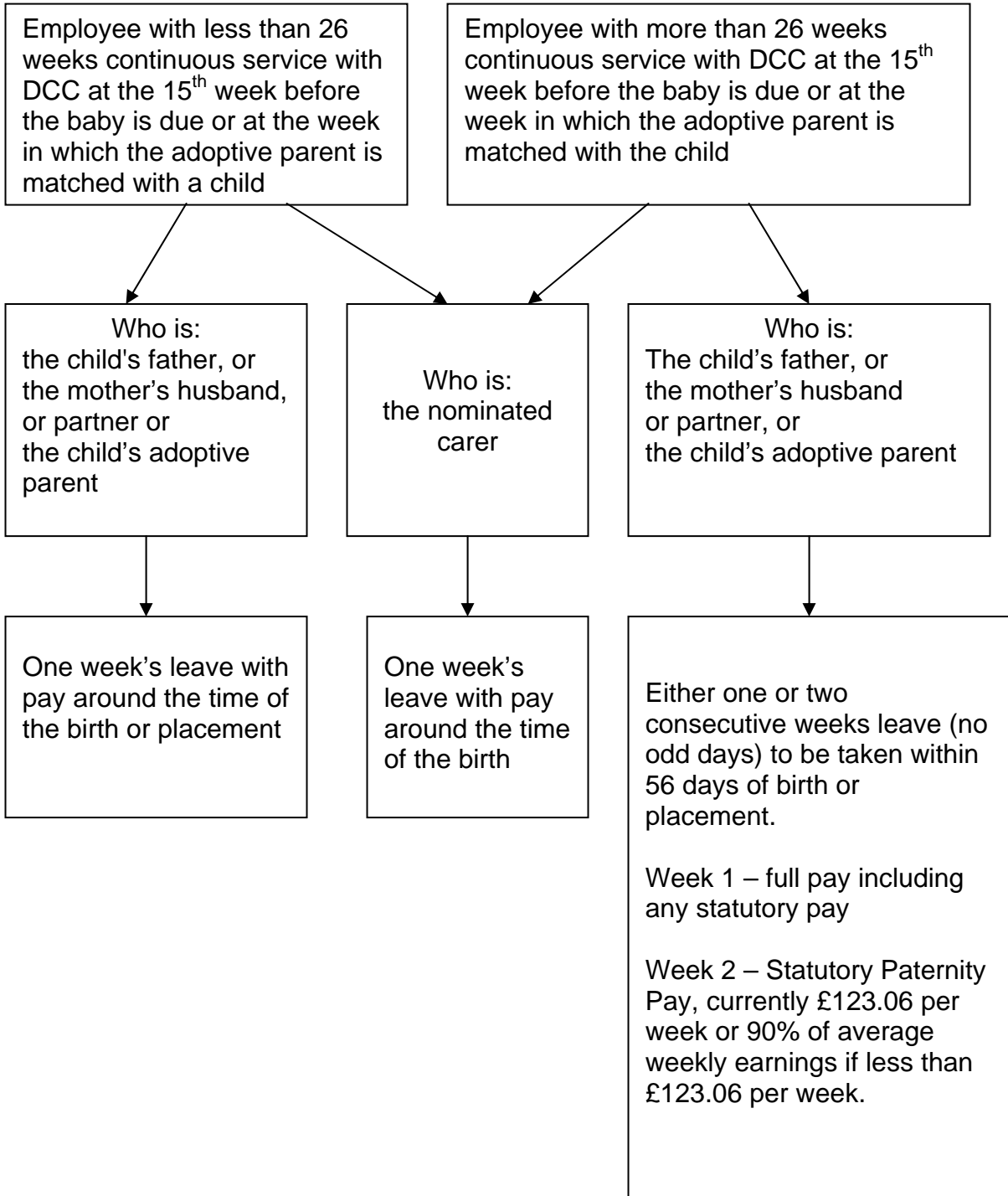
10.0 Car Users

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

11.0 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 at or around the time of birth.
Partner	Someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative. A partner does not have to be of the opposite sex and includes civil 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).

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