

This guidance applies to any employee who was appointed to either Cumberland Council or Westmorland and Furness Council on or after 1st April 2023. Although the term “Cumbria County Council” and associated terminology remain, the content applies to the new authorities.

Any employee who was employed by Cumbria County Council or one of the 6 District Councils prior to 1st April 2023, and who TUPE transferred to their new employer will continue to use the procedure from the relevant legacy authority.

Version Control	Changes Made	Author
Version 1 – April 2023		HR/OD

Maternity, Paternity and Adoption Leave Procedure and Guidance

Introduction

The purpose of this scheme is to bring together information on the various family leave entitlements available to expectant mothers, parents, adopters and those who support them. These entitlements, together with the introduction of Shared Parental Leave provide an opportunity for parents/adopter to be flexible in the way they choose to manage their work life balance in a way which works best for them.

This scheme sets out the statutory provisions for the above family leave together with the entitlements under the relevant terms and conditions of employment.

Scope

This scheme applies to all permanent and fixed term Council/Schools employees covered by Green book, Burgundy book and Grey book, casual workers and volunteers, including people engaged to work for the council through agencies and is not dependent on the number of hours worked.

This scheme also applies in the case of a miscarriage or stillbirth after a pregnancy lasting at least 24 weeks.

It is expected that governing bodies of all community and voluntary controlled schools would adopt this procedure. Foundation and voluntary aided schools and academies are encouraged to do the same.

Principles

Employees should be supported to combine the development of their career with family responsibilities and are encouraged to return to work following any family leave. Provision is made for flexible working arrangements where possible.



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Planning prior to and communication during family leave are important to make the process as smooth as possible for the both the employee and employer.

Process/Checklist of Actions

Action	Responsibility
1. An employee intending to take family leave should notify their manager/headteacher within the required timescale.	Employee
2. Arrange meeting with employee	Manager/Headteacher
3. Submit relevant certifications e.g. MATB1 or Adoption Matching Certificate	Employee
4. Complete any relevant notification forms	Employee
5. Send forms to service centre/HR and payroll provider	Manager/Headteacher
6. Confirm entitlement to leave, start and end dates, and entitlement to pay	Service centre/HR and Payroll provider
7. Maintain reasonable contact throughout the period of leave, which may include KIT days	Manager/Headteacher and employee
8. Return on the date indicated or provide relevant notice of a change to this date	Employee
9. Complete an application form for any change to working arrangements on return	Employee
10. Respond to any requests in the required timeframe	Manager

Service specific terms and conditions and relevant timescales can be found in the appendices detailed below:

Appendix 1 – Green Book employees (including support staff in schools)

Appendix 2 – Burgundy Book Employees

Appendix 3 Grey Book

Where a manager / headteacher is unsure about implementing any aspect of this procedure, they should seek advice from the [People Management team/People Management Portal](#) or from their HR provider.

For Schools

Name of School:	
Date by which School have adopted procedure:	
Signature of Chair of Governors	



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Maternity, Paternity and Adoption Leave Guidance

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Leave and Pay Summary

1. The different kinds of leave and pay available are as follows:

Maternity leave and pay	Applies to pregnant employees and those who have just given birth.
Adoption leave and pay	Applies to the child's adopter, if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting as the intended parents in a surrogacy arrangement where they are applying for a parental order.
Paternity leave and pay	Applies to fathers (biological or adopted) or partners, including civil partners.
Parental leave	Applies to parents, adopters, partners, including civil partners or those with parental responsibilities
Shared parental leave	Applies to parents, adopters, partners, including civil partners, or those with main caring responsibilities, where the mother has curtailed (ended) their maternity or adoption leave early.

Fair Treatment

2. Employees will not be dismissed or subjected to unfavourable treatment for taking or requesting to take family leave.
3. Throughout the leave period an employee's terms and conditions are protected. Employees are entitled to any pay rises and improvements in terms and conditions given during their leave.
4. There is only one period of leave and pay for each instance of pregnancy or adoption regardless of the number of children born or placed for adoption.
5. All periods of leave are counted as continuous service for the purposes of the sickness scheme and annual leave entitlement. Throughout the leave period employees continue to build up holiday entitlement.

Health and Safety

6. A Risk Assessment should be carried out to identify any potential risks to pregnant employees and the relevant protective measures put in place. See the relevant Safety Procedure, or alternatively seek advice from your Health and Safety provider. If an employee feels that they or their baby are still at risk from the work that they do, then they should bring it to the attention of their manager without delay.



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7. In some circumstances, an employee can be placed on paid maternity suspension if their continued attendance at work would be detrimental to their own or their baby's health. This would only be done as a last resort if no other suitable alternative work were available.
8. An employee who is prevented from attending work because of contact with infectious disease will be entitled to receive normal pay. The period of absence will not count towards sick pay entitlements and absence triggers. Advice can be sought from People Management/HR Provider and the appropriate Occupational Health provider.
9. An employee who is on maternity leave must not work during the 2 weeks beginning with the date of the birth of the baby. This 2-week period is called the 'compulsory maternity leave period'.

Statutory leave and statutory pay

10. All pregnant employees, adopters and partners are entitled to the statutory levels of leave and pay for Ordinary Maternity Leave and statutory maternity pay (SMP), ordinary adoption leave and statutory adoption pay (SAP), paternity leave and pay (SPP). See appendices for a summary of entitlements according to terms and conditions.
11. Employees who are entitled to ordinary maternity/adoption leave are also entitled to take a further 26 weeks additional maternity/adoption leave. This must immediately follow the 26 weeks ordinary leave, without a break.
12. All periods of leave and pay are proportional for part-time employees.

Pay and Pensions

13. All Statutory and Occupational Pay is subject to deductions (tax, NI, pension etc.) in the same way that an employee's normal pay would be. Employees are advised to contact the service centre or their payroll administrator if they want further details about how much maternity pay they will receive.
14. Employees will continue to be members of the pension scheme and the employee's pension contributions will continue to be deducted according to the total amount of pay received. If an employee takes unpaid leave, they have the option of paying pension contributions for this period, so that it will count in full for pension purposes.

For pension's advice contact:

Local Government Pension Scheme and Firefighters' Pension Scheme
contact Your Pension Service, Lancashire The Council
askpensions@localpensionspartnership.org.uk
Tel: 0300 123 6717

TPS - Teachers Pensions at Mowden Hall, Darlington, DL3 9EE



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<https://www.teacherspensions.co.uk/Public/Contact-Us.aspx>

Tel: 0845 6066 166.

Maternity Allowance

15. If an employee does not qualify for SMP, they may be entitled to **Maternity Allowance**. This is a statutory benefit and the amount a person receives will depend on their earnings. If an employee does not qualify for SMP, they will receive a form from the Council or their HR/Payroll Provider which will explain why SMP cannot be paid and who they should contact to claim Maternity Allowance.

Antenatal care and adoption support

16. Employees are entitled to reasonable time off, with pay, to attend ante-natal or other medical appointments in connection with their pregnancy. Partners are also entitled to time off work to attend 2 antenatal appointments. This time off is unpaid and is for a maximum of 6.5 hours for each appointment.
17. Employees who are adopting are entitled to take time off to attend adoption appointments. An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.
18. Employees are requested to bear in mind the requirements of their post, where possible, when arranging appointments.

Occupational pay

19. In addition to statutory pay, employees who meet the qualifying criteria will receive the relevant occupational pay as set out within their terms and conditions of employment. See appendices for a summary of entitlements. Total payments will not exceed the employee's normal pay.

Parental Leave (unpaid)

20. Parental leave is a right to take unpaid time off work to look after the welfare of a child for whom the employee has parental responsibility. The Council can request proof of parental responsibility (e.g. a full birth certificate or adoption papers).
21. Parental leave applies up to the child's 18th birthday.
22. Eligible full time employees have an entitlement of 18 weeks per child. These 18 weeks apply up to the child's 18th birthday. The entitlement for part-time employees is proportionate.



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23. 21 days' notice is required for the requesting of parental leave.
24. The limit on how much parental leave each parent can take in any one year is 4 weeks for each child. This leave can be taken in the following ways:
- As a whole week block (e.g. 1 or 2 weeks)
 - As a number of shorter periods, minimum of three hours
 - In patterns which provide part time or reduced working hours
25. In respect of a child that has been awarded disability living allowance or personal independence payment, the leave may be taken one day at a time or in blocks or multiples of one day.
26. Parental leave requests cannot be postponed where the leave is immediately following maternity or adoption leave. A request for parental leave should not be postponed unless there is a significant reason.

Shared Parental Leave (SPL) and Statutory Shared parental pay (ShPP)

27. Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents are able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.
28. To qualify, the mother or adopter must
- be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or to maternity allowance
 - have curtailed or given notice to reduce, their maternity/adoption leave, or their pay/allowance
 - must share the main responsibility for caring for the child with the named partner.
29. For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.
- Continuity of employment test: the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be taken.
 - Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of in 13 of the 66 weeks.

30. Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.
31. Up to 50 weeks' leave and 37 weeks' pay can be shared between the two parents if the mother brings their maternity/adoption leave and pay to an early end. SPL must end no later than one year after the birth/placement of the child.
32. Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for shared parental leave but their employed partner may be. Agency workers and or/their partners may be entitled to statutory shared parental pay.
33. The full process and guidance for Shared Parental leave is outlined in a separate procedure.

Trigger Points

34. In the case of an employee giving birth early (i.e. before they have given notification or commenced leave), maternity leave and pay will be triggered from the day following the birth. The employee should contact their line manager/headteacher as soon as is reasonably possible to advise of the revised birth date.
35. Maternity leave and pay will also be triggered if an employee is absent with pregnancy-related sickness during the last four weeks of pregnancy. Employees should notify their manager as soon as possible if they are absent either wholly or partly because of their pregnancy, confirming the date that their absence began.

Working during maternity, adoption or shared parental leave

36. An employee on Maternity or Adoption Leave may work up to 10 'keeping in touch' days' without the period of leave coming to an end. Employees are not obliged to work keeping in touch days, nor is their employer obliged to offer them. Employees will be paid contractual pay for the hours they work.
37. An employee on Shared Parental Leave may work up to 20 shared parental in touch days. This is in addition to maternity/adoption keeping in touch days. Employees are not obliged to work shared parental in touch days, nor is their employer obliged to offer them. Employees will be paid contractual pay for the hours they work.

Keeping in Touch (KIT) Days

38. Employees and managers/headteachers can agree up to 10 Keeping in Touch days during the maternity leave. During these days an employee may attend work, for example to take part in learning and development, attend a course or attend a team event or meeting.



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39. Keeping in Touch days are optional and can only take place by agreement between both parties (i.e. neither party can insist that a KIT activity takes place). Contact or meetings between the manager and employee as part of general reasonable contact would not be classified as a KIT day.
40. Attending work for Keeping in Touch Days does not bring to an end an employee's entitlement to maternity leave or pay. However, nor does it extend the statutory or occupational maternity pay or leave period (i.e. employees do not receive a day in lieu for a KIT day).
41. An employee's pay will be 'topped up' to their normal full pay for any hours that they work on a KIT day (pay will be inclusive of any SMP or OMP that they are receiving). Attending work for part of a day will count as a full day in terms of the 10 day maximum, although full pay will only be paid for actual hours worked.

Returning to work following maternity, adoption, paternity, parental or shared parental leave.

42. Employees should return to work on the date indicated in the letter they receive. If an employee wishes to return earlier than this, they will need to provide:
- at least 7 days' notice (if returning from Ordinary Maternity/Adoption Leave) or
 - at least 21 days' notice (if returning from Additional Maternity/Adoption Leave) of their intention to return.
43. If an employee does not provide the appropriate notice, their return may be postponed by up to 7 or 21 days (although not beyond the end of their maternity leave).
44. The earliest point that an employee can return from maternity leave is 2 weeks after the birth of their baby.
45. Parental leave of up to 18 weeks can be taken immediately following maternity, adoption, paternity or shared parental leave. Where the employee then returns to work, for a period of at least three months, they will not be required to refund money from any occupational maternity, adoption or shared parental paid leave.
46. Where an employee has received occupational pay for maternity, adoption, paternity or shared parental leave and does not return to work, they will be required to repay in full the additional half pay they received.
47. Where employees return to work but leave the employment within three months, their employer will recover the additional half pay proportionally.
48. Employees have the right to return to their job if they take:
- Ordinary maternity or ordinary adoption leave
 - Ordinary paternity leave
 - Shared Parental Leave
 - Parental leave of four weeks or less
49. Employees who take additional maternity, adoption leave, shared parental leave



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or more than four weeks of parental leave have the right to return to the same job or a similar job, if it's not possible for them to return to their job due to restructure proposals.



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50. Serious consideration will be given to all requests for a change in working arrangements and requests will be accommodated where possible. An employee who wishes to change their working arrangements (e.g. number of hours worked, the times worked, the place of work) should raise this as soon as possible before their return from any kind of family leave.
51. If a redundancy situation arises while an employee is on maternity, adoption, paternity, parental or shared parental leave they have the same rights to consultation as their colleagues. They also have the right to be offered any suitable alternative job if they're selected for redundancy - even if other colleagues are more suitable for the role.

Childcare Vouchers

Please note that the information below is only applicable to employees who joined a childcare voucher scheme on or before 4 October 2018. The scheme has now been replaced by the Government's Tax-Free Childcare scheme.

52. Employees who are in receipt of childcare vouchers under a salary sacrifice scheme are entitled to continue to receive them during the whole of their maternity leave period. However it should be noted that because the statutory maternity pay (SMP) calculation is based on the amount of salary received during the qualifying period, and the amount of salary sacrificed on childcare vouchers is not included in this calculation, the amount of SMP due to be paid will be reduced.
- 53. This means that between the 12th and 16th week of pregnancy employees who are in the childcare voucher scheme need to calculate and consider whether they will be better off:**
- a. staying in a salary sacrifice scheme and receiving (a) lower Statutory Maternity Pay and (b) continuing to receive childcare vouchers for up to 52 weeks, or
 - b. leaving the salary sacrifice scheme prior to the start of the qualifying period for Statutory Maternity Pay in order to receive higher SMP. In this case they may qualify for the childcare element of Working Tax Credit.
54. Employees should consider this at the earliest opportunity. This will allow them to decide whether they wish to continue to receive childcare vouchers, and if they do whether they wish to reduce the amount they currently receive. To ensure changes are made prior to the qualifying week, the service centre/HR and Payroll provider must be informed of any amendments or cancellations by the 17th week of pregnancy.



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Sources of Support

55. Other resources that are available to managers in supporting employees in relation to their pregnancy are:

Health & Safety

<http://www.intouch.ccc/healthandsafety/default.asp>

Occupational Health service referral (via Managers)

Face to Face Counselling Service (via Manager and Occupational Health service)

<http://www.intouch.ccc/humanresources/helpsupport/employeeassistance.asp>

56. Schools should contact their own providers.

57. Employees can also contact their Trade Union representatives for further information and support.

APPENDIX 1 – GREEN BOOK GUIDANCE

Maternity – Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
Ordinary Maternity Leave & Additional Maternity Leave	<ul style="list-style-type: none"> • 26 weeks leave. • A further 26 weeks leave to be taken immediately after Ordinary Maternity Leave. 	<ul style="list-style-type: none"> • No minimum length of service requirement. • Employee must be employed at the beginning of the 11th week before their Expected Week of Childbirth (EWC). • Employee must provide notification of their pregnancy, Expected Week of Childbirth and Leave requested, at least 28 days before they wish to start their leave. • Employees should submit the required information for their maternity leave and pay using an Employee Notification of Maternity Leave and Pay form and give this, together with the original MAT B1 certificate to their line manager. If the employee needs copies of their MAT B1 certificate for other personal reasons, they can request these from the Service Centre/HR and Payroll provider following submission of the original certificate by their line manager. • An employee can choose to start their maternity leave any time after the beginning of the 11th week before the expected week of childbirth. • If an employee wishes to change their maternity leave start date, they will need to provide 28 days' notice of the change, as far as is possible.
Statutory Maternity Pay	<ul style="list-style-type: none"> • 39 weeks' pay as follows: • 6 weeks at 90% of weekly earnings – 	<ul style="list-style-type: none"> • Employee needs a minimum of 26 weeks continuous service by the 15th week before their Expected Week of Childbirth (EWC).

	<p>often referred to as 'Higher-rate' SMP.</p> <ul style="list-style-type: none"> • 33 weeks Statutory Maternity Pay (*SMP), (or 90% of weekly earnings if this is less than the SMP amount) – often referred to as 'Lower-rate' SMP. • If employee does not qualify for SMP they may qualify for Maternity Allowance instead. Further information contained in the main scheme document. 	<ul style="list-style-type: none"> • Earnings in the 8 weeks up to the 15th week before the EWC must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, the employee should have paid National Insurance on their earnings for those 8 weeks). • Employee must still be pregnant at the 11th week before their Expected Week of Childbirth. • Employee must provide notification of their pregnancy, their Expected Week of Childbirth and their Leave requested, at least 28 days before they wish to start their leave. • NB To qualify for both Leave AND pay, the employee must remain in post until at least the beginning of the 11th week before their Expected Week of Childbirth. • Employees will receive a letter from Payroll confirming their maternity pay. Employees can also contact their payroll administrator to check how much maternity pay they will receive.
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<p>Occupational Maternity Pay (The Council Scheme)</p>	<ul style="list-style-type: none"> In addition to the SMP entitlement: An amount equivalent to 6 weeks of full pay, spread over a period agreed with the manager (where the pay + SMP does not exceed normal full pay) e.g. 12 weeks (50% of weekly pay) + SMP 20 weeks (30% of weekly pay) + SMP 33 weeks (approx. 18% of weekly pay) + SMP <p>Alternatively the equivalent amount may be paid on any other mutually agreed distribution period.</p> <p>Or</p> <p>Receive the amount as a lump sum on returning to work (NB: this will be subject to a deduction for 6 weeks' SMP already received)</p>	<ul style="list-style-type: none"> Employee must have a minimum of 1 YEAR'S continuous service by the 11th week before their Expected Week of Childbirth. The further 6 weeks full pay amount is only payable if the employee has declared in writing that they are returning to work and they complete at least 3 months service on their return. If not, the employee may be required to repay some or the entire amount. If the employee is not returning to work, they will receive the SMP entitlement (outlined in the box above). If the employee is unsure if they are returning or not, they can defer the payment of the 6 weeks full pay amount until they have decided whether or not they intend to return. Within 28 days employees will receive a letter from the Service Centre/ HR and Payroll administrator confirming their maternity pay.
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*SMP is reviewed annually by the government.

Maternity/Adoption Leave and Annual/Bank holiday leave

1. Employees continue to accrue both statutory and contractual holiday entitlement during both the 26 weeks' ordinary maternity/adoption leave period and 26 weeks' additional maternity/adoption leave period.
2. An employee who requests maternity/adoption leave should be advised to take any outstanding leave entitlement accrued before commencing their ordinary maternity/adoption leave. The above also applies to any outstanding flexi time/TOIL accrued where this is applicable.



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3. Where it is not possible to take the outstanding leave before the commencement of maternity/adoption leave, the employee can carry the leave forward and take it on their return to work after their maternity/adoption leave period ends.
4. Existing terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year; however this may be waived in these circumstances.
5. Outstanding leave carried forward or leave accrued during the maternity/adoption leave period should be taken after the ordinary maternity/adoption or additional maternity/adoption leave period ends. Leave cannot break the ordinary and additional leave. This gives the employee a number of options when considering using up any outstanding leave, these include:
 - a) bringing forward the official return from maternity/additional maternity leave date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
 - b) Keep the previously agreed return to work date from maternity/additional maternity leave then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work
 - c) Keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager
6. All leave scenarios for employees will differ depending on the individual's leave year commencement date (birthday). Where an employee's new leave year is due to commence shortly after the agreed return to work date it would be useful to considering using up any carried over/accrued leave prior to the commencement of the new leave year. In circumstances where timescale does not allow leave to be taken, leave entitlement may be carried forward.
7. Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work from maternity leave date.
8. If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed, including both their paid and (if applicable) unpaid maternity leave periods.

Term Time Only Employees

9. Term-time only employees have a leave year which will be specified in their contract of employment. They are required to take their annual leave during school closure periods; however no specific time within these 13 weeks is allocated as annual leave. School closure periods can be said to be either annual leave or non-working time.



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10. The amount of annual leave / bank holiday that they are entitled to is set out in the contract itself and specified in the calculation of the employee's pay.
11. Under the Green Book, employees accrue contractual annual leave / bank holiday entitlements throughout both ordinary and additional maternity leave.
12. A term-time only employee who takes maternity / adoption leave must be able to take the annual leave / bank holiday due to her for that period of time either before or after her maternity / adoption leave. No part of the maternity / adoption leave period can be treated as annual leave or bank holiday entitlement.
13. Annual leave / bank holiday entitlement can be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the maternity / adoption leave period.
14. A term-time only employee should be reminded of her annual leave entitlement and of the policy regarding how this is taken before her maternity / adoption leave commences.
15. If, on a term-time only employee's return from maternity / adoption leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave / bank holiday entitlement the employee must be allowed to take any remaining leave during term time.
16. Where there is not enough time on the employee's return before the end of her annual leave year for her to take her remaining annual leave / bank holiday entitlement, she must be allowed to carry over her annual leave / bank holiday to the next leave year. An employee can be required to take this during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated. The employee should receive pay for the annual leave / bank holiday carried over.
17. However, outstanding annual leave / bank holiday should be taken in the leave year if there is sufficient time to take it in school closure periods or in term time. Under the Working Time Regulations annual leave / bank holiday entitlement should be taken in the leave year in which it accrues if possible.
18. Where employment is continuing, a term-time only employee cannot insist on having payment in lieu of untaken annual leave. In general, it is not possible to pay in lieu of statutory annual leave, except on termination of employment.
19. The Service Centre/Payroll Provider will help the term time employee by providing a calculation of the annual leave / bank holiday entitlements based on their specific annual leave year and maternity / adoption leave periods.

Adoption - Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
<p>Ordinary Adoption Leave</p> <p style="text-align: center;">+</p> <p>&</p> <p>Additional Adoption Leave</p>	<ul style="list-style-type: none"> • 26 weeks Leave <p style="text-align: center;">+</p> <ul style="list-style-type: none"> • A further 26 weeks leave to be taken immediately after Ordinary Adoption Leave 	<ul style="list-style-type: none"> • You must be the child's adopter and be newly matched with the child by an adoption agency • You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement Or • You may be Fostering for Adoption and have agreed for the child to be placed with you on the date of placement • You must provide confirmation of the placement (i.e. a matching certificate or written notification from the adoption agency, or an Official Notification if adopting from overseas) • You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child. • You must provide notification that you intend to take adoption leave, within 7 days of being notified that you have been matched with the child. • The earliest that you can start adoption leave is 14 days before the date the child is expected to be placed with you. • The latest you can start adoption leave is the date that the child is expected to be placed with you. • For overseas adoption the earliest adoption leave can start is when the child enters Great Britain, and the latest is 28 days after the child enters Great Britain. • Once you have started adoption leave you cannot stop it and start again at a later date.
<p>Statutory Adoption Pay</p>	<ul style="list-style-type: none"> • 39 weeks Statutory Adoption Pay (SAP) (or 90% of your weekly earnings if this is less than the SAP amount) 	<ul style="list-style-type: none"> • You must be the child's adopter and be newly matched with the child by an adoption agency • You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement

	<ul style="list-style-type: none"> If you do not qualify for SAP you may qualify for other benefits instead. Refer to the main document for further information. 	<ul style="list-style-type: none"> You must provide confirmation of the placement (i.e. a matching certificate or written notification from the adoption agency) You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child. You must provide at least 28 days' notice (or as much notice as reasonably possible) of the date you wish to start receiving Statutory Adoption Pay Your average earnings in the 8 weeks up to the week in which you are notified of being matched with the child must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks). If the date of placement changes, or if you wish to change the start date you should provide 28 days' notice of the change, as far as is possible.
Occupational Adoption Pay (The Council Scheme)	<ul style="list-style-type: none"> In addition to your SAP entitlement: For the first 6 weeks, your SAP will be 'topped up' to equal 90% of your weekly earnings A further amount equivalent to 6 weeks of full pay, spread over a period agreed with your manager (where the pay + SAP does not exceed your normal full pay) e.g. <ul style="list-style-type: none"> 12 weeks at 50% of pay + SAP 20 weeks at 30% of pay + SAP Receive the amount in full on returning to work 	<ul style="list-style-type: none"> You need a minimum of 1 year's continuous service by the week in which you are notified of being matched with the child. The 'top up' pay and further 6 weeks full pay amount are only payable if you have declared in writing that you are returning to work and you complete at least 3 months service on your return. If not, you may have to repay some or all of the amount. If you are not returning to work, you will receive the SAP entitlement (39 weeks SAP (or 90% if this is less than the SAP amount). If you are unsure if you are returning or not, you can defer the payment of the 'top up' pay and 6 weeks full pay amount until you have decided whether or not you intend to return. Within 28 days employees will receive a letter from the Service Centre/ HR and Payroll administrator confirming their adoption pay. All of the entitlements above apply to newly matched adoptive parents only,



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		not to step parents who are adopting their partner's children.
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Disruption of adoption

20. In circumstances where the adoption is ended after an employee has started their leave, they will not be entitled to the full adoption leave entitlement. The employee will be entitled to a further 8 weeks leave and (if applicable) pay, after the week in which the placement was disrupted, or until the end of their statutory leave or pay period if this is sooner. They will need to provide 21 days' notice of the date when they will return to work.



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Paternity Leave, Maternity Support Leave and Parental Leave - Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
<p>Maternity Support Leave and Pay</p>	<p>5 days paid leave at normal pay (pro rata for part time employees)</p> <p>Note: This is not in addition to paternity provisions. Any paternity leave and pay is offset against Maternity Support Leave.</p> <p>See below for examples.</p>	<ul style="list-style-type: none"> • You must provide notice of your expected dates of absence and provide written notification from the expectant mother/adopter that you are the nominated carer* of the child. This should be no later than the 6th week before the Expected Date of Birth (EWC), or placement, or as soon as is reasonably possible. • You must provide a copy of the MATB1 or matching certificate or written confirmation from the adoption agency. • You must take the leave in a block of 5 days at or around the time the child is born or placed. • There is no minimum service requirement.
<p>Paternity Leave and Pay (Statutory Provisions)</p>	<p>A further 1 week of paid leave at the current rate of Statutory Paternity Pay (SPP^{***}) (or 90% of your earnings if this is less than SPP).</p>	<ul style="list-style-type: none"> • You need a minimum of 26 weeks continuous service by either <ul style="list-style-type: none"> ○ the 15th week before the Expected Date of Confinement, or ○ the week in which the adopter is notified of being matched with the child. • You must remain employed up to the date of birth/placement. • Your average earnings in either the 8 weeks up to either: <ul style="list-style-type: none"> ○ the 15th week before the Expected Date of Confinement; or ○ the week in which the adopter is notified of being matched with the child <p>must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks).</p>

		<p>If your earnings are not at this level, you will only qualify for paternity leave, NOT Statutory Paternity Pay (although you may be eligible for other benefits).</p> <ul style="list-style-type: none"> • You must be married to or the partner** of the child's mother/adopter. • You must confirm that you expect to have responsibility for the upbringing of the child (other than the responsibility of the primary mother/adopter). • You must confirm that you are taking the time off work to support the mother/adopter and/or care for the child. • You must take the leave in a block of 1 week, consecutive to the week of maternity support leave, in the period up to 56 days (8 weeks) after the child is placed. • The entitlement is for one period of leave regardless of the number of children born/matched.
<p>Parental Leave (Statutory Provision)</p>	<p>18 weeks leave</p>	<ul style="list-style-type: none"> • You must have completed one year's continuous service with an employer to qualify. • You must be named on the child's birth or adoption certificate or confirm that you expect to have parental responsibility for the upbringing of the child, eg as a guardian***. • Leave may be taken straight after the birth or adoption or following a period of maternity leave. • You must give 21 days' notice of the start date of the parental leave • a maximum of four weeks' ordinary parental leave can be taken in any one year - unless the employee's child has been awarded disability living allowance or personal independence payment, in which case the leave may be taken one day at a time or in blocks or multiples of one day.



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		<ul style="list-style-type: none"> • The right to a period of unpaid parental leave is available in respect of each child.
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* For maternity support leave, a **'Nominated Carer'** is the person nominated by the mother/adopter as the primary provider of support at or around the time of birth/placement. It is anticipated that in most cases this will be the spouse or partner, however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother/adopter and/or the child. The mother/adopter can only have 1 nominated carer. Where maternity support leave is taken by a spouse or partner any paternity leave and pay is offset against this

Examples

- A spouse/partner may take one week of maternity support leave at full pay, followed by a further week of paternity leave at the current rate of SPP.
- If the nominated carer is not entitled to Statutory Paternity Pay and Leave they may take one week of Maternity Support Leave at full pay.

** For paternity leave, a **'Partner'** is a person (whether of a different sex or the same sex) who lives with the adopter and the child in an enduring family relationship, but is not a relative of the adopter i.e. a parent, grandparent, sister, brother, aunt or uncle.

*** For parental leave a Guardian may be:

Special Guardian

A special guardianship order is a court order appointing one or more individuals to be a child's 'special guardian'. It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.

Legal Guardian

This appointment comes into effect if all the child's parents who have parental responsibility die, and the nominated guardians then acquire parental responsibility automatically. This means that they do not need to make a court application to be permitted to care for the child.

While Parental Leave is unpaid it may be possible to make an application to your Local Authority for a Special Guardianship Allowance. Local Authorities will then have to work out how much fostering allowance would have been paid had the child been fostered rather than cared for under a Special Guardianship Order. This is means tested and you can find out more information in the [Special Guardianship Regulations 2005](#)



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APPENDIX 2 – BURGUNDY BOOK GUIDANCE

Maternity – Summary of Entitlements

Qualifying Service	Amount of unpaid/paid leave
Not less than 1 years continuous teaching service with 1 or more LEAs at the beginning of the 11 th week before the expected week of childbirth with the intention of returning after the birth	<p>52 weeks maternity leave</p> <p>39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP)</p> <p>18 weeks occupational maternity pay (OMP) (4 weeks at full pay, 2 weeks at 90% of full pay, 12 weeks at ½ pay + flat rate SMP)</p> <p>Remainder unpaid</p> <p><i>* OMP + SMP must not exceed your normal full pay</i></p>
Not less than 1 years continuous teaching service with 1 or more LEAs at the beginning of the 11 th week before the expected week of childbirth with the intention of NOT to return after the birth	<p>52 weeks maternity leave</p> <p>39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP)</p> <p>6 weeks occupational maternity pay (OMP) (4 weeks at full pay, 2 weeks at 90% of full pay)</p> <p><i>* OMP + SMP must not exceed your normal full pay</i></p>
Less than 1 years continuous teaching service with 1 or more LEAs but 26 weeks continuous service at the 15 th week before the expected week of childbirth with the intention of returning to work after the birth	<p>52 weeks maternity leave</p> <p>39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP)</p> <p>Remainder unpaid</p>
Minimum of 26 weeks continuous service with 1 or more LEAs at the 15 th week before the expected week of childbirth with the intention of NOT returning to work after the birth	<p>52 weeks maternity leave</p> <p>39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP)</p>
Less than 26 weeks continuous service with 1 or more LEAs at the 15 th week before the expected week of childbirth	<p>52 weeks unpaid maternity leave, maternity allowance may be payable by</p>



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regardless of whether you intend to return
to work or not

the DFWP (providing qualifying
conditions apply)

*SMP is reviewed annually by the government.

Employees who take 39 weeks maternity leave to coincide with the period of SMP should be aware that this automatically takes them into the Additional Maternity Leave period.

Notification – Start of Maternity Leave

1. To be eligible for maternity leave and pay, an employee must confirm the following information to their manager as soon as possible, giving at least 14 weeks' notice:
 - That they are pregnant
 - When their expected week of childbirth (EWC) is - providing a medical certificate which states this (this will usually be a MAT B1 (Maternity Certificate), which is issued by a doctor or midwife approximately 14 – 20 weeks before the EWC).
 - The date when they wish to start their maternity leave (N.B. an employee can choose to start their maternity leave any time after the beginning of the 11th week before the expected week of childbirth).
2. Employees can confirm this information by completing the Maternity Notification Form and submitting it with form MAT B1 to their manager
3. If an employee wishes to change their start date, they will need to provide 28 days' notice of the change, as far as is possible.
4. It is advisable for an employee and their manager to have discussions at an early stage, to ensure that the employee is aware of their entitlements. It also provides the opportunity to discuss any potential workplace changes that may occur during the maternity leave period and any plans the employee has for their return, especially if they are considering requesting a change to their working arrangements.

Subsequent obligations on the Teacher

5. Should you qualify for OMP you have an obligation to return to work for at least 13 weeks (including periods of school closure) in order to retain your OMP.
6. Where your Line Manager agrees, a full time Teacher may return to work on a part time basis which equates to 13 weeks of full time service. Similarly a part time Teacher may return to work on a different part time basis for a period which equates to 13 weeks part time service relating to her previous contract.

Maternity/Adoption Leave and Annual/Bank holiday leave

7. Teachers do not have a contractual entitlement to paid annual leave or a specified



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annual leave year; however they are entitled to 24 days' statutory annual leave under the Working Time Regulations.

8. A teacher who takes maternity leave must be able to take the 24 days statutory annual leave at a time outside of her maternity leave. No part of the maternity leave period i.e. ordinary maternity leave (OML) or additional maternity leave (AML), can be treated as annual leave;
9. Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period;
10. A teacher should be advised prior to commencing her maternity leave that she has a statutory entitlement to 24 days annual leave and that this should be taken either before or after the maternity leave period during school closure periods. On her return from maternity leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate her leave in that leave year;
11. Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take all her annual leave entitlement, a teacher must be allowed to carry over any balance of her leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the 24 days' annual leave for that leave year has been accommodated;
12. It is not possible for either the teacher or the authority to decide to carry over the annual leave into the next leave year if there is time to take the leave in the current leave year i.e. in school closures or in term time;
13. It will not usually be possible for a teacher to obtain payment in lieu of untaken annual leave instead of taking leave during the leave year.
14. As an employee has 24 days leave under the WTR, the accrual of leave is not affected by what stage of maternity leave an employee is at or whether they are receiving pay.
15. A teacher taking adoption leave will be entitled to take their leave in the same way as a teacher on maternity leave.



Adoption – Summary of Entitlements

Qualifying Service	Amount of unpaid/paid leave
Not less than 1 years continuous teaching service with 1 or more LEAs by the week in which you are notified of being matched with the child with the intention of returning after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) 18 weeks occupational adoption pay (OAP) (4 weeks at full pay, 2 weeks at 90% of full pay, 12 weeks at ½ pay + flat rate SAP) Remainder unpaid <i>* OAP + SAP must not exceed your normal full pay</i>
Not less than 1 years continuous teaching service with 1 or more LEAs by the week in which you are notified of being matched with the child, with the intention of NOT to return after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) 6 weeks occupational adoption pay (OAP) (4 weeks at full pay, 2 weeks at 90% of full pay) <i>* OAP + SAP must not exceed your normal full pay</i>
Less than 1 years continuous teaching service with 1 or more LEAs but 26 weeks continuous service by the week in which you are notified of being matched with the child, with the intention of returning to work after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) Remainder unpaid
Minimum of 26 weeks continuous service with 1 or more LEAs by the week in which you are notified of being matched with the child with the intention of NOT returning to work after the birth	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP)
Less than 26 weeks continuous service with 1 or more LEAs by the week in which you are notified of being matched with the child regardless of whether you intend to return to work or not	52 weeks unpaid adoption leave, adoption allowance may be payable.

*SAP is reviewed annually by the government.

Employees who take 39 weeks adoption leave to coincide with the period of SAP should be aware that this automatically takes them into the Additional Adoption Leave period.



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Notification – Start of Adoption Leave

1. To be eligible for adoption leave and pay you must be the child's adopted and be newly matched with the child by an adoption agency.
2. You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement.
3. You must provide confirmation of the placement (i.e. A matching certificate or written notification from the adoption agency, or an Official Notification if adopting from overseas).
4. You must provide notification that you intend to take adoption leave, within 7 days of being notified that you have been matched with the child.
5. The earliest that you can start adoption leave is 14 days before the date the child is expected to be placed with you.
6. The latest you can start adoption leave is the date the child is expected to be placed with you.
7. For overseas adoption the earliest adoption leave can start is when the child enters Great Britain, and the latest is 28 days after the child enters Great Britain.
8. You must provide at least 28 days' notice (or as much as is reasonably possible) of the date you wish to start receiving Statutory Adoption Pay.
9. Your average earnings in the 8 weeks up to the week in which you are notified of being matched with the child must be equal to or above the Lower Earnings Limit.
10. If the date of placement changes, or if you wish to change the start date you should provide 28 days' notice of the change, as far as is possible.
11. Once you have started adoption leave you cannot stop it and start again at a later date.
12. You should receive a letter from the Service Centre/HR and Payroll provider within 28 days confirming your adoption pay.
13. All of the entitlements above apply to newly matched adoptive parents only, not to step parents who are adopting their partner's children.

Disruption of adoption

14. In circumstances where the adoption is ended after an employee has started their leave, they will not be entitled to the full adoption leave entitlement. The employee will be entitled to a further 8 weeks leave and (if applicable) pay, after the week in which the placement was disrupted, or until the end of their statutory leave or pay period if this is sooner. They will need to provide 21 days' notice of the date when they will return to work.



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Paternity Leave, Maternity Support Leave and Parental Leave - Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
<p>Maternity Support Leave and Pay*</p>	<p>5 days paid leave at normal pay (pro rata for part time employees)</p> <p>Note: This is not in addition to paternity provisions. Any paternity leave and pay is offset against Maternity Support Leave.</p> <p>See below for examples.</p>	<ul style="list-style-type: none"> • You must provide notice of your expected dates of absence and provide written notification from the expectant mother/adopter that you are the nominated carer* of the child. This should be no later than the 6th week before the Expected Date of Birth (EWC), or placement, or as soon as is reasonably possible. • You must provide a copy of the MATB1 or matching certificate or written confirmation from the adoption agency. • You must take the leave in a block of 5 days at or around the time the child is born or placed. • There is no minimum service requirement
<p>Paternity Leave and Pay (Statutory Provisions)*</p>	<p>One or two weeks of paid leave at the current rate of Statutory Paternity Pay (SPP***) (or 90% of your earnings if this is less than SPP).</p>	<ul style="list-style-type: none"> • You need a minimum of 26 weeks continuous service by either <ul style="list-style-type: none"> ○ the 15th week before the Expected Date of Confinement, or ○ the week in which the adopter is notified of being matched with the child. • You must remain employed up to the date of birth/placement. • You must provide a copy of the MATB1 or matching certificate or written confirmation from the adoption agency. • • Your average earnings in either the 8 weeks up to either: <ul style="list-style-type: none"> ○ the 15th week before the Expected Date of Confinement; or ○ the week in which the adopter is notified of being matched with the child



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		<p>must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks).</p> <p>If your earnings are not at this level, you will only qualify for paternity leave, NOT Statutory Paternity Pay (although you may be eligible for other benefits).</p> <ul style="list-style-type: none"> • You must be married to or the partner* of the child's mother/adopter. • You must confirm that you expect to have responsibility for the upbringing of the child (other than the responsibility of the mother/primary adopter). • You must confirm that you are taking the time off work to support the mother/adopter and/or care for the child. • You must take the leave in a block of 1 week or 2 consecutive weeks, in the period up to 56 days (8 weeks) after the child is placed. • The entitlement is for one period of leave regardless of the number of children born/matched.
<p>Parental Leave (Statutory Provision)</p>	<p>18 weeks leave</p>	<ul style="list-style-type: none"> • You must have completed one year's continuous service with an employer to qualify. • You must be named on the child's birth or adoption certificate or confirm that you expect to have parental responsibility for the upbringing of the child eg as a Guardian*** • Leave may be taken straight after the birth or adoption or following a period of maternity leave. • You must give 21 days' notice of the start date of the parental leave • You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days.



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		<ul style="list-style-type: none"> • a maximum of four weeks' ordinary parental leave can be taken in any one year - unless the employee's child has been awarded disability living allowance or personal independence payment, in which case the leave may be taken one day at a time or in blocks or multiples of one day. • The right to a period of unpaid parental leave is available in respect of each child.
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* For maternity support leave, a **'Nominated Carer'** is the person nominated by the mother/adopter as the primary provider of support at or around the time of birth/placement. It is anticipated that in most cases this will be the spouse or partner, however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother/adopter and/or the child. The mother/adopter can only have 1 nominated carer. Where maternity support leave is taken by a spouse or partner any paternity leave and pay is offset against this

Examples

- A spouse/partner may take one week of maternity support leave at full pay, followed by a further week of paternity leave at the current rate of SPP.
- If the nominated carer is not entitled to Statutory Paternity Pay and Leave they may take one week of Maternity Support Leave at full pay.

** For paternity leave, a **'Partner'** is a person (whether of a different sex or the same sex) who lives with the adopter and the child in an enduring family relationship, but is not a relative of the adopter i.e. a parent, grandparent, sister, brother, aunt or uncle.

*** For parental leave a Guardian may be:

Special Guardian

A special guardianship order is a court order appointing one or more individuals to be a child's 'special guardian'. It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.

Legal Guardian

This appointment comes into effect if all the child's parents who have parental responsibility die, and the nominated guardians then acquire parental responsibility automatically. This means that they do not need to make a court application to be permitted to care for the child.

While Parental Leave is unpaid it may be possible to make an application to your Local Authority for a Special Guardianship Allowance. Local Authorities will then have to work out how much fostering allowance would have been paid had the child been fostered rather than cared for under a Special Guardianship Order. This is means tested and you can find out more information in the [Special Guardianship Regulations 2005](#)

APPENDIX 3 – GREY BOOK GUIDANCE

Maternity – Summary of Entitlements

Working Rig

1. Health and Safety legislation requires employers to provide maternity uniform and Personnel Protective Equipment (PPE) to pregnant employees. Furthermore, maternity and pregnancy has been established as a protected characteristic in the 2010 Equality Act, setting out the employee's entitlement to reasonable adjustment.
2. Employees should order working rig as maternity uniform from the stores team as soon as they have informed the Service regarding their pregnancy.
3. Pregnant employees are entitled to order two sets of maternity working rig trousers and up to 4 T- Shirts (or pro-rata if part time). Employees are advised to order both sets as soon as possible.
4. They may order one set for the first trimester of their pregnancy and a larger set for the second trimester.
5. For the third trimester employees may continue to wear working rig or may wear their own clothes if that is more comfortable for them. If employees choose to wear their own clothes, they should be smart, plain and similar in colour to the working rig.
6. Maternity working rig is specifically included in the North West FRS Sugden's Duty Rig and Associated Uniform Contract and a stock of un-badged maternity working rig will be held. This will be embroidered as soon as an order is placed by the Stores Team and should be available for dispatch within a week.
7. This guidance also applies to Green Book/Support Staff who wear working rig uniform in their daily work.
8. Employees should order maternity uniform from the stores team as soon as they have informed the Service regarding their pregnancy.

Green Book/Support Staff Uniform

9. Pregnant employees are entitled to order 5 tops and 3 skirts or trousers for the duration of their pregnancy (or pro-rata if part time). They may order maternity wear or just larger sizes, whatever is more comfortable.
10. They may order part of their allocation for the first trimester of their pregnancy and the remainder in a larger size for the second trimester.
11. Employees are advised to order all uniform as soon as possible. For the third trimester employees may continue to wear service uniform or may wear their own clothes if that is more comfortable for them. If employees choose to wear their own clothes, they should be smart, plain and similar in colour to Green Book/Support Staff Uniform.

12. Maternity Green Book/Support Staff uniform is available through the ARCO contract.

Maternity/Adoption Leave and Annual/Bank holiday leave

13. Employees continue to accrue both statutory and contractual holiday entitlement during both the 26 weeks' ordinary maternity/adoption leave period and 26 weeks' additional maternity/adoption leave period.

14. An employee who requests maternity/adoption leave should be advised to take any outstanding leave entitlement accrued before commencing their ordinary maternity/adoption leave. The above also applies to any outstanding flexi time/TOIL accrued where this is applicable.

15. Where it is not possible to take the outstanding leave before the commencement of maternity/adoption leave, the employee can carry the leave forward and take it on their return to work after their maternity/adoption leave period ends.

16. Existing terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year; however this may be waived in these circumstances.

17. Outstanding leave carried forward or leave accrued during the maternity/adoption leave period should be taken after the ordinary maternity/adoption or additional maternity/adoption leave period ends. Leave cannot break the ordinary and additional leave. This gives the employee a number of options when considering using up any outstanding leave, these include:

- a) bringing forward the official return from maternity/additional maternity leave date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
- b) Keep the previously agreed return to work date from maternity/additional maternity leave then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work
- c) Keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager

18. All leave scenarios for employees will differ depending on the individual's leave year commencement date (birthday). Where an employee's new leave year is due to commence shortly after the agreed return to work date it would be useful to considering using up any carried over/accrued leave prior to the commencement of the new leave year. In circumstances where timescale does not allow leave to be taken, leave entitlement may be carried forward.

19. Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work from maternity leave date.

20. If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed, including both their paid and (if applicable) unpaid maternity leave periods.

Adoption - Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
<p>Ordinary Adoption Leave</p> <p style="text-align: center;">+</p> <p>&</p> <p>Additional Adoption Leave</p>	<ul style="list-style-type: none"> • 26 weeks Leave <p style="text-align: center;">+</p> <ul style="list-style-type: none"> • A further 26 weeks leave to be taken immediately after Ordinary Adoption Leave 	<ul style="list-style-type: none"> • You must be the child's adopter and be newly matched with the child by an adoption agency • You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement Or • You may be Fostering for Adoption and have agreed for the child to be placed with you on the date of placement • You must provide confirmation of the placement (i.e. a matching certificate or written notification from the adoption agency, or an Official Notification if adopting from overseas) • You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child. • You must provide notification that you intend to take adoption leave, within 7 days of being notified that you have been matched with the child. • The earliest that you can start adoption leave is 14 days before the date the child is expected to be placed with you. • The latest you can start adoption leave is the date that the child is expected to be placed with you. • For overseas adoption the earliest adoption leave can start is when the child enters Great Britain, and the latest is 28 days after the child enters Great Britain. • Once you have started adoption leave you cannot stop it and start again at a later date.
<p>Statutory Adoption Pay</p>	<ul style="list-style-type: none"> • 39 weeks Statutory Adoption Pay (SAP) (or 90% of your weekly earnings if this is less than the SAP amount) • If you do not qualify for SAP you may qualify for other 	<ul style="list-style-type: none"> • You must be the child's adopter and be newly matched with the child by an adoption agency • You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement • You must provide confirmation of the placement (i.e. a matching certificate or

	<p>benefits instead. Refer to the main document for further information.</p>	<p>written notification from the adoption agency)</p> <ul style="list-style-type: none"> • You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child. • You must provide at least 28 days' notice (or as much notice as reasonably possible) of the date you wish to start receiving Statutory Adoption Pay • Your average earnings in the 8 weeks up to the week in which you are notified of being matched with the child must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks). • If the date of placement changes, or if you wish to change the start date you should provide 28 days' notice of the change, as far as is possible.
<p>Occupational Adoption Pay (The Council Scheme)</p>	<ul style="list-style-type: none"> • In addition to your SAP entitlement: <p>For the first 6 weeks, your SAP will be 'topped up' to equal 90% of your weekly earnings</p> <p>A further amount equivalent to 6 weeks of full pay, spread over a period agreed with your manager (where the pay + SAP does not exceed your normal full pay) e.g.</p> <ul style="list-style-type: none"> • 12 weeks at 50% of pay + SAP • 20 weeks at 30% of pay + SAP • Receive the amount in full on returning to work 	<ul style="list-style-type: none"> • You need a minimum of 1 year's continuous service by the week in which you are notified of being matched with the child. • The 'top up' pay and further 6 weeks full pay amount are only payable if you have declared in writing that you are returning to work and you complete at least 3 months service on your return. If not, you may have to repay some or all of the amount. • If you are not returning to work, you will receive the SAP entitlement (39 weeks SAP (or 90% if this is less than the SAP amount). • If you are unsure if you are returning or not, you can defer the payment of the 'top up' pay and 6 weeks full pay amount until you have decided whether or not you intend to return. • Within 28 days employees will receive a letter from the Service Centre confirming their adoption pay. • All of the entitlements above apply to newly matched adoptive parents only, not to step parents who are adopting their partner's children.

Disruption of adoption

21. In circumstances where the adoption is ended after an employee has started their leave, they will not be entitled to the full adoption leave entitlement. The employee will be entitled to a further 8 weeks leave and (if applicable) pay, after the week in which the placement was disrupted, or until the end of their statutory leave or pay period if this is sooner. They will need to provide 21 days' notice of the date when they will return to work.

Paternity Leave, Maternity Support Leave and Parental Leave - Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
<p>Maternity Support Leave and Pay*</p>	<p>5 days paid leave at normal pay (pro rata for part time employees)</p> <p>Note: This is not in addition to paternity provisions. Any paternity leave and pay is offset against Maternity Support Leave.</p> <p>See below for examples.</p>	<ul style="list-style-type: none"> • You must provide notice of your expected dates of absence and provide written notification from the expectant mother/adopter that you are the nominated carer* of the child. This should be no later than the 6th week before the Expected Date of Birth (EWC), or placement, or as soon as is reasonably possible. • You must provide a copy of the MATB1 or matching certificate or written confirmation from the adoption agency. • You must take the leave in a block of 5 days at or around the time the child is born or placed. • There is no minimum service requirement
<p>Paternity Leave and Pay (Statutory Provisions)*</p>	<p>A further 1 week of paid leave at the current rate of Statutory Paternity Pay (SPP***) (or 90% of your earnings if this is less than SPP).</p>	<ul style="list-style-type: none"> • You need a minimum of 26 weeks continuous service by either <ul style="list-style-type: none"> ○ the 15th week before the Expected Date of Confinement, or ○ the week in which the adopter is notified of being matched with the child. • You must remain employed up to the date of birth/placement. • Your average earnings in either the 8 weeks up to either: <ul style="list-style-type: none"> ○ the 15th week before the Expected Date of Confinement; or ○ the week in which the adopter is notified of being matched with the child <p>must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks).</p> <p>If your earnings are not at this level, you will only qualify for paternity leave, NOT Statutory</p>

		<p>Paternity Pay (although you may be eligible for other benefits).</p> <ul style="list-style-type: none"> • You must be married to or the partner** of the child's mother/adopter. • You must confirm that you expect to have responsibility for the upbringing of the child (other than the responsibility of the primary mother/adopter). • You must confirm that you are taking the time off work to support the mother/adopter and/or care for the child. • You must take the leave in a block of 1 week, consecutive to the week of maternity support leave, in the period up to 56 days (8 weeks) after the child is placed. • The entitlement is for one period of leave regardless of the number of children born/matched.
<p>Parental Leave (Statutory Provision)</p>	<p>18 weeks leave</p>	<ul style="list-style-type: none"> • You must have completed one year's continuous service with an employer to qualify. • You must be named on the child's birth or adoption certificate or confirm that you expect to have parental responsibility for the upbringing of the child eg as a guardian. • Leave may be taken straight after the birth or adoption or following a period of maternity leave. • You must give 21 days' notice of the start date of the parental leave • You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days. • a maximum of four weeks' ordinary parental leave can be taken in any one year - unless the employee's child has been awarded disability living allowance or personal independence payment, in which case the leave may be taken one day at a time or in blocks or multiples of one day.

		<ul style="list-style-type: none"> • The right to a period of unpaid parental leave is available in respect of each child.
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* For maternity support leave, a **'Nominated Carer'** is the person nominated by the mother/adopter as the primary provider of support at or around the time of birth/placement. It is anticipated that in most cases this will be the spouse or partner, however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother/adopter and/or the child. The mother/adopter can only have 1 nominated carer. Where maternity support leave is taken by a spouse or partner any paternity leave and pay is offset against this

Examples

- A spouse/partner may take one week of maternity support leave at full pay, followed by a further week of paternity leave at the current rate of SPP.
- If the nominated carer is not entitled to Statutory Paternity Pay and Leave they may take one week of Maternity Support Leave at full pay.

** For paternity leave, a **'Partner'** is a person (whether of a different sex or the same sex) who lives with the adopter and the child in an enduring family relationship, but is not a relative of the adopter i.e. a parent, grandparent, sister, brother, aunt or uncle.

*** For parental leave a Guardian may be:

Special Guardian

A special guardianship order is a court order appointing one or more individuals to be a child's 'special guardian'. It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.

Legal Guardian

This appointment comes into effect if all the child's parents who have parental responsibility die, and the nominated guardians then acquire parental responsibility automatically. This means that they do not need to make a court application to be permitted to care for the child.

While Parental Leave is unpaid it may be possible to make an application to your Local Authority for a Special Guardianship Allowance. Local Authorities will then have to work out how much fostering allowance would have been paid had the child been fostered rather than cared for under a Special Guardianship Order. This is means tested and you can find out more information in the [Special Guardianship Regulations 2005](#)