



# **Maternity, Adoption, Shared Parental & Paternity Support Leave/Pay Provisions**

Conditions of Service



## EMPLOYMENT ZONE

# Conditions of Service – Maternity, Adoption, Shared Parental & Paternity Support Leave/Pay Provisions

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# Conditions of Service – Maternity, Adoption, Shared Parental & Paternity Support Leave/Pay Provisions

### 1. Introduction

Our Maternity, Adoption, Shared Parental, and Paternity Support Leave & Pay Provisions are available to eligible employees who are having a baby or are adopting a child. This includes intended parents of surrogacy arrangements who apply for and obtain a Parental Order. Our provisions go beyond current legislative statutory requirements and exceed those offered by other local government employers. This is indicative of our commitment to ensuring that all employees receive valuable support in the early days of parenthood.

The provisions are outlined below. Further information and practical guidance on how these are applied are available on [Connect](#).

### 2. Maternity and Adoption Leave & Pay

#### 2.1. Eligibility:

<b>Maternity</b>	<b>Adoption</b>
<p><b>Maternity leave</b> is available to an employee who is:</p> <ul style="list-style-type: none"> <li>Pregnant (including surrogate mothers)</li> </ul>	<p><b>Adoption leave</b> is available to an employee who is:</p> <ul style="list-style-type: none"> <li>Newly matched with a child for adoption (up to the age of 18); <i>or</i></li> <li>One of the intended parents in a surrogacy arrangement where they have either obtained; have applied for; or intend to apply for a Parental Order.</li> </ul>
<p><b>Maternity pay</b> is available to employees with at least 26 weeks' continuous service by the qualifying week:</p> <ul style="list-style-type: none"> <li>15<sup>th</sup> week before they are due to give birth.</li> </ul>	<p><b>Adoption pay</b> is available to employees with at least 26 weeks' continuous service by the qualifying week:</p> <p><b>(UK adoptions)</b></p> <ul style="list-style-type: none"> <li>Prior to the week they're notified of being matched with a child for adoption.</li> </ul> <p><b>(Overseas adoptions)</b></p> <ul style="list-style-type: none"> <li>Prior to the week they receive official notification that they are allowed to adopt a child from overseas.</li> </ul> <p><b>(Surrogacy)</b></p> <ul style="list-style-type: none"> <li>By the 15<sup>th</sup> week before the baby is due.</li> </ul>

#### 2.2. Notification and certification:

<b>Maternity</b>	<b>Adoption</b>
<p>To apply for our maternity provisions, the employee must complete and submit the MATAD2 form:</p> <ul style="list-style-type: none"> <li>By the 15<sup>th</sup> week before baby is due.</li> </ul> <p>She must also provide the Maternity Certificate (MATB1) issued by a registered medical practitioner or midwife confirming the child's expected date of birth.</p>	<p><b>(UK adoptions)</b></p> <p>The employee must complete and submit the MATAD2 form:</p> <ul style="list-style-type: none"> <li>Within 7 days of receiving notification of being matched with a child (unless this is not reasonably practicable); <i>and</i></li> </ul> <p>The employee must also provide the Matching Certificate issued by the adoption agency</p>



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### Notification and certification:

#### **(Overseas adoptions)**

The employee must complete and submit the MATAD2 form:

- Within 28 days of receiving official notification that the adoption has been approved by the relevant UK authority and the estimated date that the child will arrive in the UK.
- No later than 28 days before they want their leave to start.

The employee must also provide:

- The official notification that they're permitted to adopt from overseas; and
- Evidence of the child's entry into the UK (e.g. plane ticket, or entry clearance document).

#### **(Surrogacy)**

The employee must complete and submit the MATAD2 form:

- By the 15th week before the baby is due.

The employee must also provide:

- The birth mother's Maternity Certificate (MATB1); and
- A statutory declaration confirming that they have applied for/ or intend to apply for a Parental Order within 6 months of the birth and expect that order to be made.

The Council will respond in writing to the employee within 28 days of receiving the above notification, confirming their leave and pay arrangements as well as the date the employee is expected to return to work.

### 2.3. Leave entitlement and arrangements:

<b>Maternity</b>	<b>Adoption</b>
<p><b>Entitlement:</b></p> <p>Eligible employees are entitled to up to 52 weeks maternity leave.</p> <p><b>Starting leave:</b></p> <p>The employee must take a minimum of two weeks maternity leave immediately following the birth of her child.</p> <p>The employee may start her maternity leave on any day of the week from:</p> <ul style="list-style-type: none"> <li>• A chosen date after the 11<sup>th</sup> week before her baby is due; <i>or</i></li> <li>• The first day after the beginning of the fourth week before the baby is due (if she is absent due to sickness whether wholly or partly relating to her pregnancy); <i>or</i></li> <li>• The day on which the child is born. (Whichever is earlier)</li> </ul>	<p><b>Entitlement:</b></p> <p>Eligible employees are entitled to up to 52 weeks adoption leave.</p> <p><b>Starting leave:</b></p> <p><b>(UK adoptions)</b></p> <p>The employee may start his/her adoption leave on any day of the week from:</p> <ul style="list-style-type: none"> <li>• The date of the child's placement; <i>or</i></li> <li>• A fixed date, which can be up to 14 days before the expected date of placement.</li> </ul> <p><b>(Overseas adoptions)</b></p> <p>The employee may start his/her adoption leave:</p> <ul style="list-style-type: none"> <li>• When the child arrives in the UK; <i>or</i></li> <li>• No later than 28 days of this date.</li> </ul> <p><b>(Surrogacy)</b></p> <ul style="list-style-type: none"> <li>• The employee may start his/her leave:</li> <li>• On the date the baby is born; <i>or</i></li> <li>• The day after</li> </ul>



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<p>In addition to the conditions above, the employee must continue to be pregnant at the 24<sup>th</sup> week of pregnancy</p> <p>An employee on maternity leave, whose child is still-born or does not live, will not need to reduce the period of her leave in such circumstances.</p> <p>The usual return to work provisions apply.</p>	<p>The adoption provisions apply only when a child is newly matched for adoption.</p> <p>They are not available in circumstances where an employee adopts their partner’s children or any other circumstances where a child is already living as a family member.</p> <p>Where a couple jointly adopt a child, only one of the adoptive parents will be entitled to adoption leave.</p> <p>Only one period of leave will be available even if more than one child is placed for adoption as part of the same arrangement.</p> <p>Adoption leave cannot continue beyond the week of the child’s 18<sup>th</sup> birthday.</p> <p>If the child’s placement ends during the adoption leave period, the employee will be able to continue their leave for up to 8 weeks after the end of the placement but not exceeding the end of the adoption leave period.</p>
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An employee may change the date on which their leave starts, providing they let their manager know at least 28 days in advance of the new date (unless this is not reasonably practicable).

### 2.4. Pay entitlement and arrangements:

<b>Maternity</b>	<b>Adoption</b>
<p>Up to 39 weeks’ pay is available to eligible employees as follows:</p> <ul style="list-style-type: none"> <li>• Statutory Maternity Pay (SMP) at 90% of a week’s average pay for the first 6 weeks leave;</li> <li>• Occupational Maternity Pay (OMP) at 50% of a week’s average pay + SMP, or Maternity Allowance (MA) where appropriate for 33 weeks.</li> <li>• The remaining 13 weeks are unpaid</li> </ul>	<p>Up to 39 weeks’ pay is available to eligible employees as follows:</p> <ul style="list-style-type: none"> <li>• Statutory Adoption Pay (SAP) at 90% of a week’s average pay for the first 6 weeks leave;</li> <li>• Occupational Adoption Pay (OAP) at 50% of a week’s average pay + SAP for 33 weeks.</li> <li>• The remaining 13 weeks are unpaid.</li> </ul>
<p><i>Occupational Maternity/Adoption Pay (OMP/OAP):</i></p> <ul style="list-style-type: none"> <li>• OMP/OAP is an occupational enhancement paid by the Council. To receive OMP/OAP, employees must first confirm that they will physically return to work with the Council for a period of at least three months after their maternity/adoption leave.</li> <li>• In the event that they don’t return to work for at least three months, they will be required to refund the OMP/OAP paid during the 33 weeks leave period.</li> </ul>	



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# Conditions of Service – Maternity, Adoption, Shared Parental & Paternity Support Leave/Pay Provisions

- If an employee is unsure of their intention to return to work, they may choose to defer payment of the 33 weeks at 50% pay until they return to work. In such circumstances, there is no requirement for the employee to declare their intention to return to work.

### *Statutory Maternity/Adoption Pay/Maternity Allowance (SMP/SAP/MA):*

SMP/SAP/MA are statutory payments governed by legislation and are based on criteria which include length of continuous service and earnings. SMP/SAP is payable by the Council, whereas MA is paid by the Department of Work and Pensions (DWP).

An employee with less than 26 weeks continuous service by the qualifying week will not be entitled to Maternity pay but may qualify for Maternity Allowance (MA) from the DWP.

In such cases, the Council will provide the employee with a completed **SMP1** form within 7 days of the decision. The employee can use the SMP1 form to support a claim for Maternity Allowance through Job Centre Plus.

An employee with less than 26 weeks continuous service by the qualifying week will not be entitled to adoption pay but qualify for alternative support from Job Centre Plus.

In such cases, the Council will provide the employee with a completed **SAP1** form within 7 days of the decision. The employee can use the SAP1 form to support a claim for alternative financial support from Job Centre Plus.

### 2.5. Leave to attend antenatal and adoption appointments:

Maternity	Adoption
<p><i>Mother:</i> A pregnant employee is entitled to reasonable time off without loss of pay to attend antenatal care, which includes medical examinations, dental appointments, relaxation and parent craft classes.</p> <p><i>Father/partner:</i> An expectant father or the partner of the mother can take reasonable paid leave off to attend up to two antenatal appointments.</p> <p>Partners are expected to confirm their relationship with the mother.</p>	<p><i>Main adopter:</i> The main adopter is entitled to time off without loss of pay to attend 5 adoption appointments at up to 6 and a half hours each. These include visits with the child and any other purpose connected with the adoption.</p> <p><i>Partner/adopter:</i> An employee who is second adopter or the partner of the main adopter is entitled to take reasonable paid leave to attend up to two adoption appointments.</p> <p><i>Intended parents through surrogacy:</i> An employee who is the intended parent of a child in a surrogacy arrangement (who qualifies for a Parental Order in respect of the child) is entitled to take reasonable paid leave to attend up to two antenatal appointments with the mother.</p>

Employees should try to arrange appointments out with working hours if at all possible. If an appointment is during working hours, the employee must provide information about the appointment to his/her manager as soon as possible.



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### 2.6. Maternity/Adoption Leave and Pay - General

- If an employee gives birth after the beginning of the 15<sup>th</sup> week before the week the baby is due, but before her maternity leave has started; she must ensure that her manager is notified of the date she gave birth within 28 days of the birth. In such circumstances, her maternity leave and pay (if applicable) will start from the day after the birth.
- If an employee is on pregnancy related sick leave within 4 weeks of the week she's due, she will be deemed to have started her maternity leave and will be entitled to maternity pay as appropriate.
- Maternity Leave and Pay (if applicable) is unaffected if the employee gives birth after the week her baby is due; or if she gives birth before the week her baby is due but after her Maternity leave has started.
- An employee on Maternity/Adoption leave whose child is still born or does not live, is not required to reduce the period of their Maternity/Adoption leave in these circumstances. The usual return to work provisions apply.
- Maternity/Adoption leave will finish when an employee returns to work before exhausting their full entitlement unless the work undertaken is part of the agreed KIT day's arrangement.
- An employee who cannot carry out her normal duties due to her being pregnant, recently given birth, or breast feeding has the right to be offered suitable alternative work, or if such work is not available, to be suspended on normal pay.
- An employee who resigns from employment in or after the 15<sup>th</sup> week before the EWC will not be entitled to OMP. However, she may still be eligible for SMP.
- The average pay' of an employee during maternity/adoption leave will include:
  - Overtime payments made to employees whose terms of employment require them to work in excess of the normal hours;
  - Regular agreed payments for Non-standard working hours (e.g. weekend working, shifts, short-notice additional hours etc.);
  - Pay increases due to the employee.
- An employee's average pay is calculated by:
  - counting back 15 weeks before the date the baby is due/or the child's placement for adoption;
  - finding the nearest pay day on or before this date (DATE A);
  - then counting back a further 8 weeks (DATE B); and
  - Working out the average amount earned between DATE A and B.
- Where an employee is awarded a pay increase, or would have been had they not been absent on statutory maternity or adoption leave:
  - For the purposes of SMP/SAP, average pay will be recalculated in accordance with the Statutory Maternity Pay (General) (Amendment) Regulations 2005 with the pay increase being applied to the average pay calculated between Date A & B above.
  - For the purposes of OMP/OAP your average pay will be recalculated from the effective date of the pay increase
- No deductions will be made except when the combined pay of OMP/OAP and SMP/SAP or MA exceeds full pay.



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### 3. Shared Parental Leave and pay

Our Shared Parental Leave and pay provisions give eligible employees the option to share their maternity/adoption leave with their partner within the first year of the child's birth or adoption.

#### 3.1. Eligibility:

<b>Shared Parental Leave (SPL)</b>	<b>Shared Parental Pay (ShPP)</b>
<p><i>To be eligible for SPL:</i></p> <ul style="list-style-type: none"> <li>The employee or their partner must be eligible for maternity pay or leave, adoption pay or leave, or maternity allowance.</li> <li>The mother/main adopter must have curtailed, or given notice to curtail, their maternity/adoption leave and/or pay.</li> <li>The employee must have 26 weeks continuous service ending with the 15<sup>th</sup> week before the child's expected due date/matching date; <i>and</i> still be working with the Council at the start of each SPL period.</li> <li>The employee's partner must have earned at least £30 a week in any 13 of the 66 weeks leading up to the due birth date/matching date.</li> </ul>	<p><i>To be eligible for ShPP:</i></p> <ul style="list-style-type: none"> <li>The employee must meet the qualifying conditions of SPL; <i>and</i></li> <li>Be entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP), or Statutory Paternity Pay (SPP).</li> </ul>

#### 3.2. Notification:

Employees must notify their manager of their entitlement and intentions in relation to SPL by submitting the following:

Where the employee is the mother/adopter	Where the employee is the partner	Timescales
<p><b>SPL1:</b> Notice to curtail maternity/adoption leave; and</p> <p><b>SPL2a:</b> Notice of entitlement and intention to take Shared Parental Leave.</p>	<p><b>SPL2b:</b> Notice of entitlement and intention to take Shared Parental Leave form.</p>	At least 8 weeks before the date the employee wants their maternity/adoption leave to end.
<p><b>SPL3:</b> Notice to take Shared Parental Leave.</p>		At least 8 weeks before the start of the SPL period.

#### *Cancelling or varying booked leave:*

There may be occasions where an employee may need to cancel or vary a period of booked leave. Where this is the case, the employee must give their manager 8 weeks' notice of this by submitting the **SPL4:** Notice to cancel or vary a period of Shared Parental Leave form. This will count towards the three periods of leave notice that an employee is permitted to submit.



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#### 3.3. Leave/ pay entitlement and arrangements:

With the exception of the compulsory two weeks' maternity/adoption leave to be taken immediately after the birth or adoption, eligible employees may share the remainder of their entitlement as follows:

<b>Shared parental leave (SPL)</b>	<b>Shared parental pay (ShPP)</b>
<ul style="list-style-type: none"> <li>• Up to 50 weeks leave*.</li> <li>• Employees can request up to three separate blocks of SPL of a minimum of one full week at a time.</li> </ul> <p>*The amount of SPL available is calculated by reducing the maximum 50 weeks' maternity/adoption leave entitlement by the number of weeks already taken.</p>	<p>Up to 37 weeks' pay**:</p> <ul style="list-style-type: none"> <li>• 4 weeks at 90% full pay</li> <li>• 33 weeks at 50% full pay + ShPP</li> <li>• Remaining 13 weeks is unpaid.</li> </ul> <p>**The amount of ShPP available is calculated by reducing the maximum 37 weeks' maternity/adoption pay entitlement by the number of weeks already taken.</p>
<ul style="list-style-type: none"> <li>• Before SPL can be taken, the mother/main adopter must either have stopped maternity/adoption leave or have already given notice to curtail their leave.</li> <li>• The earliest that SPL can start is two weeks after the birth/placement of the child and end no later than 12 months after the date of birth/placement.</li> <li>• The minimum period of SPL is one continuous week.</li> <li>• The employee sharing their leave does not have to return to work immediately as part of the shared arrangement and can be off at the same time as the other parent. (As long as the total shared time doesn't exceed 50 weeks).</li> <li>• To receive enhanced ShPP, employees must first confirm that they will physically return to work with the Council for a period of at least three months after their SPL.</li> <li>• In the event that they don't return to work for at least three months, they will be required to refund any enhanced ShPP received.</li> <li>• If an employee is unsure of their intention to return to work, they may choose to defer payment of enhanced ShPP until they return to work. In such circumstances, there is no requirement for the employee to declare their intention to return to work.</li> <li>• Employees who have booked a period of SPL must tell their manager of any change in circumstances which mean they are no longer responsible for the care of a child and no longer eligible to take SPL.</li> <li>• The mother/main adopter can cancel their decision to end their maternity/adoption leave if the planned end date hasn't passed and they haven't already returned to work. One of the following must also apply:             <ul style="list-style-type: none"> <li>- It's discovered during the 8 week notice period that neither partner is eligible for either SPL or ShPP</li> <li>- The employee's partner has died.</li> <li>- It's less than 6 weeks after the birth (and the mother gave notice before the birth).</li> <li>- If a child sadly dies within the first year, the employee will still be able to take SPL if already opted in.</li> </ul> </li> </ul>	



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#### 4. Keeping in touch during your leave

##### 4.1. *'Keeping in touch' (KIT) days:*

Employees on maternity or adoption can, with agreement from their manager, work up to 10 days (pro-rata for part time employees) without bringing their leave to an end. These 'KIT' days may be taken at any stage during maternity or adoption leave, excluding the first two weeks after the baby is born.

##### 4.2. *Shared parental leave in touch days' (SPLIT days):*

Employees who take shared parental leave can also, with agreement with their manager, work up to 20 days before they fully return to work. These are referred to 'SPLIT' days and operate in addition to the KIT days.

KIT and SPLIT days are optional and may be used for the purpose of keeping employees up to date with what's happening in their team and Service. They can also be used to attend training opportunities or to help ease the employee's return to work.

##### 4.3. *Payment*

The employee will receive payment for each KIT or SPLIT day. This will be discussed and agreed between the employee and their manager prior to the work taking place.

##### 4.4. *Other contact during Maternity/Adoption Leave*

The Manager should maintain contact with the employee (and vice versa) to discuss the employee's plans to return to work, provide updates on important developments at work, and to inform the employee of relevant promotional opportunities or job vacancies that arise during Maternity/Adoption leave. This can be done using the 'Insider' magazine for example.

#### 5. Maternity/Adoption Paternity Support Leave & Pay

Maternity/Adoption Paternity Support Leave & Pay is available to enable eligible employees to take time off work to support their partner care for their newborn baby or newly adopted child.

##### 5.1. **Eligibility:**

Maternity/Adoption Paternity Support Leave and Pay is available to employees to enable them to support a mother or adoptive parent with the care of a newborn child or a child newly placed for adoption.

To be eligible, an employee must be:

- The father of the child;
- The husband or partner of the mother (or main adopter/perspective parent in surrogacy arrangement); or
- The nominated carer in circumstances where there is no father, husband or partner living with the mother or adoptive parent to share responsibility for the upbringing of the child.
- They must also have completed at least 26 weeks continuous service by the qualifying week in line with the conditions and timescales set out in **Section 2.2**.



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### 5.2. Notification and Certification

To apply for our Maternity/Adoption Paternity Support provisions, employees must complete and submit the MPSLP1 Form in line with the conditions and timescales set out in Section 2.3

### 5.3. Leave/ pay entitlement & arrangements:

#### **Entitlement:**

Up to one or two weeks' full contractual pay is available to eligible employees.

(Against which payments made of Statutory Paternity Pay or equivalent, if applicable, will be offset).

If an employee is not eligible for Maternity/Adoption Paternity Support Pay, the Council will provide them with a completed **SPP1** form within 7 days of the decision.

This will enable the employee to pursue alternative financial support from Jobcentre Plus.

#### **Starting leave:**

Employees may start their Maternity/Adoption Paternity Support Leave as follows:

<b>Maternity support:</b>	<b>Adoption support:</b>
<ul style="list-style-type: none"> <li>From the child's date of birth; or</li> <li>An agreed date after the birth; or</li> <li>An agreed date after the week the baby is due.</li> </ul>	<p><b>UK adoptions:</b></p> <ul style="list-style-type: none"> <li>From the child's placement date; or</li> <li>An agreed date after the placement.</li> </ul> <p><b>Overseas adoptions:</b></p> <ul style="list-style-type: none"> <li>An agreed date after the placement.</li> </ul>
	<ul style="list-style-type: none"> <li>Within 28 days of the adoptive parent receiving official notification that they are allowed to adopt a child from overseas.</li> </ul> <p><b>Surrogacy:</b></p> <ul style="list-style-type: none"> <li>From the child's date of birth; or</li> <li>The day after (If the employee is working that day).</li> </ul>

#### **Other conditions:**

An employee's leave can start on any day of the week.

- Either one week or two consecutive weeks leave may be taken. Employees can't take two non-consecutive weeks.
- Only one period of leave will be available to employees irrespective of whether more than one child is born, or more than one child is placed for adoption as part of the same arrangements.
- Leave can't start before the child's birth, placement or arrival in the UK.
- Leave must be used within 56 days of the child's birth (or the expected due date, whichever is the later); the date on which the child is placed for adoption; or the date the child arrives in the UK.
- The employee must notify their manager as soon as reasonably practicable of the date of birth; or placement for adoption if different from the date previously notified by the employee.
- Employees will be able to alter the date on which their leave starts, providing they inform their manager in writing at least 28 days before the new date, unless this is not reasonably practicable.



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### 6. **Neonatal Care Leave and Pay**

#### 6.1. **Eligibility**

- 6.1.1 Neonatal Care is the type of medical care that a baby needs when they are born prematurely (before 37 weeks of pregnancy) or full term (after 37 weeks) but are sick and in receipt of care in a neonatal unit.
- 6.1.2 Our Neonatal Care Leave and Pay provisions are in place to support employees who have a baby who is receiving or has received neonatal care:
- within the first 28 days after the day of their birth; and
  - for a continuous period of at least seven days.
- 6.1.3. **Neonatal Care Leave** is a day one right with no qualifying period or continuous service requirement.
- 6.1.4. Neonatal Care Leave is available to employees who are eligible for Maternity and Adoption Leave as set out earlier in section 2.1.
- 6.1.5. Neonatal Care Leave is also available to employees who are eligible for Maternity/Adoption Support Leave set out earlier in section 5.1.
- 6.1.6. **Neonatal Care Pay** is available to employees who are eligible for Maternity, Adoption and Maternity/Adoption Support Pay as set out in sections 2.1 and 5.3.

#### 6.2. **Notification**

- 6.2.1. Employees must notify their line manager of their intention to take Neonatal Leave as soon as is reasonably practicable. We ask employees to inform their line manager of the date their baby is born and/or admitted into neonatal care. If required a birth certificate will be requested.

#### 6.3. **Entitlement and application**

- 6.3.1. Eligible employees who have a premature or sick baby in neonatal care will be entitled to Neonatal Care Leave, paid at their usual contractual rate of pay for up to a maximum of 16 weeks.
- 6.3.2. For employees with premature babies, this leave will comprise of the time the baby remains in neonatal care and may also include the period of time following the baby's discharge from hospital up to the baby's actual due date as detailed on the Mat B1 Form.
- 6.3.3. Neonatal Care Leave will normally be required to be taken in a single continuous block of one or more weeks.
- 6.3.4. Neonatal Care Leave can be taken in addition to other statutory family leave.
- 6.3.5. Neonatal Care Leave is added to the end of an employee's Maternity, Adoption, or Maternity/Adoption Support Leave period after the Maternity, Adoption or Maternity/Adoption Support Leave has been exhausted.
- 6.3.6. Employees will have 72 weeks to take their leave and pay entitlement beginning with the date of the child's birth.



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- 6.3.7. Employees who take Neonatal Care Leave will be entitled to the same employment rights and protections as those afforded during maternity, adoption, and shared parental leave such as accrual of annual leave and public holidays.
- 6.3.8. Employees who do not return to work following Neonatal Care Leave will not be required to repay any Neonatal Care Pay received.
- 6.3.9 It is appreciated that there may be ongoing medical needs requiring regular hospital appointments and checkups after an employee has returned to work. There are various formal and informal work life balance and flexible working options employees can consider and discuss with their line managers to help them balance work commitments with the ongoing care of their baby.

**Caveat.** The above Neonatal Care Provisions are pre-legislative, introduced to provide support to affected employees ahead of the Neonatal Care (Leave & Pay) Act 2023 which is expected to come into effect in April 2024. Some details may therefore be subject to change when reviewed against the forthcoming explanatory regulations and accompanying employer guidance.

## 7. Return to work

- 7.1. Maternity/Adoption leave will normally continue for no longer than 52 weeks.
- 7.2. Employees intending to return to work before exhausting their full entitlement to Maternity or Adoption Leave are required to notify their Manager, preferably in writing, at least 28 days in advance of their return. They should include confirmation that they are fit to return to work.
- 7.3. If an employee does not provide the appropriate notice, his/her Manager may postpone their return to a date that will secure the full period of notice. This postponement cannot extend beyond the end of the employees full Maternity/Adoption/Shared Parental Leave entitlement.
- 7.4. Employees who wish to curtail their leave entitlement in order to share a proportion of this with their partner must do so in accordance with our Shared Parental Leave procedure detailed in section 3 above.
- 7.5. Upon their return to work, an employee will normally return to the post held prior to his/her Maternity/Adoption/Shared Parental Leave. However, a return to employment with another local authority employment will satisfy the requirements of in which case the discretion referred to shall rest with the former Council.
- 7.6 In the case of redundancy where it is not practicable for the employee to return to their post, they will be offered a suitable alternative where one exists.
- 7.7 Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general re-organisation), result in a change in the post held prior to their Leave.
- 7.8. Maternity/Adoption Paternity Support Leave should last no longer than stated in the employee's original application.



## EMPLOYMENT ZONE

# Conditions of Service – Maternity, Adoption, Shared Parental & Paternity Support Leave/Pay Provisions

### **8. Return to work where employee has previously terminated employment**

- 8.1. Where an employee terminates her employment due to pregnancy or childbirth and the child does not live, she will be entitled to return to work. She will not however, be entitled to return to the same post at the same grade and salary as applied immediately prior to the termination of employment, unless the Service determines that this is practicable.
- 8.2. An employee will not be entitled to return to employment with the Council in accordance with this paragraph unless a suitable vacancy exists; and she submits in writing a self-certificate declaring that she is fit to return to work.

### **9. Application of other provisions**

- 9.1. Maternity/Adoption/Shared Parental /Paternity Support Leave will not be treated as sick leave to be taken into account in calculating an employee's sick leave entitlement under the Sick Pay Scheme.
- 9.2. Absence due to pregnancy or childbirth, which occurs out with the period of Maternity Leave (whether before or after the period of Maternity Leave), will be treated in accordance with the provisions of the Annual Leave, Parental Leave or Sick Pay Scheme.
- 9.3. Employees who have not started their Maternity/Adoption Leave are entitled to Statutory Sick Pay and Occupational Sick Pay up until the baby is born, unless the Manager considers the employee to be on Maternity/Adoption Leave.
- 9.4. Where an employee has been absent on Maternity/Adoption Leave in accordance with these provisions, that period of leave shall be taken into account when calculating the employee's period of notice or further Maternity/Adoption Leave.
- 9.5. An employee who is unable to return to work due to sickness can receive sickness allowance if the Maternity/Adoption/Shared Parental Leave has ended and the provisions of the sick pay scheme are satisfied.
- 9.6. Annual leave entitlement will not be reduced in accordance with our Leave Conditions of Service Part 7. The Manager should agree with the employee prior to the start of Maternity/Adoption Leave, the proportionate period of annual leave entitlement to be taken prior to the start of Maternity/Adoption Leave.
- 9.7. Similarly, the Manager should advise the employee of the opportunity to consider using leave before their return to work.