

	RUGELEY TOWN COUNCIL	
	MANUAL	

Maternity, Paternity, Adoption and Parental Policy

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1. MATERNITY LEAVE

INTRODUCTION

- 1.1 Rugeley Town Council is committed to ensuring equality and diversity across the organisation and the purpose of this Maternity Policy is to provide an opportunity for our staff to integrate the development of a career with family responsibilities.
- 1.2 This document sets out the maternity provisions to which employees are entitled, both before and after the birth of their child. These maternity provisions comply with the relevant legislation (including the TURER Act 1993, the Employment Relations Act 1999, the Employment Act 2002, and the Work and Families Act 2006 and consequent regulations) and apply to all staff employed by Rugeley Town Council.

ANTE-NATAL CARE

- 1.3 You have the right not to be unreasonably refused paid time off during working hours to receive ante-natal care.
- 1.4 The appointment must be made on the advice of a registered doctor, midwife or health visitor. After the first appointment, you must be prepared to produce a certificate confirming your pregnancy and your appointment card. Time off for ante-natal classes will be paid at the appropriate hourly rate, the calculation of which depends on whether or not you have regular hours.

MATERNITY LEAVE

- 1.5 You are entitled to a maximum of 52 weeks maternity leave comprising of Ordinary Maternity Leave and Additional Maternity Leave.
- 1.6 You are entitled to Maternity Leave provided you notify the Council on or before the 15th week before the baby is due of:
 - 1.6.1 your pregnancy; and
 - 1.6.2 your Expected Week of Childbirth (EWC); and
 - 1.6.3 the date on which you intend your Ordinary Maternity Leave to start.
This date cannot be earlier than the 11th week before the EWC; and
 - 1.6.4 you must also provide the Council with the original Maternity Certificate (MAT B1) issued by your doctor.
- 1.7 Ordinary Maternity Leave is a maximum of 26 weeks in duration.

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- 1.8 You can choose to work right up to childbirth unless there are health and safety reasons which prohibit this.
- 1.9 Ordinary Maternity Leave commences on the date chosen by you except:
- 1.9.1 where Ordinary Maternity Leave commences early due to pregnancy related sickness absence.
 - 1.9.2 Ordinary Maternity Leave will commence on the day of childbirth if this is earlier than your chosen start date.

ADDITIONAL MATERNITY LEAVE

- 1.10 Ordinary Maternity Leave commences on the date chosen by you except:
- 1.11 You will be entitled to Additional Maternity Leave. This is an additional period of 26 weeks' maternity leave following immediately after the end of the Ordinary Maternity Leave. You therefore receive a total maximum period of maternity leave of 1 year.

INFORMATION FROM YOU - INTENDED START OF MATERNITY LEAVE

- 1.12 At the same time as giving the Council the Maternity Certificate and informing us of your pregnancy, you should also give notice of the date on which you intend to start maternity leave. If you cannot provide this information on or before the 15th week before the EWC you should do so as soon as is reasonably practicable.
- 1.13 If you change your mind about your intended start date of leave, you must give the Council at least 28 days notice either before the original or new start date of leave, whichever is the earliest.
- 1.14 If you give less than 28 days notice of the date on which you intend to start maternity leave, you must also give an explanation for the delay. Depending on circumstances, the Council may refuse to allow you to start your maternity leave until the 29th day after receipt of notice.

INFORMATION FROM THE COUNCIL - EXPECTED DATE OF RETURN

- 1.15 Within 28 days of receiving your notice of intended start of Maternity Leave, the Council will send you a letter stating the expected date of your return from maternity leave.
- 1.16 The Council will assume unless otherwise advised by you that you wish to take your full maternity leave entitlement.

MATERNITY PAYMENT PERIOD

1.17 Most employees are entitled to maternity benefit for the first 39 weeks of Maternity Leave. Maternity benefit is either Statutory Maternity Pay paid by the Council or Maternity Allowance paid by the Department of Work and Pensions.

RUGELEY TOWN COUNCIL OCCUPATIONAL MATERNITY PAY

1.18 To be eligible to receive Rugeley Town Council Occupational Maternity Pay (OMP), which is inclusive of Statutory Maternity (SMP), employees must have completed at least 26 weeks' continuous service for Rugeley Town Council, regardless of the number of hours worked, into the 15th week before the baby is due.

1.19 A further condition of Occupational Maternity Pay is that employees should return to work at Rugeley Town Council, in a full or part-time capacity, for at least 3 months following maternity leave. It should be noted that annual leave accrued during maternity leave which is subsequently taken on return will not count towards those 3 months. That is, the 3 month period will start after the annual leave accrued during maternity leave has been taken. Rugeley Town Council reserves the right to reclaim all the non-statutory elements of pay if an employee fails to return for this period of time. Eligibility to Statutory Maternity Pay remains unaffected, regardless of whether the individual returns.

1.20 Employees who qualify for Occupational Maternity Pay can choose between the following two options:

1.20.1 OMP OPTION 1

- 8 weeks x full pay
(this includes the first 8 weeks of Statutory Maternity Pay – 6 weeks at the higher rate and 2 weeks at the lower rate – which are enhanced by Rugeley Town Council to equal full pay); followed by
- 16 weeks x half pay *plus* SMP at the lower rate – which are enhanced by Rugeley Town Council to equal full pay); followed by
- 23 weeks x SMP at the lower rate; followed by
- 13 weeks unpaid leave.

1.20.2 **OMP OPTION 2**

- 16 weeks x full pay
(this includes the first 16 weeks of Statutory Maternity Pay – 6 weeks at the higher rate and 10 weeks at the lower rate – which are enhanced by Rugeley Town Council to equal full pay); followed by
- 23 weeks x SMP at the lower rate; followed by
- 13 weeks unpaid leave.

STATUTORY MATERNITY PAY

1.21 You will qualify for Statutory Maternity Pay (SMP) if:

1.21.1 you have been employed by the Council for 26 weeks prior to the 15th week before EWC; and

1.21.2 you pay sufficient National Insurance Contributions; and

1.21.3 you notify the Council at least 28 days before the date you want payments of SMP to commence, or if not reasonably practicable, as soon as is reasonably practicable. If giving late notice, you should give the Council an explanation of the delay.

1.22 SMP will not be paid before the 11th week before the EWC.

1.23 There are two rates of SMP, an earnings related rate and a prescribed rate. The earnings related rate is paid during the first 6 weeks of Ordinary Maternity Leave and the prescribed rate is paid during the following 33 weeks of Maternity Leave giving a total of 39 weeks maximum entitlement of SMP.

1.24 The earnings related rate of SMP is 90% of your average weekly earnings. Your average weekly earnings are calculated on the basis of average earnings during the 8 weeks immediately preceding the 14th week before the EWC.

MATERNITY ALLOWANCE

1.25 If you do not qualify for SMP, the Council will give you a form SMP1 to explain why you do not qualify. Employees who do not qualify for SMP will normally qualify for Maternity Allowance.

1.26 Maternity Allowance is paid at either 90% of average weekly earnings or the prescribed rate whichever is less.

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1.27 Maternity Allowance is claimed by you from the Department of Work and Pensions (DWP). You would receive Maternity Allowance from the DWP not the Council. It is your responsibility to claim Maternity Allowance from the DWP at a Benefits Office.

WORKING DURING THE MATERNITY PAYMENT PERIOD (MPP)

1.28 If you work for the Council during the 26 weeks of your MPP you will receive normal remuneration for the periods you work.

1.29 If you:

1.29.1 are taken into legal custody, or

1.29.2 work for another Council

during the Maternity Pay Period you must notify the Council (and the DWP if you are claiming Maternity Allowance) as soon as possible, as your entitlement to SMP or Maternity Allowance may be affected.

NOTICE OF ACTUAL DATE OF BIRTH

1.30 You should inform your supervisor or manager as soon as reasonably practical of your baby's actual date of birth.

RETURNING TO WORK

1.31 As set out above, you will have received a letter from the Council stating the expected date of return to work. The expected date of return will be the first working day after the end of the full period of maternity leave to which you are entitled.

RETURNING TO WORK EARLIER THAN THE EXPECTED DATE OF RETURN

1.32 If you wish to return before the expected date of return, you must give notice to the Council at least 8 weeks before your new intended return date, or if that is not reasonably practicable, as soon as reasonably practicable. If the notice is given late, it must be accompanied by an explanation for the delay.

1.33 The Council will write to you within 28 days of receipt of your notice to confirm the new intended start date.

1.34 If less than 8 weeks notice is given by you, the Council may be entitled to refuse to allow you to return to work until the 8 week period has been given.

1.35 In any event you are not permitted to return to work within 2 weeks' of the actual date of birth.

RETURNING TO WORK LATER THAN THE EXPECTED DATE OF RETURN

1.36 If you wish to postpone your return to work until after the end of your full entitlement to maternity leave, you must contact your supervisor or manager and submit a medical certificate confirming that you are suffering from a medical condition which prevents you from working, or provide another authorised reason (such as holiday or parental leave), for your returning late.

THE JOB

1.37 If you return at the end of Ordinary Maternity Leave, you are entitled to return to the same job.

KEEPING IN TOUCH DAYS

1.38 By agreement you may be entitled to work for up to 10 days during your maternity leave period.

1.39 If you wish to consider working during this period please contact your manager who will notify you and agree terms and remuneration.

HEALTH & SAFETY

1.40 Some circumstances exist where the Council may have to suspend you on full pay because of your condition. These circumstances might include:

1.40.1 where your pregnancy makes you unable to do your job adequately

1.40.2 where it is unlawful for a pregnant woman to do a particular job

1.40.3 where you are engaged on night work and produce a medical certificate that states that for health and safety reasons you should not continue working at night

1.40.4 where a health and safety risk to yourself and/or the baby has been identified but cannot be eliminated.

1.41 Before such action is taken, every possible effort will be made by the Council to change your hours of work or working conditions if there is a health and safety risk, or to find suitable alternative work for you.

1.42 The Council is required to assess the risks to health and safety to which pregnant employees and others could be exposed. Please refer to the Council's Health and Safety Policy for details.

1. PATERNITY LEAVE

INTRODUCTION

- 2.1 Paternity leave and paternity pay are available to employees who are the father of a new born child or the spouse or partner of the mother or adoptive parent.
- 2.2 **Newborn children;** paternity leave and pay applies to employees whose child was born on or after 6 April 2003
- 2.3 **Adopted children;** paternity leave and pay applies to employees who receive notice from an approved adoption agency that a match with a child (under 18) has been made and placement started on or after 6 April 2003.

QUALIFICATION

- 2.4 Paternity leave is available to you if you:
 - 2.4.1 have worked continuously for the Council for not less than 26 weeks by the 15th week before the child is expected to be born; and
 - 2.4.2 are the biological father of the child or the mother's husband or partner or the adopter's husband, wife or partner; and
 - 2.4.3 have or expect to have responsibility for the child's upbringing; and
 - 2.4.4 give appropriate notification to the Council; and
 - 2.4.5 give the Council a self-certificate to support your entitlement to paternity leave.
- 2.5 You cannot take both adoption leave and paternity leave in respect of the same child. Therefore if adopting a child as a couple - it is up to you to decide who will take adoption leave and who will take paternity leave.

DURATION OF LEAVE

- 2.6 Up to 2 weeks' leave can be taken.
- 2.7 The leave must be taken either as 1 week or 2 consecutive weeks' leave. The leave cannot be taken as 2 separate weeks leave. Only one period of leave is available, irrespective of whether more than one child is born at the same time. Therefore, if twins are born, your entitlement is still up to 2 weeks' leave and not four weeks.

WHEN LEAVE CAN BE TAKEN

- 2.8 You can choose to start your leave:
 - 2.8.1 from the date of the child's birth (or date of placement in adoption cases); or
 - 2.8.2 from a chosen number of days or weeks after the date of the child's

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birth or placement; or

2.8.3 from a chosen date.

2.9 The leave must be completed:

2.9.1 within 56 days (8 weeks) of the actual date of birth of the child; or

2.9.2 if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

NOTIFICATION

2.10 You must inform the Council of your intention to take paternity leave by the 15th week before the baby is expected. If this is not reasonably practicable, you must give notice as soon as reasonably practicable and should provide a written explanation for the delay.

2.11 You must also inform the Council:

2.11.1 of the Expected Week of Childbirth (the week the baby is due);

2.11.2 whether you wish to take one or two weeks' paternity leave;

2.11.3 of the date on which you want your leave to start.

2.12 You can change your mind about the date you want your paternity leave to begin, provided you give the Council at least 28 days' notice, ending at the original start date or new start date, whichever is the earlier. If this is not reasonably practicable, you must give notice as soon as reasonably practicable and should provide a written explanation for the delay. If notice is given late and the explanation for the delay is inadequate the Council can postpone the start of your paternity leave until the 29th day after receipt of the notice.

2.13 It is not necessary for you to give notice of expected return date, since the leave is only one or two weeks in duration.

STATUTORY PATERNITY PAY

2.14 Subject to your satisfying the qualifications set out below, Statutory Paternity Pay (SPP) will generally be payable for paternity leave taken within 56 days of the date of the child's birth (or placement for adoption).

QUALIFICATION

2.15 To qualify for SPP, you must:

2.15.1 have continuous service with the Council for not less than 26 weeks by the 15th week before the child is expected to be born (or placed for adoption); and

2.15.2 have continuous service with the Council from that 15th week up to the

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child's date of birth (or placement); and

2.15.3 be the biological father of the child or the mother's husband or partner or the adopter's husband, wife or partner; and

2.15.4 have or expect to have responsibility for the child's upbringing; and

2.15.5 give appropriate notification; and

2.15.6 give the Council a self-certificate to support your entitlement to SPP;

2.15.7 have average weekly earnings equal to or above the Lower Earnings Limit applying to National Insurance Contributions (NICs).

AMOUNT PAID

2.16 The Council will offer full paternity pay for those employees legible.

2.17 SPP will be the lesser of the current weekly prescribed rate or 90% of the employee's average weekly earnings.

2.18 If you do not qualify for SPP you may be eligible for income support whilst on paternity leave.

2.19 You should discuss your particular circumstances with your local social security office (Department for Work and Pensions) as you may be eligible for further financial support, such as housing benefit, council tax benefit, tax credits or a Sure Start Maternity Grant.

2. ADOPTION LEAVE QUALIFICATION

3.1 Adoption leave and pay is available to individuals who adopt, or one member of a couple where a couple adopt jointly.

3.2 Both paid adoption leave and paid paternity leave will be available to employees who qualify where an approved adoption agency notified the adopter of a match with a child on or after 6 April 2003.

3.3 To qualify for adoption leave, you must:

3.3.1 have been notified that you have been matched by an adoption agency with a child for the purposes of adoption; and

3.3.2 have been continuously employed by the Council for a period of not less than 26 weeks ending with the week on which the notification was given; and

3.3.3 give the Council appropriate notice; and

3.3.4 give the Council a Matching Certificate as evidence of entitlement to adoption leave.

NOTIFICATION

- 3.4 You are required to inform the Council of your intention to take adoption leave within 7 days of being notified that you have been matched with a child for adoption, unless this is not reasonably practicable. If not reasonably practicable, you should notify the Council as soon as reasonably practicable with a written explanation for the delay.
- 3.5 The notice must include the following information:
- 3.5.1 when the child is expected to be placed with you;
 - 3.5.2 when you want to start the adoption leave;
- 3.6 You can change your mind about the date you want your leave to start provided you give at least 28 days notice in advance (again unless this is not reasonably practicable). If 28 days notice is not reasonably practicable, you should give notice as soon as reasonably practicable with a written explanation of the delay.
- 3.7 The Council will respond within 28 days of receipt of your notification. The Council will write to you setting out the date on which we expect you to return to work if the full entitlement to adoption leave is taken. This date is the Expected Return Date.

MATCHING CERTIFICATE

- 3.8 You must provide a completed matching certificate (available from the Agency who are placing the child with you).

DURATION OF LEAVE

- 3.9 You will be entitled to a maximum of 52 weeks Adoption Leave; 26 weeks Ordinary Adoption leave and 26 weeks Additional Adoption Leave.

WHEN LEAVE CAN BE TAKEN

- 3.10 You can choose to start your leave either:
- 3.10.1 from the date of placement (whether this is earlier or later than expected); or
 - 3.10.2 from a fixed date which can be up to 14 days before the expected date of placement.
- 3.11 Only one period of leave is available regardless of whether more than one child is placed for adoption as part of the same arrangement.

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- 3.12 Sometimes the placement ends during the adoption leave period, for instance when the adoption agency that matched the employee with the child notifies the employee that the child will not in fact be placed with him or her or if the child dies or the match is considered unsuitable. If this happens, you are entitled to continue the adoption leave for up to 8 weeks after the end of the placement.
- 3.13 It should be noted that adoption leave is in addition to parental leave (currently 13 weeks or 18 weeks for parents of disabled children).

RETURNING TO WORK - RIGHT TO RETURN

- 3.14 Where you take Ordinary Adoption Leave only (ie: up to 26 weeks) you have the right to return to the same job as you left and to be treated as if you had never been absent.
- 3.15 Where you take Additional Adoption Leave (ie: more than 26 weeks and up to 52 weeks' leave) you have the right to return to the same job, or if that is not reasonably practicable, to another job which is both suitable and appropriate in the circumstances.

NOTICE OF RETURN

- 3.16 Where you intend to return to work on the Expected Return Date no notice is required to be given to the Council.
- 3.17 Where you wish to return to work before the Expected Return Date, you must give the Council at least 8 weeks notice of the date you intend to return. This notice may be verbal.
- 3.18 If you fail to give at least 8 weeks notice then the Council is entitled to postpone your return and is not obliged to pay you your normal remuneration until the agreed return date.

ADOPTION PAY

- 3.19 Statutory Adoption Pay (SAP) is available if you:
- 3.19.1 have 26 weeks continuous service by the week in which you are notified by an approved adoption agency that match has been made with a child; and
 - 3.19.2 give appropriate notification to the Council; and
 - 3.19.3 gives the Council a completed Self Certificate; and
 - 3.19.4 have average weekly earnings of not less than the lower earnings limit apply to National Insurance Contributions.

NOTIFICATION

- 3.20 You must give the Council at least 28 days' notice of the date upon which you expect any payment of Statutory Adoption Pay to begin, unless this is not reasonably practicable.
- 3.21 You can change your mind about the date you want your SAP to start provided you give at least 28 days notice in advance (again unless this is not reasonably practicable).
- 3.22 If 28 days notice is not reasonably practicable, you should give notice as soon as reasonably practicable with a written explanation for the delay.

AMOUNT PAID

- 3.23 SAP will be the lesser of the prescribed rate per week or 90% of your average weekly earnings. This rate is the same for Statutory Maternity Pay and Statutory Paternity Pay.

ALTERNATIVE / ADDITIONAL FINANCIAL HELP FOR ADOPTERS

- 3.24 If you have average weekly earnings below the lower earnings limit for National Insurance Contributions purposes and do not qualify for SAP you may be eligible for income support whilst on adoption leave.

3. PARENTAL LEAVE

INTRODUCTION

- 4.1 The Council recognises the importance of balancing our working lives with home and family commitments.
- 4.2 In line with the Council's policy to adapt to developments in employment law and follow best practice in employment relations, we set out below the scheme adopted by the Council and the key facts about parental leave.

ELIGIBILITY

- 4.3 To be eligible to take parental leave you must be a parent (including adoptive parents) of a child born (or adopted) after 15th December 1999; or anyone who has obtained formal parental responsibility for a child under the Children Act or its Scottish equivalent after 15th December 1999. We may need to request evidence of this, for example in the form of a birth certificate.
- 4.4 In addition you must have completed one year's service with the Council.

ENTITLEMENTS

- 4.5 If you meet the conditions set out above you are entitled to a total of 13 weeks (unpaid) parental leave in respect of each child (18 weeks if you are the parent of a child entitled to a disability living allowance).

TIME LIMIT

- 4.6 Parental leave can be taken up until the child's fifth birthday. In the case of adopted children, leave can be taken up until five years have elapsed following placement (or until the child's 18th birthday if that comes sooner);
- 4.7 If you have a disabled child, leave can be taken until the child's 18th birthday. For the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded.

PARENTAL LEAVE SCHEME

- 4.8 You must take parental leave in blocks or multiples of 1 week (blocks of one day for parents of disabled children).
- 4.9 You are required to give 21 days notice before you intend to take this leave.
- 4.10 If you intend to take leave immediately after the birth or placement for adoption you should give notice 21 days before the beginning of the expected week of childbirth, or placement. In rare cases where it is not possible to give 21 days notice of the date of placement for adoption, you should give the notice as soon as reasonably practicable.
- 4.11 You can take up to a maximum of four weeks leave in any calendar year.
- 4.12 The leave can be postponed by the Council for up to 6 months where the business cannot cope; but leave cannot be postponed if you give notice to take this leave immediately after the time your child is born or is placed with your family for adoption.

YOUR RIGHTS WHILST ON LEAVE

- 4.13 At the present time there is NO ENTITLEMENT TO REMUNERATION, ie the leave is unpaid. However, you are guaranteed the right to return to the same job as before you went on leave.
- 4.14 In the case of mothers taking parental leave immediately following maternity leave there are special provisions depending on whether the mother has taken ordinary or additional maternity leave;

- 4.15 **Ordinary** maternity leave period (26 weeks) - return to the same job;
- 4.16 **Additional** maternity leave period - return to the same job unless this would not have been reasonably practicable at the end of the additional leave period and is still not reasonably practicable, in which case a similar job which has the same or better status, terms and conditions as the old job.
- 4.17 During the period of parental leave you are entitled to the benefits of your terms and conditions of employment relating to notice of termination, compensation in the event of redundancy and disciplinary and grievance procedures.

POSTPONEMENT OF LEAVE

- 4.18 If we consider that your absence will unduly disrupt the business, the Council can postpone the leave for no longer than 6 months from the beginning of the period that you requested to start your parental leave;
- 4.19 Examples of the reasons which might justify the Council postponing parental leave include work being at a seasonal peak, a significant proportion of the workforce applying for parental leave at the same time or if your role is such that your absence at a particular time would unduly harm the business.
- 4.20 If this is the case and we need to postpone your leave we will discuss the matter with you and confirm the postponement arrangements in writing no more than 7 days after your notice to take leave. The notice will set out the reason for the postponement and the new dates of parental leave. If leave is postponed, the length of the leave will still be the equivalent of your original request.
- 4.21 We trust that the above guidance is helpful in setting out the right to take parental leave, however, if you have any further questions, please do not hesitate to raise them with your manager.