



# **Maternity and Paternity Leave and Pay, including Adoption, Fostering and Surrogacy**

**A guide for employees  
Updated November 2019**



This document is also available in large print and other formats upon request.

## **MATERNITY/PATERNITY/ADOPTION/SURROGACY SCHEME**

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## 1. INTRODUCTION

This information pack has been produced to advise all staff of their rights with regard to maternity, adoption, surrogacy and paternity leave and is forwarded to you with the very best wishes of the Council. You should find within this information pack the answer to most questions you may have with regard to your leave and pay, however please discuss any specific issues with your line manager, or contact our Lifecycle Team in HR by email [Lifecycleteam@valeofglamorgan.go.uk](mailto:Lifecycleteam@valeofglamorgan.go.uk) or call 01446 709211/104.

You may find it useful to note that there are other policies and schemes available to employees of the Council which may be of interest to you, such as the Shared Parental Leave, Career Break Scheme, Parental Leave, flexible working and the Job Share Scheme.

## 2. OVERVIEW OF SCHEME

### Who this scheme applies to

This scheme applies to all pregnant employees and those considering adoption, including local authority fostering for adoption parents, overseas adoption and intended parents in a surrogacy arrangement regardless of the number of hours worked per week or length of service. Please see section 16 for information on Paternity Leave and pay

### Employee obligations

- Notify your line manager that you are pregnant/adopting/in a surrogacy arrangement no later than fifteen weeks before the week the baby is due/the week you are notified to be matched. Your line manager should be advised of the week the baby is due/due to be matched and will request a MATB1 certificate or Matching Certificate confirming this.
- Intended parents in a surrogacy arrangement – You must notify your manager of baby's date of birth in writing as soon as is reasonably practical after the child's birth. You will be required to provide a written statement which will be your statutory declaration of your confirmation that you have applied or will apply for a parental order within 6 months of the child's birth. (This document must be signed in the presence of a legal professional), if you qualify for leave this will be in line with adoption arrangements.
- You will be required to complete VOG 19 Maternity Leave Request Form, attaching the MATB1 or VOG 20 Adoption Leave Request Form attaching the matching letter at least 28 days (or as soon as reasonably practicable) before the baby is due/due to be matched and forward them to Employee Services.
- At the outset you should also indicate to your manager and Employee Services if it is your intention to return to work with the Council (this applies to employees who qualify for occupational maternity / adoption pay.)

- Within 28 days of receipt of the initial notification regarding the commencement of maternity/adoption leave, you will be advised in writing by Employee Services, of the projected last day of the maternity/adoption leave and projected expected date of return.

### **Employee's rights during pregnancy and maternity/adoption leave**

A brief summary of your rights is given below. Further details are provided within this pack.

The right:

- of pregnant employees to paid time off during working hours for antenatal care.
- of adoptive parents to time off to attend pre-adoption appointments either paid or unpaid depending on whether the employee is the primary adopter or the child's secondary adopter.
- for fathers/partners to unpaid time off to accompany the birth mother to up to 2 antenatal appointments
- of pregnant employees to special protection under health and safety legislation.
- to be paid Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) and Occupational Maternity/Adoption Pay or Statutory Shared Parental Pay subject to the qualifying conditions.
- not to be discriminated against due to pregnancy or maternity/paternity/adoption or shared parental leave.
- to take maternity/paternity/adoption/shared parental leave and return to work.

## **3. ANTENATAL CARE**

Pregnant employees have the right to paid time off for antenatal care irrespective of hours or service as recommended by a registered health professional and this should be discussed with your supervisor in advance. Evidence of the dates and times of these appointments should be obtained and shown to your supervisor as soon as practicable and prior to taking time off for this purpose. A VOG 01 Leave of Absence Form should be completed prior to any time off being taken. The form is available from the StaffNet or from your manager.

### **Pre Adoption Appointments for Adoptions of Vale of Glamorgan children**

- The child's primary adopter is entitled to paid time off to attend up to 5 pre-adoption appointments during working hours after you have been matched with the child.
- The child's secondary adopter is entitled to unpaid time off to attend up to 2 pre-adoption appointments during working hours.

- The amount of time is capped at 6.5 hours for each appointment. The entitlement is available to individuals who adopt, or to one partner of a couple where the couple adopt jointly.

### **Support for Foster Parents of Vale of Glamorgan children**

Refer to special leave provisions – up to 5 days special leave pro rata per year for training as directed by the fostering team.

### **Surrogate Parents –Accompanying to ante natal appointments**

- A parental order parent is a person who is part of a couple who has a child through a surrogacy arrangement and is eligible for and intends to apply for a parental order.
- Both Parent A (the potential applicant for a parental order) and Parent B have the right to unpaid time off to accompany the birth mother to up to 2 antenatal appointments during working hours if they meet the qualifying conditions.
- The amount of time is capped at 6.5 hours for each appointment.

### **Health and Safety at work**

Consideration must be given to any health and safety implications for pregnant or breast-feeding employees. Once you have advised your manager of your pregnancy they should complete a risk assessment of your work and working environment (using the 'Pregnant Worker Risk Assessment Guidance' produced by the Health and Safety Team and available on the StaffNet.) Managers may contact a member of the Health and Safety Team for support (if required).

### **Nursing mothers**

The Council has an obligation to provide adequate facilities for expressing and storing milk for those working mothers who are breast-feeding. Should you fall into this category on your return to work, please contact the Occupational Health Team to explore arrangements for suitable facilities to assist you.

## **4. SHARED PARENTAL LEAVE AND PAY**

Please refer to the Shared Parental Leave Scheme available on the StaffNet or from your manager or contact Human Resources for further details.

## 5. UNPAID PARENTAL LEAVE

Eligible parents can take up to 18 weeks unpaid time off up to and including the date of the child's 18<sup>th</sup> birthday in order to care for a child. Leave has to be taken in blocks of at least one week and no more than 4 weeks in a year. Please refer to the Parental Leave Policy on the StaffNet under Equalities.

## 6. MATERNITY/ADOPTION LEAVE AND PAY ENTITLEMENT

- 6.1. **Employees, regardless of hours worked, with less than 26 weeks continuous local government service at 25<sup>th</sup> week of pregnancy (including surrogacy arrangements)/at the date notified of having been matched with a child for adoption including fostering for adoption scheme and overseas adoptions.**

Employees are entitled to take 26 weeks Ordinary Maternity/Adoption Leave and 26 weeks Additional Maternity/Adoption Leave. They are NOT eligible for Occupational Maternity/Adoption Pay OR Statutory Maternity/Adoption Pay but may qualify for Maternity Benefit/other benefits from the Department for Works and Pension or Statutory Maternity/Adoption Pay from their previous employer.

- 6.2. **Employees, with more than 26 weeks continuous local government service but less than one year's continuous local government service at the 11<sup>th</sup> week before the EWC including surrogacy arrangements)/at the date notified of having been matched with a child for adoption by an approved agency (for adoptive parents)/including the fostering for adoption scheme/overseas adoptions.**

Employees are entitled to take 52 weeks Maternity/Adoption Leave (26 weeks Ordinary Maternity/Adoption Leave and 26 weeks Additional Maternity/Adoption Leave) and entitled to basic Statutory Maternity/Adoption Pay for the first 39 weeks as follows:

- 6 weeks leave at 90% of average weekly earnings or SMP/SAP, if higher
- 33 weeks leave with Statutory Maternity/Adoption Pay if level of earnings qualify or the 90% rate if this is lower

- 6.3. **Employees, with more than one year's continuous local government service at the 11<sup>th</sup> week before the EWC (including surrogacy arrangements) at the date notified of having been matched for adoptive parents including the fostering for adoption scheme and overseas adoptions/ and who return to work following maternity/adoption leave.**

Employees are entitled to take 52 weeks maternity/adoption leave, the first 39 of which will be with maternity /adoption pay as outlined below.

- 6 weeks leave at 90% normal salary or SMP/SAP if higher (4 weeks full pay, 2 weeks at 90% for employees on teaching terms and conditions)
- 12 weeks leave at ½ pay, plus SMP/SAP if level of earnings qualify (the total must not exceed normal full pay) subject to the employee returning to work for a minimum of 13 weeks
- 21 weeks leave with Statutory Maternity/Adoption Pay if level of earnings qualify employee

#### 6.4. Employees on temporary contracts

Should an employee's temporary contract end or should they leave employment after qualifying for SMP, SMP will be paid for the appropriate period. To qualify for SMP the employee must be employed continuously for 26 weeks, continuing into the qualifying week, which is the 15<sup>th</sup> week before the EWC. If they left before the start of the 11<sup>th</sup> week before EWC, your SMP will start on the earlier of the Sunday of the 11<sup>th</sup> week before EWC or the day after the baby is born. If they left after the start of the 11<sup>th</sup> week then the SMP starts the day following the day on which they left their employment. If they start a new job before the end of the SMP period, 39 weeks, they must inform us.

For employees on a temporary contract, the end date of which is part way through the maternity period the employee will not be eligible to receive the 12 weeks Occupational Pay at half pay. To qualify for the 12 weeks Occupational Pay at half pay the employee is required to return to work for a minimum period of 13 weeks. The Occupational Pay at half pay is then paid following completion of the 13 weeks worked.

## 7. MATERNITY/ ADOPTION LEAVE – FURTHER EXPLANATION

Detailed below are further details of the types of maternity/adoption leave an employee may be granted, for consideration, subject to entitlement as well as other factors.

- Maternity/Adoption (Ordinary & Additional) - All employees, regardless of service have the right to remain absent for up to 26 weeks (Ordinary Maternity/Adoption Leave) and an additional 26 weeks (Additional Maternity/Adoption Leave).
- Earliest start date for Maternity Leave - Maternity leave cannot commence earlier than 11 weeks prior to the week the baby is due or from the day following childbirth, if that is earlier.
- Earliest start date for adoption leave - up to 14 days before the expected date of placement.
- Intended parent in a surrogacy arrangement – leave begins on the day the child is born
- Latest start date - You may continue to work right up to the birth of your child if you wish, unless there are health or safety reasons why this is not possible.

- Compulsory Maternity Leave – You are NOT permitted to work in the two-week period immediately following the birth.
- Automatic commencement of maternity leave – Your maternity leave will automatically commence if you are absent due to a pregnancy-related illness within four weeks of the week your baby is due. In the case of premature birth (a date prior to the expected due date) the maternity leave will always commence on the day following the birth of the baby. You are required to advise your line manager of the actual date the baby is born. Failure to do so may result in an overpayment of salary if the birth date is earlier than the date specified on the VOG 19.
- Still births – In the event of a still birth after the 24<sup>th</sup> week of pregnancy, maternity leave will be granted and subject to the qualifying conditions with regard to pay.
- Shared parental leave - Eligible employees are able to end their maternity/adoption leave early and may share any outstanding shared parental leave and/or pay with the child's father or their partner.

## **8. MATERNITY/ADOPTION PAY – FURTHER EXPLANATION**

You should notify your manager of your intention to take maternity/adoption leave to determine your eligibility for maternity/adoption pay.

### **Statutory Maternity/Adoption Pay (SMP/SAP)**

In order to qualify for SMP/SAP, you must meet the following criteria:

- You must have at least 26 weeks continuous local government service at the 15th week before the week the baby is due (maternity/surrogacy arrangements)/ending with the week in which you are notified of a match (adoption/fostering for adoption scheme/overseas adoptions).
- You must be earning on average a minimum amount per week during your pregnancy (surrogacy arrangements) or in the 8 weeks ending with the week in which you are notified of a match. The minimum amount you need to earn to qualify for SMP/SAP changes every year. The current amount is £116 in the 2018-2019 tax year.
- You must provide notification of your intended maternity/adoption leave at least 28 days before you wish your SMP/SAP to commence.
- You must provide evidence of the week the baby is due by forwarding your original MATB1 certificate/matching notification to Employee Services, attached to the relevant notification form (VOG19 – maternity, VOG 20 – adoption)
- The earliest that adoption leave and statutory adoption pay can begin is up to 14 days before the expected date of placement of the child and the latest it can start is on the date of placement itself. For overseas adoptions adoption leave cannot start until the child is in Great Britain.



## **Further information about SMP/SAP**

- If you are entitled to SMP/SAP, you will receive payment for up to 39 weeks.
- You are entitled to receive SMP from your employer after employment is terminated (for any reason) provided employment continued into the 15<sup>th</sup> week before the baby is due. You are entitled to receive SAP from your employer after employment is terminated (for any reason).
- An employer is entitled to make 'reasonable contact' with an employee during maternity or adoption leave.
- If you are in legal custody at any time during your maternity/adoption/ shared parental pay period then SMP/SAP/SSP payments will cease.

## **Maternity/Adoption Allowance**

If it is found that you are not eligible to receive SMP/SAP, you will be provided with an exclusion form (SMP1/ SAP1), which may be used to claim Maternity/Adoption Allowance from the Department for Work and Pensions, should you be eligible.

## **Occupational Maternity/Adoption Pay**

All employees who have been in continuous local government service for one year or more at or after the 11<sup>th</sup> week before the EWC (including surrogacy arrangements)/ending with the week the employee is notified of having been matched with a child for adoption including the fostering for adoption scheme and overseas adoptions are entitled to additional Occupational Maternity/Adoption Pay as detailed below. This is payable in two parts and you should note the conditions attached to the granting of OMP/OAP.

### **Part 1**

- 6 weeks OMP/OAP at 90% of weekly earnings (offset where applicable by SMP, SAP or MA/AA)
- (4 weeks full pay, 2 weeks 90% for employees on teaching terms and conditions)

### **Part 2**

- 12 weeks at ½ pay plus SMP/SAP/MA/AA where applicable (please note, adjustment may need to be made to ensure that the total of this payment does not exceed your normal wage prior to commencement of maternity/adoption leave.) Occupational Maternity/Adoption Pay will be calculated on the basis of a weeks' pay; *The term 'a weeks' pay' for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working their normal hours in a week. Where there are no normal working hours, a weeks' pay is the average remuneration in the period of*

*12 weeks pre-ceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.*

This payment is only made to employees returning to work after a period of maternity/adoption leave, you can if you wish opt to freeze this payment until you make a decision concerning your return to work (see below).

## **9. THE RIGHT TO RETURN TO WORK**

Your rights with regard to returning to work are outlined below:

You are required to undertake the following once maternity/adoption leave has been granted to you:

- You must give 21 days written notification of your return to work if you intend to return before the end of your full maternity/adoption leave entitlement. If you do not give 21 days' notice the Council may postpone your return to work until 21 days have been given. The VOG 19A Return from Maternity & Adoption Leave Form will be completed by your line manager confirming the return to work date and forwarded to Employee Services.
- If you change your mind about the day you propose to return, you must give your employer 21 days' notice of the new date, if this is earlier than the original date you notified or if you are now proposing to return later than the original date, you must give notice of the new return date 21 days before the original return date.
- To keep all of your Occupational Maternity/Adoption Pay, you must return to work with the Vale of Glamorgan for at least 13 weeks.
- Should you opt not to return to work then the 12 weeks half pay must be repaid along with all the Employer contributions which are not recoverable from the Government or its agents. If you wish to wait before making a decision concerning your return to work then you should indicate this on the maternity/adoption leave application form or in your letter of application for adoption leave. This will freeze the payment of 12 weeks half pay until you have returned and completed the required 13-week employment.
- You are entitled to return to the same job, or equivalent job.
- If, due to redundancy or general reorganisation, it is not practicable for you to return to the post defined above, then you are entitled to be offered a suitable alternative vacancy on terms no less favourable than you would have received if you not been on maternity/adoption leave subject to a post being vacant. Every effort will be made to ensure that a suitable alternative vacancy can be offered and you will not be discriminated against in any way in this process as a result of your pregnancy, childbirth or leave.
- The right of return applies to your substantive post only.

## **10. KEEPING IN TOUCH (KIT) DAYS/SPLIT DAYS**

Keeping in Touch (KIT) days are intended to facilitate a smooth return to work for you returning from maternity/adoption leave. You may work for up to 10 KIT days without bringing your maternity/adoption leave to an end. Attendance at KIT days should be mutually agreed and will be paid at an hourly rate, not to exceed normal salary.

KIT days can include training or other activities which enable you to keep in touch with the workplace. Any such work must be by agreement and neither your line manager nor you can insist upon it.

Payment for KIT days will be claimed via your line manager on the VOG 19A Return from Maternity & Adoption Leave Form or VOG 38C Shared Parental Leave (KIT days) Form and paid following a return to work.

Similar arrangements apply under the Shared Parental Leave Scheme. In addition to up to 10 KIT days available while on maternity/adoption leave there are up to 20 SPLIT days available to each eligible parent.

**Any amount of work done on a KIT day counts as one full KIT day even coming into work for one hour, a training session or to attend a meeting.**

## **11. DISCLOSURE AND BARRING CHECK (DBS)**

If your post requires a DBS check and you decide to take your full 12 months entitlement to maternity/adoption leave, a new DBS check must be carried out and the certificate verified by the Council before you return to work. You will need to contact the Lifecycle Team in Human Resources on 01446 709211/104 or email [db@valeofglamorgan.gov.uk](mailto:db@valeofglamorgan.gov.uk) in advance to arrange this.

Should the new DBS certificate be outstanding on your return, this does not prevent you from returning to your role, however interim safeguarding arrangements will be put in place and discussed with you on your first day back in work.

You will need to inform your line manager and the Lifecycle team when you receive your certificate so an appointment can be made as part of the verification process.

## **12. ANNUAL LEAVE ENTITLEMENT**

You will accrue annual leave and bank holiday entitlement during the period of ordinary and additional maternity/adoption leave. You can arrange to take your annual leave before you commence your maternity/adoption leave or request annual

leave prior to your actual return to work date. This is dependent on where the maternity/adoption leave period falls within your annual leave year (either to 31<sup>st</sup> March or birthday month whichever is appropriate to your Directorate/Service).

It is strongly recommended that you should try to take your annual leave before or after your maternity/adoption leave without having to carry leave over. If however, you are unable to take your annual leave before you start your maternity/ adoption leave due to:

- the early birth of your child (or in the case of adoption the child starts living with you earlier than expected)
- or a pregnancy related sickness absence for example
- or where your annual leave overlaps with the annual leave year to a significant extent

you are able to carry the remaining leave plus any “eligible untaken” Bank Holidays over into the next leave year.

Any request for annual leave must be approved by your line manager in the usual way.

If you decide not to return to work following your maternity/adoption leave, your leave allowance will be calculated pro rata. You will be paid any outstanding leave owing or if you have exceeded your entitlement, the amount will be deducted from your final salary.

If your baby arrives before the expected due date (or in the case of adoption the child starts living with you earlier than expected) and this is during a period of annual leave prior to the planned start of maternity/adoption leave your maternity leave/adoption leave will automatically commence. This will be either on the day following the birth for maternity leave or in the cases of adoption leave, the first day the child starts living with you. The remaining annual leave may then be deferred in line with the constraints above.

**Please note all entitlements/carry over days are pro rata to hours/days worked.**

### **13. PENSION IMPLICATIONS**

If you contribute to either the Local Government or Teachers Pension Scheme then you will continue to do so whilst on paid maternity/adoption leave and this period will count fully as pensionable service.

#### **Local Government Pension Scheme (LGPS)**

If you wish any period of unpaid leave to be recorded as pensionable service then you need to make arrangements to pay your pension contributions in another way.

You can choose to “buy back” any lost pension contributions as a lump sum through Additional Pension Contributions for the unpaid period of maternity/adoption leave. An election must be made within 30 days of your maternity leave ending on the relevant form. The Council will pay the employers contribution.

If you choose to “buy back” lost pension after 30 days following the return to work the Council is not obliged to pay the employer pension contribution costs and you will be liable for the full amount.

If you do not return to work following maternity/adoption leave but want to “buy back” any lost pension contributions you must elect to do so whilst still an active employee so would need to elect to do so before leaving employment.

Further information on how to “buy back” lost pension can be found on [www.lgpsmember.org/](http://www.lgpsmember.org/), along with a calculator, form to download, complete, sign and send to Employee Services.

For further information on LGPS refer to the [LGPS Guide](#)

## **Teachers’ Pension Scheme**

### **Maternity/Paternity/Adoption**

#### **What happens to my pension when I am on maternity/paternity or Adoption leave?**

Provided you’re receiving at least half your salary or Statutory Maternity Pay (SMP) your leave will be classed as pensionable employment. If you don’t, then that period won’t be counted as pensionable. If you are receiving contractual or statutory pay, your pensionable service will continue to increase.

#### **What level of contributions will I have to pay?**

Contributions will be based on the pay you get while absent.

#### **Are KIT days pensionable?**

Yes, KIT days are pensionable if you are being paid at least half pay or statutory parental pay.

#### **Is Shared parental leave pensionable?**

Yes, shared parental leave is pensionable if you are being paid at least half pay or statutory parental pay.

#### **What happens if I decide not to return to service after my maternity leave?**

Your pensionable employment will be considered to have stopped at the end of your Statutory Maternity Pay (SMP) or once you've stopped receiving any pay. You'll then be treated as a deferred member of the Scheme.

**Need more information? You will find all you need to know at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) or 0345 6066166**

## **14. VACANCY BULLETIN**

Throughout the duration of your Maternity/Adoption Leave you will be eligible to receive a copy of the Council's Vacancy Bulletin ideally via e-mail.

Employee Services will have been advised of your forthcoming absence and you are requested to contact them directly (Tel: 01446 709563 – e mail [recruitment@valeofglamorgan.gov.uk](mailto:recruitment@valeofglamorgan.gov.uk)) to discuss arrangements for you to receive the bulletins whilst you are away from work.

## **15. FERTILITY TREATMENT (IVF)**

Advice should be sought from the Lifecycle team in Human Resources in relation to time off for Fertility Treatment.

There is no statutory right to time off for IVF treatment.

Medical appointments related to IVF will be treated the same as any other medical appointment.

Sickness absence during treatment will be treated in the same way as sickness for other reasons.

Special protection against discrimination applies during the protected period.

Following implantation the employee will be regarded as being pregnant. A pregnancy test two weeks later will confirm whether the treatment has been successful. If the IVF is unsuccessful the employee will be protected from dismissal or detriment for a further two weeks.

## **16. PATERNITY LEAVE & PAY ENTITLEMENT,**

**Who is Statutory Paternity Pay (SPP) and Leave available to?**

SPP and Paternity leave are available to employees who are able to declare that they are:

- The biological father
- The partner/husband that is not the baby's biological father
- A female partner in the same sex couple
- Adoptive parent (specifically, the person in the couple not taking adoption leave/pay)
- Fostering for adoption parent (who is not taking adoption leave/pay)
- Intended parent in a surrogacy arrangement (who is not taking adoption leave/pay)
- Responsible for the child's upbringing

### **How do employees qualify for Statutory Paternity Pay and Leave?**

In order to qualify for SPP / Leave, you must meet the following criteria:

- You must have at least 26 weeks continuous local government service at fifteen weeks before the week the baby is due (including surrogacy arrangements)/at least 26 weeks ending with the week in which the child's adopter is notified of being matched with the child/overseas adoptions - by the date the adopter receives official notification or the date the adopter wants the leave to begin.
- Your average weekly earnings over the 8 week period prior to the fifteenth week before the baby is due (including surrogacy arrangements)/ ending with the week in which the child's adopter is notified of being matched or the date the child enters the UK must be over the lower earnings contribution limit for national insurance purposes.
- You must provide medical evidence of the week the baby is due by forwarding a MATB1 certificate/matching notification to Employee Services with a completed SC3 (birth parent) /SC4 (adoptive parent and parental order parent) /SC5 Form (overseas adoption), available on Staffnet together with a VOG 01 Leave of Absence Form. The matching certificate is to be provided as soon as it is received.
- To qualify for paternity leave, you must tell your employer that you intend to take paternity leave by the end of the fifteenth week before the week your baby is due (including surrogacy arrangements) or, if this is not possible, as soon as is reasonably practicable/within 7 days of the date the adoption agency told you that you have been matched with the child or as soon as is reasonably practicable.
- To qualify for SPP, you must tell your employer that you want to get SPP at least 28 days beforehand. Where an employee is entitled to both pay and leave, the notice given for leave by the fifteenth week before the week the baby is due/notified of being matched as set out in 1<sup>st</sup> bullet point can count for pay as well.

### **What Paternity Leave / Pay is an employee entitled to?**

Eligible employees can choose to take either one-week or two consecutive weeks' paternity leave. It **cannot** be taken as odd days or as two separate weeks.

The first week is paid at SPP and made up to full salary with special leave (Pro Rata). The second week (if required) is paid at flat rate SPP.

Employees can take only one period of leave even if more than one baby is born as the result of the same pregnancy/adoption/surrogacy arrangement.

### **Teaching Staff**

Teaching staff are entitled to 2 days SPP and made up to full salary with special leave (pro rata) with the remainder of the week paid as a proportion of flat rate SPP and the second week if required at flat rate SSP.

### **When can an employee's Paternity Leave commence?**

Leave cannot start until the birth of the baby/date of placement. Otherwise, you can choose to start your leave:

- on the date of the baby's birth/date of placement (whether this is earlier or later than expected); or
- on a date falling such number of days after the date on which the child is born/is placed/arrives in the UK (whether this is earlier or later than expected) as you notify your employer; or
- on a chosen date as notified to your employer which falls after the first day of the expected week of childbirth/date of placement/the child arrives in the UK.
- employees must give their employer the required notice of their leave.
- if you specify the date of birth as the day you wish to start your leave and you attend work on that day, your leave will begin on the next day.
- leave has to be taken within 56 days of the actual date of birth of the child /date on which the child is placed with the adopter/day after the birth for a surrogate parent

### **How do employees apply for Statutory Paternity Leave / Pay?**

To claim either Paternity Leave or Statutory Paternity Pay (SPP), you must tell your employer:

- the expected week of the baby's birth
- whether you wish to take one or two weeks' leave
- when you want to start your leave

Please obtain and complete Form SC3/SC4/SC5. These forms are available on the Staffnet or [www.gov.uk](http://www.gov.uk) You will also need to complete a VOG01 Special Leave form. Both forms should be returned to Employee Services.

The forms include a declaration, which details that you



- are taking leave either to care for your child or to support the mother or both;
- have or expect to have responsibility for the upbringing of the child;
- are the father of the child and/or the partner or husband of the mother/married to or in a civil partnership with the person adopting or intending to adopt/other parental order parent/living with the person adopting the child.

You must also advise your employer when your baby was actually born/placed as soon as is reasonably practicable after the birth/placement.