



FAMILY LEAVE POLICY

(MATERNITY, ADOPTION, PATERNITY, SURROGACY AND SHARED PARENTAL LEAVE)

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Family Leave Policy (Maternity, Adoption, Surrogacy and Shared Parental Leave)

1. INTRODUCTION

1.1 This policy provides more choice and gives more opportunity for parents and partners to be involved in the care and upbringing of their children. Through the implementation of this policy Ayrshire Valuation Joint Board will:

- Ensure that its employees have the right to access their statutory entitlements to maternity, adoption, paternity, surrogacy and shared parental leave and pay;
- Create conditions which will enable mothers, adopters and partners to take time off work to care for their children and for fathers or partners to take time off work to support the mother or adopter;
- Deal efficiently, fairly and consistently with requests for maternity, adoption, paternity or shared parental leave; and
- Ensure employees are not treated less favourably as a result of exercising their right to maternity, adoption, paternity or shared parental leave and pay.

2. MATERNITY OR ADOPTION LEAVE, ENTITLEMENTS AND ELIGIBILITY

2.1 LEAVE

2.1.1 Maternity:

All pregnant employees are entitled to take up to 52 weeks maternity leave regardless of length of service.

2.1.2 Adoption:

Parents adopting a child up to 18 years of age are entitled to take up to 52 weeks adoption leave regardless of length of service.

In addition, **Dual Prospective Adopters** (fostering for adoption), **Parental Order Parents** (the intended parents in a surrogacy arrangement where they intend to apply for a parental order making them the legal parents of the child) and **Adoption Order Parents** (the intended parents in a surrogacy arrangement where they are not genetically linked to the child but intend to apply for an adoption order making them the child's legal parents (for further information see Appendix 3), are entitled to 52 weeks leave.

2.1.3 An adopter will not qualify for adoption leave and pay if they:

- Arrange a private adoption (e.g. without permission from a UK authority/agency)
- Become a special guardian or kinship carer
- Have a child with the help of a surrogate mother, where the intended parents are not seeking a Parental Order.
- Adopt a family member or stepchild.

- 2.1.4 Maternity/adoption leave is made up of **26 weeks ordinary maternity/adoption leave and 26 weeks additional maternity/adoption leave**. This additional maternity/adoption leave will start immediately after ordinary maternity/adoption leave.

Only one period of leave will be available to employees irrespective of the number of children born as the result of the same pregnancy or adoption at that time.

2.2 ENTITLEMENTS AND ELIGIBILITY:

2.2.1 SCHEME A – EMPLOYEES WITH LESS THAN 26 WEEKS CONTINUOUS SERVICE:

Employees with *less than 26 weeks continuous service (qualifying service)*:

- by the 15th week before the Expected Week of Childbirth (EWC); or
- by the week in which the employee is notified of being **matched** with a child for adoption by an approved adoption agency,

are entitled to a period of up to 52 weeks **unpaid** maternity/adoption leave.

This leave may be taken anytime from:

- 11 weeks before the date the baby is due; or
- 14 days before the expected date of the child's placement; or when the child starts living with the employee; or when an employee has been matched with a child by a UK Adoption Agency; or when the child arrives in the UK or within 28 days of this date (overseas adoptions) or
- the date of the baby's birth or the day after (parents in surrogacy arrangements).

2.2.2 SCHEME A – ALLOWANCES:

Employees who do not have the qualifying service (i.e. less than 26 weeks continuous service), or do not have the qualifying earnings (i.e. at least average of £113 per week) will not be entitled to Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) nor will they be entitled to Occupational Maternity/Adoption pay.

Within 7 days of the decision that an employee is not entitled to SMP or SAP, the Board will complete an SMP Exclusion Form (SMP1) or a Non-Payment of Statutory Adoption Pay Form (SAP1) and send it to the employee. The employee should complete and forward the appropriate form to the Department for Work and Pensions.

If an employee does not qualify for SMP, they may be eligible for Maternity Allowance which is paid for 39 weeks. Payments can start 11 weeks before the baby is due.

If an employee does not qualify for SAP, they may qualify for other allowances and should discuss their eligibility with the Department for Work and Pensions.

2.2.3 SCHEME B – EMPLOYEES WITH AT LEAST 26 WEEKS CONTINUOUS SERVICE:

Employees with **at least 26 weeks continuous service (qualifying service)**:

- at the 15th week before the EWC; or
- the week in which the employee is notified of being **matched** with a child for adoption by an approved adoption agency,

are entitled to a period of leave not exceeding 52 weeks in total. This leave may be taken anytime from:

- 11 weeks before the date the baby is due; or
- 14 days before the expected date of the child's placement; or when the child starts living with the employee; or when an employee has been matched with a child by a UK Adoption Agency; or when the child arrives in the UK or within 28 days of this date (overseas adoptions) or
- the date of the baby's birth or the day after (parents in surrogacy arrangements).

2.2.4 **SCHEME B – MATERNITY/ADOPTION PAY:**

Employees who have the required service (*26 weeks continuous service with Ayrshire Valuation Joint Board*) and qualifying earnings (*average weekly earnings above the lower earnings limit*) will be entitled to occupational maternity/adoption pay/statutory maternity/adoption pay as follows:

- 6 weeks at 9/10ths pay inclusive of statutory maternity/adoption pay;
- 12 weeks at 5/10 pay plus statutory maternity/adoption pay or other allowances subject to the total amount not exceeding the employee's full pay;
- 21 weeks at the statutory maternity/adoption pay rate or 90% of the employee's average weekly earnings if this is less than the statutory maternity/adoption pay rate;
- The remaining 13 weeks are unpaid.

These entitlements are summarised in **Appendix 1** and details of the current levels of statutory payment and earnings levels are available on Re-Wired. Refer to **Appendix 2** for terminology.

2.2.5 Employees who have 26 weeks continuous local government service **but who do not have the qualifying service with Ayrshire Valuation Joint Board**, will be entitled to occupational maternity/adoption pay but will need to contact their previous employer to discuss eligibility for statutory pay. Please contact The Board's Personnel Representatives for further information.

2.2.6 Employees who are entitled to occupational maternity or adoption pay are required to return to work for a period of **not less than 3 months**. An employee who fails to return to work or returns to work but leaves before having worked for the full 3-month period will be required to repay to the Board 12 weeks at 5/10 pay.

2.2.7 **Temporary employees** should seek further advice from the Boards Personnel Representatives on which maternity/adoption scheme, conditions and entitlements apply to them.

3. NOTICE REQUIREMENTS – MATERNITY OR ADOPTION LEAVE

3.1 An employee should give the earliest possible notice to the Board of

- a) her pregnancy; or
- b) notification of being matched with a child for adoption e.g. letter from the agency or matching certificate.

This will enable the Board to take appropriate action including health and safety measures in the case of pregnancy

3.2 Employees should notify their Manager on **MAL/FORM/1** of the intention:

- a) to take maternity leave by the 15th week before the EWC unless this is not reasonably practicable;
- or

- b) to take adoption leave **within 7 days** of being notified by their adoption agency that the employee has been **matched with a child for adoption** unless this is not reasonably practicable, how much leave is being requested and the date of placement of the child;

or

- c) in a surrogacy arrangement, to take adoption leave at least 15 weeks before the baby's due date, when the baby is due and when they want leave to start, please refer to Appendix 4 for further information.

3.3 If it is not reasonably practicable for a woman to give the required written notice because for example, she has had to go into hospital unexpectedly, she must write to the Board as soon as is reasonably practicable to inform them of the situation.

3.4 The start date of maternity or adoption leave can be changed subject to a **minimum of 28 days' notice being given by the employee.**

3.5 The employee shall also declare, at this time, using **MAL/FORM/1**, of her intention to return to work on the expiry of her leave and shall enclose her MATB1 form from her Doctor/Midwife. If the employee intends to return to work early before the end on the leave period, they are required to give at least 8 weeks' notice, **MAL/FORM/2** should be used for this purpose.

3.6 Employees on maternity leave should notify the Board in writing of the actual date of childbirth at the earliest possible date and in any case, within 28 days of the birth.

3.7 The Board shall respond to a woman's notification of her leave plans within 28 days. The Board shall write to the employee, setting out the date on which they are expected to return to work if she takes her full entitlement to maternity/adoption leave.

4. COMMENCEMENT OF MATERNITY OR ADOPTION LEAVE AND PAY

4.1 Maternity:

4.1.1 Maternity Leave cannot start before the beginning of the 11th week before the baby is due.

4.1.2 Maternity Leave will start on the given date unless:

- the baby is born before the leave is due to start, in which case the leave should commence on the day after the actual date of birth of the baby (even if that is before the 11th week before the EWC); or
- an employee is absent from work due to a pregnancy related illness after the beginning of the 4th week before the EWC, in which case the leave will start automatically on the day after the first day of absence following the beginning of the 4th week before the EWC.

4.1.3 The employee must notify her employer as soon as is reasonably practicable of:

- the date of birth, if the baby is born before the date she has notified, or before she has notified a date; or
- absence from work that is wholly or partly because of pregnancy and of the date on which her absence for that reason began.

4.1.4 Women who experience a premature birth or whose babies are stillborn on or after the 25th week of pregnancy still qualify for maternity leave. However, if the baby is stillborn or the mother miscarries on or before the 24th week of pregnancy, the employee is not entitled to maternity pay but will be eligible for sick pay.

4.2 Adoption:

4.2.1 An employee can start their adoption leave from up to 2 weeks before the date that the child is placed with them for adoption (i.e. the date the child joins the family).

4.2.2 The adopter may be entitled to take other types of leave, e.g. annual leave, before starting their adoption leave. They may also be eligible for other types of leave, e.g. annual leave or shared parental leave after they have finished their adoption leave- but they must take at least 2 weeks of adoption leave before starting any shared parental leave.

4.2.3 Parents who have a child with the help of a surrogate mother and who do not meet the conditions to apply for a Parental Order (this will include single parents and parents who have no genetic link to the child) or who meet the conditions but don't intend to apply for a Parental Order, aren't eligible for adoption leave and pay.

4.2.4 Where an adoption placement ends for any reason during the adoption leave, the employee should notify the Boards Personnel Representatives. Where the adoption placement ends within the first 26 weeks of adoption leave, the employee will be entitled to remain absent from work until the end of the 26 week period. Where the adoption placement ends after the 26th week of adoption leave, the employee will be entitled to remain absent for up to 8 weeks after the end of the placement or until the end of the adoption leave period whichever is sooner. Notification of the intended return date should be given in accordance with section 10 below.

- 4.2.5 Where an expected placement does not take place but adoption leave has already started further adoption leave and pay will be available for 8 weeks following the date of notification that the child will not be placed.

5. ANTE – NATAL CARE AND PRE ADOPTION MEETINGS

5.1 ANTE – NATAL CARE

Pregnant employees are entitled to reasonable time off with pay to attend ante-natal appointments. Except for the first appointment, an employee must be prepared to show the Board:

- a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that you are pregnant; and
- an appointment card or some other document showing that an appointment has been made.

- 5.2 Partners of expectant mothers and Parental Order parents in a surrogacy arrangement can take reasonable time off to attend **up to two unpaid** antenatal appointments. An employee must be prepared to show an appointment card or some other document showing that an appointment has been made.

- 5.3 Ante-natal care not only includes medical examinations but also dental appointments, relaxation and parent craft classes.

5.4 PRE – ADOPTION MEETINGS

In the period between being notified of a match and the child being placed for adoption, the main adopter can take reasonable time off to attend up to **five paid pre-adoption appointments** and where it is a joint adoption, an adopter's partner can attend **two unpaid pre-adoption appointments**. The employee must be prepared to show evidence of appointments.

6. RISK ASSESSMENT

- 6.1 In carrying out risk assessments, specific consideration must be given to the risks posed to new and expectant mothers. If the risks cannot be avoided by other means, it will be necessary to alter working conditions or hours, offer suitable alternative work, or if that is not possible to give the worker paid leave for as long as necessary to protect the health and safety of herself and of her child. Additional information is provided by the Guidance for New and Expectant Mothers which is available on SharePoint (Health and Safety).
- 6.2 Employees also have a duty to be responsible for their own health and safety and should take care to avoid any undue risks both at home and at work.
- 6.3 Women who have recently given birth or are breastfeeding will be provided with adequate rest, meal and refreshment breaks. In addition every effort will be made to provide a room for them to express milk and facilities for storage. Further advice on this can be obtained from the Board Personnel Representatives.

7. SUPPORT LEAVE AND PATERNITY LEAVE (MATERNITY OR ADOPTION)

7.1 SUPPORT LEAVE (MATERNITY OR ADOPTION)

7.1.1 Support Leave (Maternity or Adoption) of five days (pro-rated for part time employees) is available to the child's father or the partner or nominated carer of an expectant mother or adopter at or around the time of the birth or placement. The nominated carer is the person nominated by the mother or adopter.

Support Leave (Maternity or Adoption) may be taken during the period 1 week before and 3 weeks after the child's birth or placement.

Leave must be taken as a 'week' and odd days cannot be taken.

If an employee wishes to take *only one week* Support Leave (Maternity or Adoption) then Form **MAL/FORM/3** should be used to apply. If an employee meets the criteria and wishes to apply for 2 weeks leave they should refer to Section 7.2.

7.1.2 Criteria:

To qualify for Support Leave (Maternity or Adoption) an employee must:

- Have worked for the Board or another Local Authority for 26 continuous weeks leading into:
 - a) The 15th week before the baby is due; or
 - b) The week in which the adopter is notified of being matched with the child;
- Be the child's father or the partner or nominated carer of the expectant Mother or adopter;
- Have, or expect to have, responsibility for the child's upbringing.

Only one period of leave will be available to employees irrespective of the number of children born as the result of the same pregnancy or placed for adoption at that time.

7.1.3 Payment:

Eligible employees, who meet the criteria set out above, will receive **full normal pay**.

7.2 PATERNITY LEAVE (MATERNITY OR ADOPTION)

7.2.1 Employees who are eligible and meet the criteria set out below are entitled to choose to take **one week's** Paternity Leave (pro-rata for part time employees). This week is in addition to Support Leave outlined in 7.1 above.

Paternity Leave (Maternity or Adoption) can start any day of the week (but not before the baby is born) and has to finish within 56 days of the baby's birth or placement.

Leave must be taken as a 'week' and odd days cannot be taken.

Only one period of leave will be available to employees irrespective of the number of children born as the result of the same pregnancy or placed for adoption at that time.

7.2.2 Criteria:

To qualify for Paternity Leave (Maternity or Adoption) an employee must:

- Have worked for Ayrshire Valuation Joint Board for 26 continuous weeks leading into:
 - a) The 15th week before the baby is due; or
 - b) The week in which the adopter is notified of being matched with the child
 and
- Be the biological father of the child or the partner of the child's mother or adopter; or
- Be the partner of the dual approved adopter or in the case of joint dual approved adoptions, the parent who will **not** take the adoption leave, or
- Be one of the Parental Order parents (the parent that doesn't take adoption leave and pay).

(In the case of joint adoptions, the adopter that claims adoption leave and/or pay will not be eligible for paternity leave and pay and the adopter that claims paternity leave and/or pay will not be eligible for adoption leave and/or pay, please refer to Appendix 3 for further information),

and

- Have or expect to have responsibility for the child's upbringing.

7.2.3 Notification:

An employee will be required to inform the Board of their intention to take paternity leave by:

- a) The 15th week before the baby is due; or
- b) The week in which the adopter is notified of being matched with the child

and be expected to provide a copy of the MAT B1 certificate (Maternity) or the matching certificate (Adoption).

7.2.4 Payment:

Eligible employees will receive Statutory Paternity Pay (SPP) or Statutory Adoption Pay (SAP). Details of the current level of these payments are available on the Wire at Statutory Allowances.

7.3 Where an employee has taken Support Leave, as outlined at 7.1, and wishes to take a further week Paternity Leave they should apply using Form **MAL/FORM/4**.

7.4 Where an employee has chosen to take Maternity Support Leave and Paternity Leave this must be taken as two consecutive weeks and cannot be taken separately.

8. SHARED PARENTAL LEAVE

8.1 Under the Children and Families Act 2014, working parents (eligible mothers, fathers, partners and adopters) are able to share time off work after their child is born or

placed for adoption with them. The Shared Parental Leave and Pay Regulations apply to babies born or adopted on or after 5 April 2015.

- 8.2 On this date, Shared Parental Leave (SPL) and statutory shared parental pay (ShPP) replaced statutory additional paternity leave and additional paternity pay which ceased to exist after 4 April 2015.
- 8.3 Under the new legislation, an eligible mother or adopter can choose to end their maternity / adoption leave early (this is known as “curtailing” maternity or adoption leave) and with their partner or the child’s father, can opt for shared parental leave, e.g. a mother could end her maternity leave after 12 weeks, leaving 40 weeks in total available for shared parental leave.

Similarly, an eligible mother or adopter can choose to bring their maternity or adoption pay or maternity allowance to an end early and any untaken statutory pay will become available as statutory shared parental pay.

- 8.4 Under the new rules, mothers will still be required take at least the **initial two week** compulsory maternity leave following the birth and adopters will be required to take at least 2 weeks adoption leave following the child’s placement, therefore parents can share up to 50 weeks leave and 37 weeks of statutory pay.

The number of weeks available is calculated using the mothers / adopters entitlement to maternity/adoption leave of 52 weeks, if they then reduce their maternity/adoption leave entitlement then they and/or their partner may opt in to the shared parental leave system and take any remaining weeks as shared parental leave. The 52 week period during which SPL can be taken is fixed and cannot be extended. Any entitlement to SPL that is not taken within that period will be lost.

- 8.5 If both the mother and the father are eligible, they can share the leave at the same time or separately and will need to decide how to divide leave and pay entitlement between them. Leave or pay taken by one parent will reduce the pool of leave and pay that is available to the other parent. **The total shared time must not exceed what is jointly available to them.** In calculating the leave taken if part of a week is taken, it will count as a full week.
- 8.6 Under the Board’s policy, fathers will still be entitled to 1 week of maternity support leave and 1 week of paternity leave straight after a child’s birth.

8.7 ELIGIBILITY

- 8.7.1 To qualify for shared parental leave and pay, the child’s mother or adoptive parent must be eligible for either maternity leave or pay; maternity allowance; or adoption leave or pay and must share the main responsibility for caring for the child with the child’s father or her partner.
- 8.7.2 In addition, a parent seeking to take shared parental leave must have worked for the Board for at least 26 weeks’ continuous service at the relevant date (at the end of the 15th week before the expected week of childbirth or the notified week of adoption) and still be employed in the week before the shared parental leave is due to start.
- 8.7.3 The other parent wishing to take shared parental leave (who must be the partner of the employee) must also have worked for an employer for 26 weeks (not necessarily continuously) in the 66 weeks leading up to the baby’s due date/matching date (as at 5 April 2015) and have earned an average of at least £30 a week in 13 of the 66 weeks.

- 8.7.4 To qualify for shared parental pay, the parent must also have earned an average salary of the lower earnings limit (currently £113) for 8 weeks prior to the 15th week before the expected week of childbirth or date of adoption.

In addition to the above, parents are required to give the correct notice.

- 8.7.5 **Surrogacy arrangements** – if the intended parents have applied, or intend to apply for a “parental order” then subject to meeting qualifying conditions, the nominated “primary” adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto shared parental leave.

8.8 SHARED PARENTAL PAY

- 8.8.1 Eligible employees may be entitled to take 37 weeks shared parental pay while taking shared parental leave. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Statutory Shared parental pay is paid at the current rate of £138.18 a week or 90% of an employee’s average weekly earnings, whichever is lower.

- 8.8.2 If the mother/adopter ends their maternity/adoption leave during the first 18 weeks whilst in receipt of occupational/statutory maternity/adoption pay to opt into shared parental leave, the remainder of the statutory/enhanced maternity/adoption pay will become shared parental pay, provided the shared parental leave is taken during that 18 week period.

- 8.8.3 Where both parents are employed by the Board and the mother/adopter ends their maternity/adoption leave during the first 18 weeks and the other parent opts into shared parental leave then the other parent will be entitled to receive the enhanced pay for shared parental leave taken within that 18 week period.

8.9 APPLYING FOR SHARED PARENTAL LEAVE

- 8.9.1 Parents who qualify for the right will need to decide if shared parental leave is the best option for them. It is for the mother or primary adopter to decide whether to end their maternity or adoption leave early and opt into shared parental leave taking account of such things as each parent’s eligibility; how much leave they are entitled to take and any financial implications. Parents can opt into shared parental leave at any time so long as there is some untaken maternity/adoption leave to share.

- 8.9.2 An employee opting for shared parental leave must notify the Board of their entitlement and must book the leave they wish to take giving **at least 8 weeks’ notice; MAL/FORM/7** should be used for this purpose. While the notice to end maternity/adoption leave can be given before or after the birth/placement, if it is given afterwards the notice is binding. However, if the notice is given before, there is a 6 week window after the child’s birth/adoption, during which the mother/primary adopter who has previously stated she intends to take shared leave can change her mind and decide to remain on maternity/adoption leave.

- 8.9.3 An eligible employee can give the Board up to 3 separate notices (including the initial request and two further notifications or changes) during the 52 weeks. (Any variation or cancellation notification made by the employee including notice to return to work early will usually count as a new notification.) **MAL/FORM/10** should be used for this purpose.

- 8.9.4 Each notice can be for a continuous block of leave which the Board cannot refuse or the notice may be for a discontinuous pattern of leave involving different periods of leave which the Board can refuse. e.g. if someone asks for two-six week periods of leave, the Board can insist that it is taken as a single 12 week block from the employees chosen start date or the employee has the option to withdraw their notice.
- 8.9.5 Leave must be taken in complete weeks and the minimum period that can be taken is 1 week. Where leave is taken in blocks, 8 weeks' notice is required for each block. The 8 weeks' notice includes a two week discussion period between the Board and employees. At this point, employees should provide an indication of the pattern of their intended leave, but they will not be bound by it. It is beneficial for the employee and the Board to discuss and attempt to agree the way in which the different blocks of leave can be taken however employees are encouraged to take leave in blocks of at least 4 weeks.
- 8.9.6 If a child is born more than 8 weeks early the notice period can be shorter.
- 8.9.7 An employee is permitted to vary or cancel an agreed and booked period of shared parental leave provided they advise the Board in writing at **least 8 weeks** before the date of the variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request. **MAL/FORM/10** should be used for this purpose. Any variation will be confirmed in writing by the Board.
- 8.9.8 Where an employee is entitled to and wishes to take shared parental leave, they must provide the Board with a notice of entitlement **MAL/FORM/7**. The employee must also provide the Board with a signed declaration from their partner which must include confirmation of:
- Their partners name, address and NI number
 - That they are the mother/adopter of the child or they are the father of the child or are the spouse civil partner or partner of the mother/adopter;
 - That they satisfy the employment and income qualifying requirements and that they agree to the other parent taking shared parental leave and pay;
 - That they consent to the Board processing the information contained in the declaration form;
 - That they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 8.9.10 The Board may within 14 days of the SPL entitlement notification, request:
- The name and business address of the partner's employer;
 - in the case of biological parents, a copy of the child's birth certificate;
 - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

The employee has a further 14 days to provide this information.

8.10 **RESPONDING TO A NOTIFICATION FOR SHARED PARENTAL LEAVE**

Once a shared parental leave booking notice (MAL/FORM/7) has been received, it will be dealt with as soon as possible and a response provided no later than 14 days after the leave request was made.

All notices for continuous leave will be confirmed in writing. All requests for discontinuous leave will be carefully considered on a case by case basis in line with

service needs. Requests may be granted in full or in part, e.g. the Board may propose a modified version of the request and seek to agree this with the employee. If no agreement can be reached the employee can either withdraw the request within 15 days of giving it or can take the leave in a continuous block.

8.11 REFUSING LEAVE OR PAY

If an employee doesn't qualify for leave and pay the Board will respond to them in writing within 28 days of their request.

8.12 WHEN CAN SHARED PARENTAL LEAVE START

Shared parental leave can start after the mother or adopter has returned to work or while the mother or adopter is still on maternity or adoption leave, if she has given binding notice to end her leave, e.g. a mother goes on maternity leave 10 weeks before her baby is born and decides that she will take 16 weeks of maternity leave and gives the Board the correct notice. As the mother has given binding notice, her partner can start shared parental leave as soon as the baby has been born as long as they too have given the correct notice.

The mother or adopter may be able to change their decision to end maternity or adoption leave within 6 weeks of the child's birth and decide to remain on maternity or adoption leave. At this point, the partner's entitlement to shared parental leave stops.

8.13 WHEN CAN SHARED PARENTAL LEAVE END

Shared Parental Leave must end no later than 1 year after the birth/placement of the child. Any shared parental leave not taken by the first birthday or first anniversary of placement for adoption is lost.

8.14 FRAUDULENT CLAIMS

Where there is suspicion that fraudulent information may have been provided, or where the Board has been informed by the HMRC that a fraudulent claim was made, the issue will be investigated in accordance with the Board's Disciplinary Policy and Procedure.

9. PARENTAL OR ADOPTIVE LEAVE

9.1 Parental and adoptive leave is a right to take unpaid time off work to look after a child or make arrangements for the child's welfare. Entitlement will be available for employees who have at least one year's continuous service with the Board or other Local Authority, at the date of the requested leave and are deemed to be the "responsible" person in terms of caring arrangements for the child.

9.2 An employee has the right to up to 18 weeks unpaid parental or adoptive leave for each child and up to 18 weeks unpaid leave if the child has a disability. Entitlement is pro-rated for part time workers;

9.3 Employees can choose to take parental leave up until the child's or adopted child's 18th birthday.

9.4 Both parents or both adopters or one parent or adopter plus his/her partner are eligible for parental or adoptive leave.

9.5 Parental and adoptive leave must be taken in multiples of one week except where

the child has a disability. Where a child has a disability leave can be taken a day at a time however where a part of an employee's working week is taken as Parental or Adoptive Leave it will count as a full week of her/his entitlement.

- 9.6 A maximum of 4 weeks in any year can be taken in respect of any one child, although the Nominated Senior Officer can agree requests to exceed this in exceptional circumstances.
- 9.7 Other than in the following circumstances an employee is required to give either 4 weeks' notice or notice that is twice the amount of leave the employee wishes to take, whichever is the greatest:
- Where leave is to be taken immediately after the birth, an employee needs to give the Board 21 days' notice before the beginning of the expected week of childbirth;
 - In the case of adoption 21 days' notice of the expected week of placement. In cases where this is not possible, an adoptive parent should give notice as soon as reasonably practicable.
- 9.8 Where the requested dates cannot be accommodated alternative dates will be offered. These alternative dates will be within 6 months of the original dates.
- 9.9 Form MAL/FORM/6 should be used for this purpose.

10. RETURNING TO WORK

- 10.1 An employee who intends to return to work at the end of her full maternity or adoption leave entitlement is not legally required to give any further notification to the Board. However, to ensure that pay is not affected, it is advisable for the employee to email the Boards Personnel Representatives, to notify return to work arrangements including dates of any accrued leave to be taken before the employee physically returns to work.
- 10.2 An employee who wants to return to work before the end of her maternity/adoption leave will need to give the Board at least **8 weeks' notice** of the date she wants to return to work. However it is unlawful for a mother to work in the 2 weeks after the birth of her child and in the case of adoption, the employee must take at least 2 weeks of adoption leave. Form **MAL/FORM/2** should be used for this purpose and should detail return to work arrangements including any accrued leave to be taken.
- 10.3 During these compulsory statutory leave periods, an employee is unable to return to work therefore they are unable to trigger entitlement to shared parental leave/pay. Further information on Shared Parental Leave and Pay is detailed in Section 8 above.
- 10.4. Employees who are entitled to occupational maternity or adoption pay are required to return to work for a period of **not less than 3 months**. An employee who fails to return to work or returns to work but leaves before having worked for the full **3-month period will be required to repay to the Board 12 weeks at 5/10 pay**.
- 10.5 An employee on shared parental leave will have been advised in writing of the end date of any leave. The employee is expected to return on the next working day after this date unless they notify the Board otherwise. Any late return to work without prior authorisation will be treated as unauthorised absence. If the employee wishes to return to work earlier than the expected return date, they must provide a written

notice to vary the leave and must give at least 8 weeks' notice of their date of early return. (MAL/FORM/2 should be used for this purpose). This will count as one of the employee's notifications (see section 8.9.3).

- 10.6 Where an employee has terminated her employment due to pregnancy or childbirth but her baby does not survive, she may be entitled to return to work.

10.7 **THE RIGHT TO RETAIN A JOB**

An employee maintains the right to return to the same job after returning from any period of leave that includes maternity, paternity, adoption and shared parental leave that totals 26 weeks or less in aggregate; even if the leave is taken in discontinuous blocks. If the period of leave exceeds 26 weeks, the employee has the right to return to the same job, or if that is not reasonably practicable, a similar job.

11. **SICKNESS FOLLOWING MATERNITY, ADOPTION OR SHARED PARENTAL LEAVE**

- 11.1 When an employee has terminated her maternity or adoption leave by giving notice that she intends to return to work and later submits a medical certificate, the employee will be deemed to be on sickness absence and the normal procedures, as outlined in the Framework for Maximising Attendance at Work, will apply.

- 11.2 If an employee on shared parental leave is unable to return to work due to sickness or injury, the Board's Maximising Attendance at Work Policy will apply.

12. **FAMILY LEAVE GENERAL TERMS AND CONDITIONS DURING MATERNITY, ADOPTION AND SHARED PARENTAL LEAVE**

12.1 **PENSION CONTRIBUTIONS**

Pension contributions during maternity, adoption and shared parental leave will continue to be deducted whilst the employee is still in pay. However, if an employee wishes to buy lost pension for the period of unpaid leave they can do so by purchasing an Additional Pension Contribution (APC) contract within 30 days of returning to work. Further information is available by contacting South Ayrshire Council Employee Services on 01292 612022.

12.2 **KEEPING IN TOUCH (KIT) DAYS AND SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS**

12.2.1 **KIT DAYS**

During maternity, additional paternity or adoption leave it can be helpful for an employee to keep in touch with the workplace. Employees are entitled to return to work for up to 10 days without bringing their statutory leave and pay to an end. Work means any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. This could include attending the workplace to discuss a return to work. This does not confer any right on an employer to require that any work be carried out during the leave period, nor any right on an employee to work during the leave period. Any days work carried out shall not have the effect of extending the total duration of the statutory leave period. There must be an agreement between the employee and their manager on what work is to be done and when the work will be carried out.

In order to arrange keeping in touch days, line managers should contact the Boards Personnel Representatives who will make arrangements with the employee. No undue pressure should be put on the employee to agree to keeping in touch days. Days at work will be paid as normal pay, which will be an amount inclusive of any related allowances. Any hours worked on a particular day for the purposes of keeping in touch (KIT) will amount to one whole KIT day and one KIT day should be deducted from the total accordingly. The payment for a KIT day will be paid at the normal hourly rate for the exact number of hours worked. KIT days should be recorded on **MAL/FORM/8**.

12.2.2 SPLIT DAYS

In addition to KIT days, parents who opt for shared parental leave will also be entitled to have up to 20 additional KIT – style days called “Shared Parental Leave in Touch (or SPLIT) days. These days will operate on the same basis as KIT days (as detailed above).

With agreement, employees may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of shared parental leave or to trial a possible flexible working pattern. SPLIT days should be recorded on **MAL/FORM/9**.

12.3 RETROSPECTIVE PAY AWARDS

12.3.1 If the Board implements a pay award that is effective:

- during the relevant period for calculating SMP or SAP i.e. the 8 week period ending with a) the last normal pay day before the end of the 15th week in advance of the expected week of childbirth; or b) the week in which the employee is notified of being matched with a child for adoption (the relevant period); or
- after the relevant period, but before maternity or adoption leave starts; or
- during ordinary maternity or adoption leave; or
- during additional maternity or adoption leave.

The employee's average weekly earnings will be recalculated taking account of the pay rise, and arrears paid where appropriate.

12.3.2 As a result of a pay rise, some employees may qualify for SMP or SAP for the first time if their earnings were previously below the lower earnings limit in which case the employee will be paid the difference between maternity/adoption allowance already paid and the SMP/SAP that is due.

12.3.3 If an employee wishes the Board to consider a specific claim for arrears of SMP/SAP that may be due as a result of pay rises awarded in the past the following applies:

- *For former employees:* a claim must have been made within 6 months of their leaving employment.
- *For current employees:* where an employee believes that a pay increase should have been taken into account she can then make a claim for arrears to be paid.

This claim should be made within 6 years of SMP/SAP being paid and she can then request that the Board recalculate the SMP/SAP.

- If a claim is made in respect of a period where the Board does not have the necessary records (employers only need to keep SMP/SAP records for three years) the employee may be entitled to a recalculation, provided she can provide sufficient evidence to substantiate her claim in order to allow the Board to recalculate any SMP/SAP due.
- Where part of an employee's maternity/adoption pay falls within the six year period the employee may be entitled to a recalculation, provided she can substantiate her claim. In these circumstances she will only be entitled to receive any enhanced payments for those weeks within the maternity/adoption pay period that fall within the six years from the date of her claim.

12.4 **Continuity of Service** – Maternity, adoption, paternity leave or shared parental leave taken will not break continuity of service. An employee's contract of employment will continue during the period of leave, unless either party expressly terminates it by dismissal or resignation.

12.5 **Salary Sacrifice Scheme** – Participation in Salary Sacrifice Schemes will have an impact on an employee's entitlement to Statutory Maternity/Adoption/Shared Parental Pay as this is calculated on the employee's reduced salary. Employees should seek further advice from the Boards Personnel Representatives on how it affects them.

12.6 **Right to Return** – The right to return to the same job at the end of the leave period will be maintained for employees returning from any period of leave that includes maternity, paternity adoption and shared leave that totals 26 weeks or less in aggregate (even if the leave is taken in discontinuous blocks); or 4 weeks or less parental leave.

Any subsequent leave will attract the right to return to the same job, or if that is not reasonably practicable a similar job on terms and conditions no less favourable. If an employee refuses to take the similar job, the Board can accept this as the employee's resignation.

12.7 **Sick Leave** – Leave will not be treated as sick leave and will not be taken into account in calculating an employee's sick pay entitlement under the sickness allowance pay scheme.

12.8 **Annual leave and public holiday** – entitlement will continue to accrue during the periods of Leave covered by this Policy.

12.9 **Flexible Working** – the Board has a Flexible Working Policy which builds on its commitment to support employees involved in the care of their children. This Policy is available on [SharePoint](#).

13. RIGHT OF APPEAL

13.1 Should any employee feel aggrieved over a decision connected with the operation of this policy, there is a right of appeal through the Board's Grievance procedure.

APPENDIX 1

**SUMMARY OF LEAVE AND PAY ENTITLEMENTS
(MATERNITY OR ADOPTION)**

SCHEME A: EMPLOYEE HAS LESS THAN 26 WEEKS CONTINUOUS SERVICE		
Length of Service	Length of Maternity/Adoption Leave	Payment Due
<p>Employee with less than 26 weeks' continuous service by the 15th week before the Expected Week of Childbirth (EWC); or</p> <p>The week in which the employee is notified of being matched with a child for adoption.</p> <p>If employee has over 26 weeks service but does not meet earnings qualification – scheme A applies.</p>	<p>Ordinary Maternity/Adoption Leave:</p> <ul style="list-style-type: none"> Up to 26 weeks leave unpaid <p>Additional Maternity/Adoption Leave:</p> <ul style="list-style-type: none"> Up to 26 weeks leave unpaid 	<p>The period of ordinary and additional maternity/adoption leave is unpaid.</p> <p>The Department for Work and Pensions can advise on what allowances the employee may be eligible for.</p>
SCHEME B: EMPLOYEE HAS AT LEAST 26 WEEKS CONTINUOUS SERVICE		
Length of Service	Length of Maternity/Adoption Leave	Payment Due
<p>Employee with at least 26 week's continuous service by</p> <p>the beginning of 15th week before EWC;</p> <p>or</p> <p>The week in which the employee is notified of being matched with a child.</p>	<p>Up to 52 weeks in total.</p> <p>Ordinary Maternity/Adoption Leave:</p> <ul style="list-style-type: none"> Up to 26 weeks <p>Additional maternity/adoption leave:</p> <ul style="list-style-type: none"> Up to 26 weeks * <p>*The last 13 weeks of Additional Maternity/Adoption leave will be unpaid.</p>	<p>6 weeks @ 9/10ths pay</p> <p>12 weeks @ 5/10ths pay plus statutory maternity/adoption pay</p> <p>21 weeks @ SMP/SAP rate (or 90% of average weekly earnings if this is less)</p> <p>Remaining 13 weeks are unpaid.</p>

<p>Employee with at least 26 week's continuous local government service but less than 26 weeks with Ayrshire Valuation Joint Board.</p>	<p>Up to 52 weeks in total.</p> <p>Ordinary Maternity/Adoption Leave:</p> <ul style="list-style-type: none"> • Up to 26 weeks <p>Additional maternity/adoption leave:</p> <ul style="list-style-type: none"> • Up to 26 weeks * <p>*The last 13 weeks of Additional Maternity/Adoption leave will be unpaid.</p>	<p>Occupational pay as above but Statutory Pay from previous employer</p>
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APPENDIX 2

TERMINOLOGY

TITLE	DURATION	PAY	ELIGIBILITY	POLICY REFERENCE	FORM
Ordinary Maternity or Adoption Leave	First 26 weeks (from total of 52)	Can be paid or unpaid depending on length of continuous service (e.g. less or more than 26 weeks)	All pregnant employees and adoptive parents of children up to 18 years of age are entitled to take up to 52 weeks leave, regardless of length of service.	2.2.1 – Scheme A – less than 26 weeks continuous service	MAL/FORM/1
Additional Maternity or Adoption Leave	Additional 26 weeks (from total of 52)	Criteria for payment outlined under Scheme A / Scheme B		2.2.3. – Scheme B – more than 26 weeks continuous service Appendix 1	
Support Leave (Maternity or Adoption)	5 days (pro-rated for part time employees) To be taken 1 week before to 3 weeks after child's birth or placement Odd days cannot be taken.	Employees who meet the criteria will receive full normal pay.	Available to the child's father or the partner or nominated carer of an expectant mother or adopter at or around the time of birth or placement. Employees require 26 weeks service	Section 7.1	MAL/FORM/3

TITLE	DURATION	PAY	ELIGIBILITY	POLICY REFERENCE	FORM
Paternity Leave	A further one week in addition to Support Leave (pro-rated for part time employees). Odd days cannot be taken.	Employees who meet the criteria will receive Statutory Paternity Pay or Statutory Adoption Pay.	See 5.2.5 (page15)	Section 7.2	MAL/FORM/4
Shared Parental Leave	Parents can share up to 50 weeks leave and 37 weeks pay	Statutory shared parental leave and pay will be based on 52 weeks (reduced by any element of maternity leave/pay received by the mother).	For an employee to be eligible for shared parental leave, they must have 26 weeks' continuous service at the relevant date (at the end of the 15 th before the expected week of childbirth or the notified week of adoption) The employee's partner must also have 26 weeks' continuous service and meet the minimum earnings test.	Section 8	MAL/FORM 7

TITLE	DURATION	PAY	ELIGIBILITY	POLICY REFERENCE	FORM
Parental or Adoptive Leave	Up to 18 weeks unpaid leave for each child and up to 18 weeks unpaid leave if the child has a disability. Pro-rated for part time workers.	Parental or Adoptive Leave is unpaid.	One year's continuous service at the date of requested leave and are deemed to be the "responsible" person in terms of caring arrangements for the child.	Section 9	MAL/FORM/6
Keeping in Touch (KIT) Days	10 days for the employee on maternity leave	KIT day will be paid at the normal hourly rate for the exact number of hours worked.	Employees on maternity, adoption or additional paternity leave.	12.2.1	MAL/FORM/8
SPLIT days	20 days (for each parent on shared parental leave)			12.2.2	MAL/FORM/9

Definition of Partner – the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner or a partner who is living in an enduring relationship with the mother and child.

Definition of Qualifying Week and Qualifying Earnings – the qualifying week is the 15th week (Sunday to Saturday) before the week the baby is due. Qualifying earnings are worked out over an 8 week period leading up to the qualifying week and during this period, employees must earn on average £113 or more per week.



MAL/FORM/1

**APPLICATION FOR LEAVE/PAY
(MATERNITY OR ADOPTION)**

You should complete this form and submit to The Boards Personnel Representatives for onward transmission to EmployeeServices@south-ayrshire.gov.uk by:

- Maternity: **the 15th week prior** to the Expected Week of Childbirth,
- or
- Adoption: **within 7 days of being notified of the match**, if reasonably practicable.

If that is not practicable, it should be submitted as soon as is reasonably practicable together with a written explanation for the delay.

LEAVE OPTIONS

Are you applying for: (tick box)

- 1. Maternity Leave/Pay
- 2. Adoption Leave/Pay

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	

LEAVE DETAILS (COMPLETE AS APPLICABLE):	
Expected Date of Childbirth (<i>Maternity</i>):	
Expected Date of Placement (<i>Adoption</i>):	
Number of Weeks Leave requested (<i>Adoption</i>):	

**PLEASE COMPLETE THE APPROPRIATE SECTION AND ATTACH:
FORM MAT B1 (MATERNITY) OR MATCHING NOTIFICATION (ADOPTION)**

SECTION 1: APPLICATION FOR OCCUPATIONAL LEAVE / PAY FOR EMPLOYEES WITH AT LEAST 26 WEEKS CONTINUOUS SERVICE (MATERNITY OR ADOPTION)	
As I qualify for Occupational Maternity or Adoption Leave and Pay, I wish to confirm that I intend to cease work temporarily and my last working day will be:	
Day and Date:	
I can confirm that I am taking ___ days holiday before the commencement of my maternity leave and that my holiday will commence on:	
Day and Date:	
I wish my Maternity Leave and Pay to commence on:	
Day and Date:	
Signature:	Date:

SECTION 2: APPLICATION FOR UNPAID LEAVE FOR EMPLOYEES WITH LESS THAN 26 WEEKS CONTINUOUS SERVICE (MATERNITY / ADOPTION) or LESS THAN QUALIFYING EARNINGS	
As I do not qualify for Occupational Maternity or Adoption Leave and pay I wish to confirm that I intend to cease work temporarily for maternity/adoption reasons and my last working day will be	
Day and Date:	
and for this leave to commence on:	
Day and Date:	
I agree to the conditions applicable and confirm that I intend to return to work.	
Signature:	Date:

**SECTION 3: FOR EMPLOYEES WHO WISH TO RESIGN DUE TO REASONS
CONNECTED WITH PREGNANCY, CHILDBIRTH OR ADOPTION**

I wish to confirm that I intend to resign for maternity/adoption reasons. I understand that if I meet the qualifying conditions I will receive statutory maternity/adoption pay. My resignation would be effective from:

Date:

Signature:

Date:

This form is used to record your Maternity/Adoption Leave. It will be securely stored in your personnel file where only authorised personnel will have access to it.

**MAL/FORM/2**

**APPLICATION TO RETURN TO WORK EARLY FOLLOWING
MATERNITY/ADOPTION LEAVE**

This application should be completed and submitted to the Boards Personnel Representatives for onward transmission to EmployeeServices@south-ayrshire.gov.uk at least 8 weeks before the date on which you intend to return to work. If you wish to apply for Shared Parental Leave as a result of your maternity leave ending then please complete MAL/FORM/7 as soon as possible and at least 8 weeks before the Shared Parental Leave period is due to start.

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	
I wish to confirm that my Maternity/Adoption leave will end on:	Day and Date:
I confirm I am taking ___ days accrued holiday before returning to work. My holiday will commence on:	Day and Date:
I confirm that I will be returning to the workplace on:	Day and Date:

EMPLOYEE DECLARATION:

With reference to the requirements of this policy, I hereby give at least 8 weeks' notice of the date on which I intend to return to work. I declare that, in my opinion I am medically fit to return to work.

SIGNATURE _____**DATE** _____

This form is used to record your Maternity/Adoption Leave. It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/3

**APPLICATION FOR SUPPORT LEAVE
(MATERNITY OR ADOPTION)**

COMPLETE AND SIGN THE APPLICABLE SECTION

Are you applying for: (tick box)

1. Support Leave – Maternity
2. Support Leave – Adoption

Note:

If an employee wishes to take Support Leave and Ordinary Paternity Leave (2 weeks leave in total) they should submit MAL/FORM/4 to the Boards Personnel Representatives for onward transmission to EmployeeServices@south-ayrshire.gov.uk

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	
Work Pattern (Days/Hours per week)	

MATERNITY SUPPORT LEAVE DETAILS (MATERNITY OR ADOPTION):	
Date that baby is due or will be placed:	
Start Date of Maternity Support Leave	

Maternity or Adoption):	
End Date of Maternity Support Leave (Maternity or Adoption):	
Name of Expectant Mother or Adopter:	
Address of Expectant Mother or Adopter:	

EMPLOYEE DECLARATION:

I declare that I am the father of the child or the husband, partner, civil partner or nominated carer of the expectant mother or adopter referred to above and that I am applying for leave to assist in the care of the child and to provide support to the mother or adopter at or around the time of birth or placement.

I understand that I will receive full normal pay for the period of Support Leave.

SIGNATURE**DATE**

MANAGER APPROVAL**DATE**

This form is used to record your Support Leave (Maternity or Adoption). It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/4

**APPLICATION FOR SUPPORT LEAVE AND PATERNITY LEAVE
(MATERNITY OR ADOPTION)**

COMPLETE AND SIGN THE APPLICABLE SECTION and pass to the Boards Personnel Representatives for onward transmission to EmployeeServices@south-ayrshire.gov.uk

Are you applying for: (tick box)

1. Support Leave and Paternity Leave – Maternity
2. Support Leave and Paternity Leave – Adoption

THIS LEAVE MUST BE TAKEN AS TWO CONSECUTIVE WEEKS

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	

Work Pattern (Days/Hours per week):	
SUPPORT AND PATERNITY LEAVE (MATERNITY OR ADOPTION) DETAILS:	
Date that baby is due or will be placed:	
Start Date Leave (Maternity or Adoption):	
End Date Leave (Maternity or Adoption):	
Name of Expectant Mother or Adopter:	
Address of Expectant Mother or Adopter:	

EMPLOYEE DECLARATION:

I declare that I am the father of the child or the husband, partner or civil partner of the expectant mother or adopter referred to above and that I am applying for leave to assist in the care of the child and to provide support to the mother or adopter at or around the time of birth or placement.

I understand that during the period of leave I will receive the following payment:

- Period 1 – Support Leave Full Normal Pay
- Period 2 – Paternity Leave Statutory Paternity/Statutory Adoption Pay

I understand that this period of leave must be taken as two consecutive weeks.

SIGNATURE _____

DATE _____

MANAGER APPROVAL _____

DATE _____

This form is used to record your Support Leave (Maternity or Adoption) and Paternity Leave (Maternity or Adoption). It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/6

APPLICATION FOR PARENTAL OR ADOPTIVE LEAVE

COMPLETE AND SIGN THE APPLICABLE SECTION and pass to the Boards Personnel Representatives for onwards transmission to EmployeeServices@south-ayrshire.gov.uk

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	

DETAILS OF PARENTAL OR ADOPTIVE LEAVE:	
Name(s) of Child(ren):	
Date(s) of Birth of Child(ren):	
Date(s) of Adoption of Child(ren):	
Proposed Start of Leave:	
Proposed End of Leave:	
Number of Weeks Requested:	
Number of Weeks Previously Taken:	
Balance of Leave Remaining:	
<p>Note: An employee has the right to up to 18 weeks unpaid parental or adoptive leave for each child and up to 18 weeks unpaid leave if the child has a disability. Entitlement is pro-rated for part time workers</p>	

EMPLOYEE DECLARATION:

I declare that the Parental or Adoptive Leave that I am requesting is to enable me to care for the child(ren) referred to above, that I have provided details of any Parental or Adoptive Leave I have previously taken in respect of the child(ren) and that this leave is unpaid.

SIGNATURE**DATE**

This form is used to record your Parental/Adoptive Leave. It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/7

APPLICATION FOR SHARED PARENTAL LEAVE AND PAY

This application should be completed and submitted to the Boards Personnel Representatives for onward transmission to EmployeeServices@south-ayrshire.gov.uk **at least 8 weeks** before the date on which you intend to take Shared Parental Leave. You will be required to detail the pattern of leave requested e.g., a continuous block of unbroken leave or a discontinuous block where leave is taken over a period of time with breaks in between when you return to work. This application will count as 1 of your 3 permitted notifications to book/vary leave.

EMPLOYEE DETAILS:	
Name:	
Designation:	
Continuous service date:	
Salary:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	

SHARED PARENTAL LEAVE DETAILS:	
Start date of maternity/adoption leave / pay or maternity allowance:	
End date of maternity/adoption leave/pay or maternity allowance:	
Maternity: Date Child is expected to be born:	

Maternity: Actual date of birth:	
Adoption: Date notified of match:	
Adoption: Date of placement:	
Number of weeks maternity/adoption leave/pay or maternity allowance taken (minimum of 2 weeks must be taken):	
Number of weeks shared parental leave available (up to a maximum of 50 weeks):	
Number of weeks shared parental pay available (up to a maximum of 37 weeks):	
Number of weeks shared parental leave and pay being requested:	
Pattern of leave requested for both you and your sharing partner: Continuous block – start and end date of leave: Discontinuous block – pattern requested?	
Intended start date of shared parental leave and pay:	

DETAILS FOR THE SHARING PARTNER:	
Name:	
Home Address:	
Home Telephone Number:	
Name and business address of employer: Name and telephone number of business contact:	
NI Number:	

Commencement date with employer:	
Salary:	
Work Telephone Number:	
Employee Number (if available):	

EMPLOYEE DECLARATION:

I confirm that I meet the employment and earnings test for Shared Parental Leave and that the information I have provided is to the best of my knowledge accurate.

I am the mother/adopter of the child:

I am the father/spouse/civil partner or partner of the mother/adopter:

The leave I am requesting is to enable both myself and my partner to care for the child(ren).

If I cease to be eligible for leave I will inform the Board.

SIGNATURE**DATE**

PARTNERS DECLARATION:

I am the mother/adopter/father of the child:

I am the Spouse/civil partner or partner of the mother/adopter:

I confirm that I meet the employment and earnings test and at the date of the child's birth or placement for adoption I have the main responsibility for the child along with the employee.

I consent to the amount of shared parental leave that the employee intends to take.

If I cease to be eligible for leave I will inform my partner.

I consent to the Board processing the information contained in this form.

SIGNATURE**DATE**

CHILDS BIRTH/ADOPTION CERTIFICATE:

I confirm that I have attached a copy of the child's birth certificate / adoption certificate to this form. (tick box to confirm copy attached)

MANAGER APPROVAL: _____**DATE** _____

This form is used to record your Shared Parental Leave. It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/8

KEEPING IN TOUCH (KIT) DAYS PRO FORMA

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	
DETAILS OF KIT DAYS:	
Date of commencement of Maternity Leave/Adoption Leave/Additional Paternity Leave	
Date(s) of Attendance at work for the purposes of a KIT day:	
Number of hours worked on KIT day:	
Number of KIT days remaining:	
Note: Any hours worked on a particular day for the purpose of keeping in touch will amount to one whole KIT day and should be deducted from the total accordingly. Payment will be at normal hourly rate for the number of hours worked.	

EMPLOYEE DECLARATION:

I certify that I have worked the hours specified above for the purposes of a KIT day.

**EMPLOYEE
SIGNATURE:**

DATE:

MANAGER APPROVAL:

DATE:

Please submit to EmployeeServices@suth-ayrshire.gov.uk

This form is used to record your KIT days. It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/9

SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS PRO FORMA

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	
DETAILS OF SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS:	
Date of commencement of Maternity Leave/Adoption Leave/Additional Paternity Leave:	
Date(s) of Attendance at work for the purposes of a SPLIT day:	
Number of hours worked on SPLIT day:	
Number of SPLIT days remaining:	
Note: Any hours worked on a particular day for the purpose of Shared Parental Leave in touch (split) days will amount to one whole SPLIT day and should be deducted from the total accordingly. Payment will be at normal hourly rate for the number of hours worked.	

EMPLOYEE DECLARATION:

I certify that I have worked the hours specified above for the purposes of a SPLIT day.

**EMPLOYEE
SIGNATURE:**

DATE:

MANAGER APPROVAL: _____

DATE: _____

Please submit to EmployeeServices@south-ayrshire.gov.uk

This form is used to record your SPLIT days. It will be securely stored in your personnel file where only authorised personnel will have access to it.



MAL/FORM/10

NOTIFICATION TO VARY AGREED SHARED PARENTAL LEAVE

This application should be completed and submitted to the Boards Personnel Representatives for onward transmission to EmployeeServices@south-ayrshire.gov.uk at least 8 weeks before the date on which you intend to vary/cancel your agreed shared leave.

You are permitted to submit only 3 notices to book/vary leave. Your original application to book shared parental leave will count as 1 of the 3 permitted notifications, you will be permitted to make a further 2 variations. If you are applying to return early from a period of shared parental leave, it will count as 1 of your 3 notifications.

EMPLOYEE DETAILS:	
Name:	
Designation:	
Service:	
Work Location:	
NI Number:	
Home Address:	
Home Telephone Number:	
Work Telephone Number:	
Employee Number:	
DETAILS OF ORIGINAL AGREED LEAVE – START AND END DATES:	
PROPOSED VARIATION TO SHARED PARENTAL LEAVE ARRANGEMENTS:	
NUMBER OF WEEKS LEAVE AND PAY REMAINING FOLLOWING THE VARIATION:	

EMPLOYEE AND PARTNERS DECLARATION:

With reference to the requirements of this policy, I hereby give at least 8 weeks' notice of the date on which I intend to vary shared parental leave arrangements and that my partner consents to the change.

EMPLOYEE SIGNATURE	_____	DATE	_____
PARTNER SIGNATURE	_____	DATE	_____
MANAGER APPROVAL	_____	DATE	_____

This form is used to record your Maternity/Adoption Leave. It will be securely stored in your personnel file where only authorised personnel will have access to it.

ADOPTION – FURTHER INFORMATION

1. Adoptions from Overseas

To qualify for adoption leave and/or pay an “overseas adopter” must:

- Tell the Board the date of the official notification and the estimated date that the child will arrive in Great Britain. This must be done within 28 days of receipt of the official notification.
- Tell the Board the actual date the child arrives in Great Britain within 28 days of this date
- Give the Board at least 28 days’ notice of when they want to start their adoption leave and pay (leave and pay can only be taken from when the child enters Great Britain).

To qualify for adoption leave the employee must also give the Board proof of the adoption.

An employee can start their adoption leave from up to 2 weeks before the date that the child joins the family but they can’t start their adoption leave until the child is in Great Britain.

The official notification is permission from a UK authority for an adoption from abroad.

2. Joint Overseas Adoptions

As with other types of adoption, where a couple are adopting a child from overseas and they are both potentially eligible for adoption leave and pay they will need to decide which one of them will take the leave and pay. The overseas adopter who will take adoption leave and pay must confirm that they will not take paternity leave and/or pay

Proof of adoption for overseas adoptions

The employee must give to the Board:

- Their name and address
- A copy of the official notification
- The date on which the child is expected to enter Great Britain or date of entry if the child is already here.
- Evidence of the date the child arrived in Great Britain within 28 days of that date.
- A declaration that the employee is taking adoption leave and/or pay, not paternity leave and/or pay.

3. Paternity Leave – Adoption

Different rules apply to dual approved adopters, Parental Order parents and adoptions from overseas. In the case of dual approved prospective adoptions “notified of a match” means that the employee has been notified by the local authority that a child will be placed with them in accordance with section 22C of the Children Act 1989. In the case of Parental Order parents, the parental order parent must be eligible for and intend to apply for a Parental Order in respect of the child and expect a Parental Order to be made and have elected to receive statutory paternity pay, be

married to, the civil partner or the partner of the Parental Order parent and have the main responsibility for the care of the child. In the case of adoptions from overseas the official notification is permission from a UK authority for an adoption from abroad. This is provided by or on behalf of the relevant British authority (i.e. the authority that is prepared to issue a certificate to the relevant overseas authority in connection with the adoption- or has already done so.

APPENDIX 4**SURROGACY – FURTHER INFORMATION**

1. In a surrogacy arrangement, the woman who gives birth will be treated as the mother, however parental responsibility can be transferred by either an adoption or parental order.

A parental order must be applied for to become the legal parents of the child – if the intended parents are genetically related to the baby. Adoption order must be applied for where the intended parents are not genetically related, a registered adoption agency must be used.

2. Shared parental leave may be available subject to the employee meeting eligibility conditions.
3. Ante-natal appointment – employees who intend to apply for a parental order have the right to unpaid time off work to accompany the birth mother to 2 ante-natal appointments.
4. Adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order, Adoption leave can start on the day of the birth or the day after. Employees must tell the Board at least 15 weeks before the baby is due that they intend to take adoption leave.
5. If the surrogate mother gives birth abroad, parental orders can only be applied for if the intended parents are living in the UK. The parental order will need to be applied for in the UK to transfer rights from the surrogate mother to the intended parents.