

# **MATERNITY, ADOPTION, ADDITIONAL PATERNITY LEAVE INFORMATION PACK**



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# 1. INTRODUCTION

This booklet has been written for all employees who are expecting or are adopting a child in the future. So if you are expecting or in the process of adopting a child, congratulations and good luck.

The Council/ Governing Body recognises that many employees wish to combine family and working life and the information in this document is designed to assist in helping you make your decision on the choices available to you.

This pack will help answer those questions you have about managing change in your life and hopefully will provide you with the information you require regarding your rights to leave, pay and options available. It is only a guide and if you have any further questions then please do not hesitate to contact HR People Services.

The information in this pack is as full and accurate as possible, but you are advised to read information produced by Directgov ([www.direct.gov.uk](http://www.direct.gov.uk))

You should also ensure that you advise HR People Services as soon as possible so that procedures can be explained to you.

## 2. OVERVIEW OF THE MATERNITY / ADOPTION LEAVE

### (a) WHO THIS LEAVE APPLIES TO

The maternity/ adoption scheme applies to all pregnant employees or employees who are adopting a child regardless of the number of hours worked per week or length of service.

### (b) INITIAL OBLIGATIONS ON THE EMPLOYEE NOTIFICATION REQUIREMENTS

You should notify your Manager / Headteacher using the maternity / adoption leave application form (page 21)

- If you are expecting, you will also be required to produce your original MATB1 certificate, which you will receive from a registered medical practitioner or a certified midwife around the 26 – 28 week of your pregnancy. Your MATB1 certificate will state the WBD (week baby due) and must be attached to your maternity / adoption leave application form, and then sent to HR People Services by your 30<sup>th</sup> week of pregnancy.
- If you are adopting, you will need to produce a copy of your Matching Certificate, this will need to be given to HR People Services at the time of placement.

### (c) INITIAL OBLIGATIONS ON THE EMPLOYER

Once you're Manager / Headteacher has received your application of the start date of your maternity/ adoption leave, they will need to send this to HR People Services. You will receive confirmation in writing of your start date for maternity / adoption leave and your expected date of return.

### (d) EMPLOYEES RIGHTS DURING PREGNANCY & MATERNITY / ADOPTION LEAVE

Your rights in pregnancy and maternity / adoption can be summarised as follows: -

- The right to paid time off during working hours for antenatal care.
- The right to special protection under health and safety legislation.
- The right to be paid Statutory Maternity / Adoption Pay (SMP / SAP) subject to the qualifying conditions.
- The right not to be discriminated against on account of pregnancy or maternity/ adoption leave.
- The right to take maternity/ adoption leave and return to work.
- The right not to be dismissed on account of pregnancy or maternity / adoption leave.
- The right not to be subject to any detriment for undertaking, considering to undertake or refusing to undertake any work on a 'Keeping in Touch day'.

### (e) SURROGACY

Surrogacy is where a woman conceives, carries and delivers a baby for a couple or individual that is unable to conceive, carry or deliver a child themselves.

Surrogacy is usually common where the intended parent / parents, commonly termed Social parents have medical issues where by pregnancy or delivery is impossible. Surrogacy is also common where the intended parents are of the same sex.

### Entitlements

- Biological Mother – Statutory Maternity Leave/ Pay

The employee must have a minimum of 26 weeks continuous service calculated at the end of the 15<sup>th</sup> week before the baby is due; earn equal to or higher than the lower limit of national insurance contributions, and still be employed during the qualifying week.

- Biological Father – No Provision unless they are Social Parent 2
- Social Parent 1 – Statutory Adoption Leave or Parental Leave

If the employee plans to adopt the child, they may be entitled to adoption leave / pay providing that they have 6 months continuous service by the end of the week in which they are formally notified of the adoption placement. Parental Leave (unpaid leave) can also apply where the employee has a minimum of 1 year's continuous service; the total entitlement is 18 weeks per child and must give 21 days notice.

- Social Parent 2 – Statutory Paternity Leave / Pay

The employee must be the natural father, a spouse, civil partner or partner of the individual that has adopted the child or is the joint adopter; continuously employed for 26 weeks ending in the week that the adoption occurs.

### **(f) ELECTIVE CO-PARENTING**

Elective co-parenting is also termed a parenting partnership and is a common arrangement with same sex couples, individuals who wish to have a baby but are not in a relationship; or a group of friends who wish to raise children outside of the conventional methods.

### Entitlements

There are a number of scenarios that could occur that determines what entitlements an employee may be entitled to, these are as follows:

- An Individual Female and an Individual Male who wish to have a baby but are not married or in a relationship with each other or friends but will have joint responsibility for the babies upbringing

In this circumstance the Biological mother will be entitled to Ordinary Statutory Maternity Pay providing they have a minimum of 26 weeks continuous service calculated at the end of the 15<sup>th</sup> week before the baby is due; earn equal to or higher than the lower limit of national insurance contributions, and still be employed during the qualifying week.

The Biological Father will be entitled to Ordinary Statutory Paternity Pay providing they have 26 weeks continuous service calculated at the end of the 15<sup>th</sup> week before the baby is born, are still employed during the qualifying week and are taking the time off to look after the mother or baby.

- A married / in a relationship Gay couple and a married / in a relationship Lesbian couple who wish to have a baby where all four people will have joint responsibility for the babies upbringing and one male and one female are the biological parents

In this circumstance the Biological mother will be entitled to Ordinary Statutory Maternity Pay providing they have a minimum of 26 weeks continuous service calculated at the end of the 15<sup>th</sup> week before the baby is due; earn equal to or higher than the lower limit of national insurance contributions, and still be employed during the qualifying week.

The Biological Father will be entitled to Ordinary Statutory Paternity Pay providing they have 26 weeks continuous service calculated at the end of the 15<sup>th</sup> week before the baby is born, are still employed during the qualifying week and are taking the time off to look after the mother or baby.

The Biological Mothers Partner will be entitled to Ordinary Statutory Paternity Pay providing they have 26 weeks continuous service calculated at the end of the 15<sup>th</sup> week before the baby is born, are still employed during the qualifying week and are taking the time off to look after the mother or baby.

The Biological Fathers Partner is not entitled to any specific leave/ pay but they may book annual leave or request unpaid leave.

**(g) SPECIAL GUARDIANSHIP ORDER**

This is a legal way of providing stability to a child who is unable to return to live with their birth parents and for whom adoption is not appropriate; giving the person caring for the child clear long term responsibilities for the child's upbringing.

For the purposes of this policy there must be an exceptional circumstance, the applicant must be over 18 and related to the child; the conditions also apply to those related to the child who have cultural or religious restraints that prevent the legalities of adoption.

**Entitlements**

There is no legal entitlement to any leave/ pay; however a relative of the child in question applying for Special Guardianship may book annual leave or request unpaid leave.

This measure is hoped to provide assistance to those requiring assistance in special circumstances; such as where an employee suffers the loss of their child and wishes to provide care for the grandchild. Therefore the measure will allow them to come to terms with the new responsibility aside of the bereavement leave.

### 3. ANTENATAL CARE

The Council / Governing Body encourages you to make use of antenatal care and you should obtain details of the care available to you from your G.P / Hospital.

You have a right to reasonable paid time off to attend for antenatal care which is recommended by your registered practitioner, registered midwife or registered health visitor and you should discuss this with your Manager / Headteacher to arrange for you to take time off. This applies to all pregnant women regardless of the length of service or hours worked. After your first appointment, you will need to obtain an appointment card to show your Manager / Headteacher as requested.

Antenatal care is not restricted to medical examinations and can include, for example, relaxation and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

The council understands that not all medical appointments can be achieved within 2 hours, this is why it is stated in the Attendance and Wellbeing policy, that managers can approve reasonable extended time

### 4. SUPPORTING BREASTING FEEDING

If you want to breastfeed while working, you must tell your manager in writing in advance.

Although there is no legal requirement, we acknowledge that the Health and Safety Executive (HSE) recommends that it is good practice to provide a private, healthy, warm and safe environment (not the toilet) for mothers to express milk and provide a fridge, to store the expressed milk.

As a Council we fully adhere to all employment maternity rights and fully support the wellbeing of our new and expectant mothers.

The Council will if requested provide all of the above and consider options from the list Below:

- Flexible working hours I.E. later starts or earlier finish, as long as the 7.2hrs have been achieved.
- Flexible lunch or break times
- Unpaid special leave
- Time in Lieu
- Annual leave, taken as odd hours

## 5. NEW & EXPECTANT MOTHERS AT WORK CODE OF GUIDANCE & RISK ASSESSMENT

Risk assessments should take into account risks specific to new and expectant mothers. There are some risks, which may pose a risk to new and expectant mothers and these include manual handling, some chemicals and some biological organisms. There are also some aspects of pregnancy that may affect work depending on the stage of pregnancy, e.g. comfort, backache and morning sickness.

In assessing risks, attention must be paid not just to the new and expectant mother but also risks to the unborn child or the child of a woman who is breast feeding. All female employees of childbearing age should be informed of any **specific** risks shown above which could have an effect on them, their unborn or recently born child so that they are aware of the need to inform their employer of their condition/ circumstances as soon as possible

For the majority of Council staff the risks to a woman or an unborn child will be very low, but there is a need to ensure that regular Display Screen Equipment assessments are carried out as the pregnancy progresses.

Once the Manager / Headteacher has been told in writing that someone is pregnant, has given birth within the last 6 months or is breast feeding, any hazards identified must be removed or risk of exposure controlled. In some cases this may mean adjusting working conditions or hours of work, offering alternative work or suspending from work on full pay. Special consideration must be given to new and expectant mothers who work at night.

Pregnancy should not be equated with ill health. It should be regarded as part of everyday life and the health and safety implications of pregnancy can be adequately addressed by normal health and safety management procedures. In most cases pregnancy usually goes undetected for the first 4 – 6 weeks. It is important for employers to identify specific hazards and risks for all female employees of childbearing age prior to notification by a member of staff that they are pregnant.

Managers should also take into account that some hazards can present more of a risk at different stages of pregnancy, including the postnatal period when the mother could be breastfeeding. The Management of Health and Safety at Work Regulations 1999 specifically requires employers to take particular account of the risks to new and expectant mothers when assessing risks in the workplace.

### (a) WHAT IS A NEW & EXPECTANT MOTHER

The phrase 'new and expectant mothers' means an employee

- who is pregnant
- has given birth within the previous six months
- who is breast feeding

'Given birth' is defined as 'delivered' a living child, or after 24 weeks of pregnancy, a still born child.

**(b) NOTIFICATION TO THE EMPLOYER**

The employer is not under any duty to alter a woman's working conditions or alter her hours of work until notified in writing that the employee is pregnant, has given birth in the previous six months, or is breastfeeding. It is the responsibility of the employee to advise her Line Manager of her pregnancy. If this is done verbally, before the written confirmation or certificate from the Doctor / Clinic, then it is considered good practice to undertake the risk assessment immediately. The employer may request confirmation by means of a medical certificate from a registered medical practitioner or a registered midwife. If after a reasonable period of time the employee has not produced a certificate, the employer is not bound to maintain changes to working conditions or to maintain paid leave. If the employee continues to breastfeed for more than six months after the birth, she must ensure that the employer is informed of this so that the appropriate measures can continue to be taken.

**(c) LIST OF AGENTS & WORKING CONDITIONS WHICH MAY POSE A RISK TO NEW & EXPECTANT MOTHERS**

Physical Agents

- Shocks, vibrations or movement
- Manual handling
- Noise
- Ionising radiation
- Non-ionising electromagnetic radiation
- Extremes of cold or heat
- Movements and postures, travelling, mental and physical fatigue and other physical burdens
- Work in a hyperbaric atmosphere e.g. pressurised enclosures and underwater diving

Biological Agents

- Any biological agent that may cause illness to the mother, and/or affect the foetus, e.g.
- Hepatitis B,
- HIV, herpes,
- TB,
- Syphilis,
- Chickenpox,
- E Coli 057
- Typhoid.

These and further agents are listed as biological hazards in Schedule 3 of the COSHH Regulations as risk levels 2,3 and 4 or Biological agents known to cause abortion or physical and neurological damage e.g. rubella. toxoplasma, cytomegalovirus, chlamydia.

Examples of where infection hazards may incur at work include those occupations where there may be contact with:

- Human Blood
- Body Fluids, which may be infected;
- Infected animals including parrots, turkeys, pigeons, ducks, cats, rodents, rabbits and sheep (during lambing);
- Laboratory Cultures etc;

- Water or Food contaminated by human or animal faeces.

### Chemical Agents

- Substances labelled R40, R45, R46 and R47 under Directive 67/548/EEC (as amended).
- Chemical Agents and Industrial processes in Annex 1 of Directive 90/394/EEC
- Mercury and mercury derivative
- Antimitotic (cytotoxic) drugs
- Chemical agents of known and dangerous percutaneous absorption (i.e. absorbed through the skin). This includes some pesticides, Carbon monoxide, Lead and Lead derivatives

### Working Conditions

Work with display screen equipment (Note: Pregnant women do not need to stop working with display screen equipment but if concerned should have the opportunity to discuss their concerns with an adequately informed person).

Further advice on the risks above and how to avoid them can be found on the Health and Safety Executive Internet site <http://www.hse.gov.uk/mothers/index.htm> and in the publications detailed in 6.0 Further Information

### **(d) PREGNANCY HEALTH & SAFETY**

This can be used to identify issues that may need to be taken into consideration when developing the personal risk assessment for the expectant mother. The initial risk assessment must be based on any medical advice received by the employee from her Doctor, midwife or Consultant.

Although any hazards are likely to remain constant, the possibility of damage to the foetus as a result of the hazard will vary at different stages of pregnancy. Dexterity, agility, co-ordination, speed of movement and reach may be impaired because of increasing size. There are other risks to consider for women who are breast feeding for example, certain substances, e.g.mercury, can be transferred from blood to milk causing a potential risk to the newborn baby if the mother has been highly exposed during pregnancy.

Employers who have employee's of childbearing age who are likely to be in contact with infected people and animals, their blood, body fluids and wastes, or contaminated environments and objects, should ensure that their COSHH Assessments take account of the possibility of infection and ensure that adequate controls are in place to combat the threat.

If an employee, who is a new or expectant mother, works at night and has a medical certificate stating that night work may affect her health and safety, she must be offered suitable alternative daytime work if any is available, or if that is not reasonable, she should be suspended (with paid leave) for as long as is necessary to protect her health or safety. Suspension (with paid leave) also applies if the employee has a medical certificate which states that it is necessary for her health or safety to refrain from working for any period identified on the certificate.

The Workplace (Health and Safety and Welfare) Regulations 1992 require suitable facilities to be provided for workers who are pregnant or breast feeding to rest.

Suitable control measures where risks cannot be reduced adequately

Step 1 : Temporarily adjust the working conditions and/or hours of work;  
OR (if it is not reasonable to do so, or would not avoid the risk)

Step 2 : Offer suitable alternative work if any is available;  
OR (if that is not feasible)

Step 3 : Suspend from work with paid leave for as long as necessary to protect the safety and health of the mother and her child.

**(e) ASPECTS OF PREGNANCY WHICH MAY AFFECT WORK**

Apart from the hazards listed above, there are other aspects of pregnancy that may affect work. The impact will vary during the course of the pregnancy and should be kept under review, e.g. the posture of expectant mother's changes to cope with the increasing size.

- Morning Sickness                      Early shift work , Exposure to nauseating smells
- Backache                                Standing, Standing, Manual handling, Posture, Varicose veins
- Haemorrhoids                          Working in hot conditions
- Frequent visits to the toilet        Difficulty in leaving job/ site
- Increasing size                        Use of protective clothing, Work in confined areas, Manual handling
- Tiredness                                Overtime, Evening work
- Balance                                 Problems of working on slippery, wet surfaces
- Comfort                                 Problems of working in tightly fitting workspaces

## 6. PREGNANCY HEALTH AND SAFETY CHECKLIST

The use of this checklist enables risk areas for pregnant employees to be identified, which should lead to specific consideration being given within risk assessment

<b>Employees name:</b>	
<b>Employees pay no:</b>	
<b>Manager/ Headteacher's name :</b>	
<b>Date:</b>	

<b>Physical Job Demands</b>	<b>YES</b>	<b>NO</b>
Does the work involve significant lifting or pushing heavy objects or people handling		
Does the work involve standing, sitting or squatting for long periods		
Does the role involve a lot of walking		
Does the work involve working at height or climbing steep steps		
Does the employee need to access areas with limited space		
Will any of the tasks become more hazardous as the employee changes shape or size		
Does the role involve shift work		
Does the role involve working at night		

<b>Psychological Job Demands</b>	<b>YES</b>	<b>NO</b>
Does the work involve meeting challenging deadlines		
Does the work involve rapidly changing priorities and demands		
Does the role involve a high degree of concentration		
Does the employee have any concerns about working whilst pregnant		

<b>Working Conditions - General</b>	<b>YES</b>	<b>NO</b>
Does the work involve lone working or working in remote locations		
Does the work involve home working		
Are toilet facilities easily accessible to the pregnant employee		
Is the employee able to take toilet breaks when necessary		
Can the employee take rest breaks when needed		
Is there somewhere quiet for the employee to take a rest break away from the workstation		
Can the employee control the pace of her work		
Are there any risks of violence at work or risks of being hit by flying objects e.g. footballs whilst undertaking playground duty		
Does any part of the job involve dealing with members of the public		
If so, does it involve dealing with distressed or disturbed people		
Does the role involve contact with young, sick or unpredictable children		
Does the role involve unpredictable working hours		

Does the role involve dealing with emergencies		
Does the roll include potential for physical assault		
Are there any obstacles in corridors or offices that could cause problems for pregnant women e.g. during fire evacuation		
Is the employee exposed to tobacco smoke at work		
Will the employee require assistance to evacuate the work place, now or as the pregnancy progresses, in the event of an emergency evacuation		
Are there any significant slip or trip hazards at her immediate workplace		
Is the employee exposed to extremes of heat or cold		
Is the temperature in her working environment reasonable		
Is there enough room for the employee to get in and out of her workstation		
Will there be enough room as the pregnancy develops		
Does the employee have an adjustable seat with a backrest		

<b>Specific Hazards</b>	<b>YES</b>	<b>NO</b>
Does any part of the work involve the use of chemicals		
If so, are there any risks to the employee whilst she is pregnant or a nursing mother		
Is there any exposure to Vibration though the use of hand tools or Radiation or Noise		
Does the employee need to wear Personal Protective Equipment		
If so, will this present a problem as the pregnancy develops		
Does the role involve protential for the exposure to harmful biological agents (to the pregnant women or the unborn child		

<b>NOTES/ ADJUSTMENTS TO BE MADE:</b>	
<b>Employees signature:</b>	
<b>Managers/ Headteachers signature:</b>	
<b>Date:</b>	

## 7. SUMMARY OF MATERNITY / ADOPTION LEAVE AND PAY FOR TEACHERS

### OCCUPATIONAL MATERNITY / ADOPTION LEAVE TEACHERS ONLY

- For employees with at least 1 years continuous service as a teacher with one or more LEAs at the beginning of the 11<sup>th</sup> week before the WBD (week baby due) or for adoption, leave at the date that a child is matched for adoption.

Regardless of hours of work, the scheme provides up to 52 weeks maternity leave with 39 weeks Occupational / Statutory maternity / adoption pay:

Weeks 1-4 Full salary (offset against payments made by way of Statutory Maternity/ Adoption Pay (SMP / SAP)

Weeks 5-6 2 weeks at 9/10 of a week salary (offset against payments made by way of Statutory Maternity/ Adoption Pay (SMP / SAP).

Weeks 7-18 When a teacher has declared in writing that she intends to return to work half salary plus SMP / SAP dependant on entitlement (the total must not exceed normal full pay). The teacher must return to contractual employment at a school, within Cardiff Council, for a period of 3 months (13 weeks) to retain their 12 weeks Occupational Maternity/Adoption half pay.

When a teacher is not intending to return to work, there is entitlement to SMP / SAP only.

Weeks 19-39 Entitlement to SMP / SAP

Weeks 40-52 Unpaid leave

### STATUTORY MATERNITY / ADOPTION LEAVE

- For employees applying for maternity leave with at least 26 weeks continuous service at the 15<sup>th</sup> week before the WBD (week baby due), but less than one years service at the 11<sup>th</sup> week before WBD (week baby due) or for adoption leave with at least 26 weeks continuous service continuing into the matching week

Regardless of hours of work, the scheme provides up to 52 weeks' maternity / adoption leave with 39 weeks statutory maternity / adoption pay, i.e.:

Weeks 1 – 39 Statutory Maternity / Adoption Pay (dependent on entitlement)

Weeks 40 – 52 Unpaid leave

### MATERNITY / ADOPTION LEAVE ALLOWANCE

- For employees with less than 26 weeks continuous service at the 15<sup>th</sup> week before the WBD (week baby due) or for adoption leave with less than 26 weeks continuous service at the matching week

Regardless of hours of work, you will have an entitlement to 52 weeks unpaid maternity / adoption leave .You may, however, be entitled to claim maternity / adoption allowance from Job Centre Plus.

## 8. SUMMARY OF MATERNITY / ADOPTION LEAVE AND PAY FOR STAFF OTHER THAN TEACHERS

### OCCUPATIONAL MATERNITY / ADOPTION LEAVE - NON TEACHERS

- For employees with at least 1 years continuous service at the 11<sup>th</sup> week before the WBD (week baby due) or for adoption, at the date that a child is matched for adoption.

Regardless of hours of work, the scheme provides up to 52 weeks maternity / adoption leave with 39 weeks Occupational / Statutory maternity / adoption pay:

Weeks 1-6 9/10 of a week's salary (offset against payments made by way of Statutory Maternity / Adoption Pay (SMP / SAP)

Weeks 7-18 When an employee has declared in writing that she intends to return to work – half salary plus SMP / SAP dependant on entitlement (the total must not exceed normal full pay). The employee must return to contractual employment within Cardiff Council following their leave for a period of 3 months (13 weeks) to retain their 12 weeks Occupational Maternity/ Adoption half pay.

When an employee is not intending to return to work, there is entitlement to SMP / SAP only.

Weeks 19-39 Entitlement to SMP / SAP

Weeks 40-52 Unpaid leave

### STATUTORY MATERNITY / ADOPTION LEAVE

- For employees applying for maternity leave with at least 26 weeks continuous service at the 15<sup>th</sup> week before the WBD (week baby due), but less than one years service at the 11<sup>th</sup> week before WBD (week baby due) or for adoption leave with at least 26 weeks continuous service continuing into the matching week

Regardless of hours of work, the scheme provides up to 52 weeks maternity / adoption leave with 39 weeks statutory maternity / adoption pay, i.e.:

Weeks 1 – 39 Statutory Maternity/ Adoption Pay (dependent on entitlement)

Weeks 40 – 52 Unpaid leave

### MATERNITY / ADOPTION LEAVE ALLOWANCE

- For employees applying for maternity leave with less than 26 weeks continuous service at the 15<sup>th</sup> week before the WBD (week baby due) or for adoption leave with less than 26 weeks continuous service at the matching week

Regardless of hours of work, you will have an entitlement to 52 weeks unpaid maternity / adoption leave .You may, however, be entitled to claim maternity / adoption allowance from Job Centre Plus.

## 9. MATERNITY / ADOPTION LEAVE ENTITLEMENT

### (a) ORDINARY & ADDITIONAL MATERNITY / ADOPTION LEAVE

All employees have an entitlement to remain absent for up to 26 weeks Ordinary Maternity / Adoption Leave plus Additional Maternity / Adoption Leave of up to 26 weeks. The 26 weeks period of Additional Maternity/ Adoption Leave must immediately follow the 26 weeks period of Ordinary Maternity/ Adoption Leave (i.e. a total of up to 52 weeks maternity / adoption leave).

### (b) EARLIEST DATE FOR STARTING MATERNITY / ADOPTION LEAVE

- Maternity leave shall commence no earlier than 11 weeks before the WBD (week baby due).
- Adoption leave shall commence no earlier than 14 days before the expected date of placement.

### (c) LATEST DATE FOR STARTING MATERNITY / ADOPTION LEAVE

- For maternity leave, you may continue working right up until the due date stated on your MATB1 certificate, unless there are health or safety reasons why this is not possible.
- For adoption leave, the latest date for starting adoption leave is the date on which the child is placed for adoption.

### (d) COMPULSORY MATERNITY LEAVE

You are not permitted to work in the two weeks period immediately following the birth of a child.

### (e) AUTOMATIC TRIGGERING OF MATERNITY LEAVE

If you are absent due to a pregnancy related illness during the 28 days period before the start of the WBD (week baby due) your maternity leave will automatically start from the Sunday of the week you are absent.

Maternity leave will also be automatically triggered if childbirth occurs after 24 weeks of pregnancy. (Please note that childbirth relates to the birth of a child whether they are alive or stillborn after 24 weeks of pregnancy).

## 10. MATERNITY / ADOPTION PAY ENTITLEMENT

Maternity / Adoption pay can be made up of a number of different components:-

- Occupational Maternity / Adoption Pay (OMP / OAP)
- Statutory Maternity / Adoption Pay (SMP / SAP)
- Maternity / Adoption Allowance (MA / AA)

### (a) OCCUPATIONAL MATERNITY / ADOPTION PAY (OMP)

#### Who Qualifies

You qualify for Occupational Maternity / Adoption Pay if you have at least 1 year's continuous local government service, at the beginning of the 11<sup>th</sup> week before the WBD (week baby due), or at the date that a child is matched for adoption, or at least 1 year's continuous service as a teacher with one or more LEAs, at the beginning of the 11<sup>th</sup> week before the WBD (week baby due), or at the date that a child is matched for adoption.

Occupational Maternity / Adoption Pay has two parts. The first part is paid to all employees with at least 1 year continuous service by the 11<sup>th</sup> week before the WBD (week baby due) or at the date that a child is matched for adoption as above. Part two is paid to those who qualify for Occupational Maternity / Adoption Pay and return to contractual employment within Cardiff Council, for at least 3 months (13 weeks) following their maternity / adoption leave.

Employees entitled to Occupational Maternity / Adoption Pay and who intend to return to contractual employment within Cardiff Council, following the birth of their child or adoption will also be paid 12 weeks at half pay plus SMP / SAP entitlement (although the total must not exceed normal full pay)

In the event of a non return to contractual employment within Cardiff Council, there will be a requirement to repay the 12 weeks half pay, or there part of. Payments made to the employee in respect of SMP / SAP are not refundable.

If you so wish, there is an option to 'freeze' the payment of 12 weeks half pay until your return to work, which will then be paid to you as a lump sum after you have returned for 3 months. Alternatively you may opt to spread the 12 weeks half pay over the final 33 weeks.

If you choose the option to freeze your 12 weeks half pay and you return following your maternity/ adoption leave, the 12 weeks at half pay will be released to you as a lump sum after you have returned for 3 months. (please note if a sabbatical leave is tagged onto your maternity/ adoption leave, this is classed as not returning, so there will be no entitlement to the Occupational Maternity/ Adoption 12 weeks at half pay.

All employees who qualify for Occupational Maternity / Adoption Pay are entitled to payments as outlined on pages 15 and 16.

**(b) STATUTORY MATERNITY / ADOPTION PAY (SMP / SAP)**

Who Qualifies

For employees applying for maternity leave, you must have at least 26 weeks continuous service with a Cardiff School or Cardiff Council by the “qualifying week”. The qualifying week occurs 15 weeks before the WBD (week baby due)

For employees applying for adoption leave, you must have at least 26 weeks continuous service with a Cardiff School or Cardiff Council at the matching week.

Your average weekly earnings over the 8 week period prior to the qualifying week or matching week must be over the lower earnings contribution limit for national insurance purposes

You must provide notification of your intended maternity / adoption absence in accordance with the rules of this scheme.

You must provide medical evidence of the expected date of childbirth (i.e. the MATB1 form), or a matching certificate if you are adopting

You must still be pregnant at the 11<sup>th</sup> week before the WBD, or have given birth earlier

You must have actually stopped work as a result of pregnancy or childbirth or adoption.

If eligible for SMP / SAP, you will receive 90% of your average earnings for the first 6 weeks and then the lesser of 90% of your average weekly earnings or the weekly prevailing rate of SMP / SAP for the remaining 33 weeks. Please contact HR People Services for advice. They will liaise with Payroll as necessary.

**(c) MATERNITY / ADOPTION ALLOWANCE (MA / AA)**

If you are ineligible for SMP / SAP, you may still be entitled to claim state Maternity / Adoption Allowance. If you are ineligible for SMP / SAP we will provide you with an exclusion form (Form SMP1 or SAP1) and return your original MATB1 or matching certificate to you. Maternity / Adoption Allowance is paid by Job Centre Plus, provided you satisfy the contributions conditions based on your previous employment or self employment. Payments are made weekly for a maximum period of 39 weeks.

## 11. LEVEL OF PAY, DEDUCTION & PAYMENT PROCEDURE

This section explains how maternity / adoption pay is calculated, what deductions will be made from these payments and how and where payments will be made.

### (a) CALCULATION OF OCCUPATIONAL MATERNITY / ADOPTION PAY

A week's pay for the calculation of Occupational Maternity / Adoption Leave is the amount payable under your contract of employment for working your normal hours in a week. However, if you do not have normal working hours, a week's pay is the average remuneration in the 12 weeks period preceding the date on which the last completed week ended. Any week in this period where no money was earned will be excluded.

### (b) DEDUCTIONS

Your maternity / adoption pay is subject to the following deductions:

Income tax - Payments of SMP / SAP and occupational maternity / adoption pay are subject to income tax in the same way as normal earnings.

National Insurance - Payments of SMP / SAP and occupational maternity / adoption pay are subject to N.I. in the same way as normal earnings.

Pension Contributions - If you are in the local government or Teachers pension scheme, the SMP / SAP and occupational maternity / adoption pay will be subject to pension deductions.

Pension contributions will not be made whilst you are not in receipt of pay. When you return to work, you will have the option to repay contributions in respect of any unpaid maternity / adoption leave period. If you wish to exercise this option contact your Pensions department upon your return to work.

**Teachers wishing to pursue this option should contact Teachers Pensions directly on telephone number 0845 6066166.**

# 12. MATERNITY / ADOPTION LEAVE APPLICATION FORM

## Employee Use:

<b>Name:</b>		<b>Employee Number:</b>	
<b>Job Title</b>		<b>Service Area School</b>	

<b>Expected or Actual date of birth / Matching of Child</b> (Please attach original MATB1 / Matching Certificate)	___ / ___ / ___
<b>Date maternity / adoption leave to commence</b> (First day not in work)	___ / ___ / ___
<b>Intended date of return to work</b> (Maternity leave to end, annual leave may start)	___ / ___ / ___

Please tick one of the following:

<b>Do you intend to return to work?</b> (This is just a guide, please confirm your intention a month before the end of your maternity leave)	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
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## Declaration of employee:

My 12 weeks half occupational maternity / adoption pay to be made in accordance with the maternity / adoption leave scheme. I understand that if I am entitled to 12 weeks half occupational maternity / adoption pay, should I not return to contractual employment within a School or Service area of Cardiff Council, following the birth or adoption of my child then I will have to repay this half-pay period possibly at the gross amount.

### Payment options

Please tick one of the following:

A)	12 wks half occupational maternity / adoption pay: paid from weeks 7 to 18	<input type="checkbox"/>
b)	12 wks half occupational maternity / adoption pay to be frozen. I understand that if I am entitled to occupational maternity / adoption pay and complete 3 months service upon my return from maternity / adoption leave, this will be paid to me as a lump sum.	<input type="checkbox"/>
c)	12 wks half occupational maternity / adoption pay divided over 33 weeks: paid from weeks 7 to 39.	<input type="checkbox"/>

Employee's Signature:		Date:	
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## Manager / Headteacher Use

MATB1 / Matching certificate seen date:	
Manager / Headteacher's Printed Name:	
Manager / Headteacher's Signature :	

**Please attach the original MATB1, or if adopting a copy of the Matching certificate and forward to HR People Services**

## 13. WORKING DURING MATERNITY / ADOPTION LEAVE & REASONABLE CONTACT

### (a) WORKING DURING MATERNITY / ADOPTION LEAVE – KEEPING IN TOUCH DAYS

Keeping in Touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity/ adoption leave. You and your Manager / Headteacher should discuss and agree arrangements for keeping in touch during your maternity/ adoption leave.

Whilst you are on maternity/ adoption leave you can opt to (subject to agreement with your Manager/ Headteacher) carry out up to 10 days work during the statutory maternity/ adoption pay period, without bringing your maternity/ adoption leave to an end. This is defined as any work done under contract of your employment including training, attending team meetings or conferences or any activity undertaken for the purposes of Keeping In Touch with the work place. KIT days can be consecutive or not. The type of work, which you will be carrying out on the Keeping In Touch day must be discussed and agreed with your Manager / Headteacher before hand.

Whether you work for one hour or a whole day this will count as one Keeping In Touch day. You may opt to receive time off in lieu or payment for hours worked on K.I.T. days. Please note, however that if e.g. you work for 2 hours this will count as one K.I.T day, although you will receive payment or time off in lieu for 2 hours only. Your maternity / adoption leave will not be extended due to the fact that you have carried out some work during this period.

The Keeping In Touch (KIT) authorisation form can be found on page 23. Please complete this form and send to payroll if payment is required.

You are not permitted to carry out any work during the first two weeks following the birth of your child (compulsory maternity leave period)

If you opt to carry out work within the first 39 weeks when receiving SMP / SAP, the equivalent amount will be off set against the salary paid and deducted from your pay.

Your Manager / Headteacher cannot insist that you carry out any work during your maternity / adoption leave and you are protected from suffering a detriment or being dismissed for refusing to do so. Equally, you cannot demand to work at any time during your maternity / adoption leave period. The decision to undertake a Keeping in Touch Day must be made by agreement between you and your Manager/ Headteacher.

### (b) REASONABLE CONTACT

You and your Manager / Headteacher are required to make 'reasonable contact' with each other during your maternity / adoption leave. (This is separate to KIT days.) For example, you're Manager / Headteacher may contact you to discuss whether or not your planned date of return to work has changed or is likely to do so, or to discuss any flexible working arrangements that might make your return to work easier.

You are also entitled to be kept informed of other issues, such as job vacancies, significant workplace developments and training opportunities.

This type of contact with your Manager / Headteacher would not constitute 'work' and would not therefore count towards the 10 Keeping In Touch days. This contact would not bring your maternity / adoption leave to an end.

# 14. KEEPING IN TOUCH (KIT) AUTHORISATION FORM

<b>Name:</b>		<b>Employee Number:</b>	
<b>Service Area/School:</b>		<b>Section:</b>	

**It is the responsibility of the employee to ensure that the same form is used for the duration of the KIT entitlement (10 days in total during maternity / adoption leave)**

Date Worked	No: of Hrs worked (minus any breaks)	Balance (Total of 10 days)	Employee signature	Authorised by Line Manager	Date Authorised	Payroll Action	
						Input by	Date period
		9					
		8					
		7					
		6					
		5					
		4					
		3					
		2					
		1					
		0					

**COPY OF FORM TO BE SENT TO PAYROLL SERVICES AFTER EACH DAY WORKED SO THAT PAYMENT IS NOT DELAYED**

## 15. CHOICES TO MAKE FOLLOWING MATERNITY / ADOPTION LEAVE

If you are pregnant or adopting a child there are two choices available to you following your maternity / adoption leave:

- You can return to work following the birth of your baby or adoption of child
- You can decide not to return to work.

You don't have to make your decision yet. You have time to think about it.

You may not be certain when you go on maternity / adoption leave that you will want to return to work. If there is a possibility you will want to return we would request that you inform your Manager / Headteacher so that we are able to make a note of your intentions.

Where you have a statutory right to absent yourself from work because of the birth of your baby or adoption of child, your job or one of equivalent status and term and conditions must be kept open for you.

Ideally, the best time to prepare for your return is well before you actually return to work. We would ask that you keep in contact with your Manager / Headteacher during your maternity / adoption leave to liaise about details for your return to work.

If you are uncertain about whether you will be returning to work following the birth of your baby or adoption of child, you should still complete the maternity / adoption leave application form.

## 16. THE RIGHT TO RETURN TO WORK

### (a) YOUR ENTITLEMENT

You have a right to return to the job in which you were employed under your original contract of employment and on terms and conditions not less favourable than those which would have been applied had you not been absent. "Job", for this purpose, means the nature of the work, which you are employed to do, in the capacity, and place where you are employed.

Where by reason of redundancy it is not practicable for you to return to work in your job as defined in (a) you shall be entitled to be offered a suitable alternative vacancy where terms and conditions of employment are not substantially less favourable than if you had been able to return to your original job.

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which necessitates a change in the job in which you were employed prior to your absence. The work to be done should be suitable and appropriate, the terms and conditions of employment should not be less favourable than if you had been able to return to the job in which you were originally employed.

Regardless of the length of maternity / adoption leave, you are entitled to return to the same or equivalent job, unless you are employed under a temporary contract, which is scheduled to end during your maternity / adoption leave.

Please note that if you have been 'acting up' in a higher graded position you do not have automatic right to return to that post. The right of return applies to your substantive post.

### (b) HOW TO EXERCISE THE RIGHT TO RETURN TO WORK

You must give 28 days written notice of your intention to return to work following your maternity / adoption leave; whether this is to change your return date, that was stated on your maternity / adoption leave application form, or to confirm your original return date.

When you wish to return to work following your maternity / adoption leave, you will need to give at least 28 days written notice to Cardiff Council or the Governing Body of the School you are employed at, or they may postpone your return to work so that 28 days notice has been given, providing that does not exceed the end of your additional maternity / adoption leave. Otherwise your return to work date will be the date on which your entitlement to additional maternity / adoption leave ceases (as notified in your letter from HR People Services).

If you are school based and wish to return during school holidays (half term), the school may request a medical fit note, if there is a cost to you to obtain a medical fit note, then the school will reimburse you.

### (c) MINIMUM PERIOD OF SERVICE ON RETURN TO WORK

To keep all your 12 weeks half pay entitlement of occupational maternity / adoption pay, you must return following your maternity / adoption leave to contractual employment within a school or service area of Cardiff Council, for a period of 13 weeks (inclusive of any holidays or other days when the school or institution is closed) which runs from the date on which you return to work or the date during the holidays on which, having been declared medically fit, you can be deemed to be available for work. If a sabbatical or unpaid special leave is tagged onto the end of your maternity / adoption leave, this is not classed as returned.

A failure to return to contractual employment within a school or service area of Cardiff Council, will result in you being liable to refund the 12 weeks half pay entitlement of occupational maternity / adoption pay. As an option, you are able to 'freeze' payment of 12 weeks half pay if you wish. (Select option B on the maternity / adoption leave application form page 21)

School based staff only

The conditions regarding return to work are fulfilled if, you have obtained prior approval of the Governing Body to return to work on a part time basis and you have completed such a period of part time service, as when equated to full time service, is equivalent to 13 weeks full time duty. Where the Governing Body agrees, a part-time teacher may return to work on a different part-time basis for a period, which equates to 13 week's part-time service relating to her previous contract.

If you are unable to return to work following your maternity / adoption leave due to sickness, you will still be deemed as returning to work and normal sickness absence procedures will apply.

**(d) NO WISH TO RETURN AFTER THE BIRTH OR ADOPTION OF YOUR CHILD**

If you are certain you will not be returning to work following the birth or adoption of your child, you should indicate this and chose option B on the maternity / adoption leave application form page 21.

Remember that even if you do not intend to return to work, your personal circumstances may change or you may change your mind in the next few months, so it may be wise to keep your options open at this stage.

If you are in receipt of any statutory or occupational payments while on your maternity / adoption leave, your termination date will be recorded following receipt of your final payment, in most cases after 39 weeks maternity / adoption leave. During these 39 weeks you will accrue annual leave, this will be paid to you, if you terminate your contract following your maternity / adoption leave.

## 17. OTHER CONTRACTUAL BENEFITS

### (a) ANNUAL & STATUTORY LEAVE

The Working Time Regulations give employees an entitlement to 28 days statutory annual leave per year (this is pro rata for part time employees).

### (b) EMPLOYEES WORKING 52 WEEKS A YEAR

While on maternity / adoption leave an employee will still accrue annual leave plus bank holidays, they may wish to tag this leave onto the end of their maternity / adoption leave (this will be at the discretion of their manager).

Employees who have taken maternity / adoption leave, will not be restricted to the maximum 5 days pro rata carry over rule. When returning in one financial year, all leave can be carried into the next financial year, however, employees will not be able to carry the balance into two financial years.

The end date of employees maternity leave will be the first date the annual leave is taken. If employees do not return to work following their maternity / adoption leave their outstanding annual leave entitlement will be calculated and paid as a lump sum.

For calculation purposes the leave year for employees working 52 weeks a year, runs from 1<sup>st</sup> April to the 31<sup>st</sup> March

### (c) NON TEACHING EMPLOYEES WORKING TERM TIME ONLY

Employees who work term time only, have their leave entitlement included in their salary. If an employee is on maternity / adoption leave, they will not be in receipt of their full salary. As such, there will be a payment due to them upon their return.

If an employee receives occupational maternity leave (OMP) while on maternity leave, this will be off set against the accrued annual leave entitlement, for example:

Weeks 1 to 6, paid 90% OMP = the amount of leave owed will be the remaining 10%

Weeks 7 to 18, paid 50% OMP = the amount of leave owed will be the remaining 50%

Weeks 19 to 52, SMP only = the amount due is 100%

If an employee does not qualify for occupational maternity pay (OMP) while on maternity leave, they will accrue 100% pro rata annual leave for the duration of their maternity leave.

This will be paid as a lump sum at the end off an employee's maternity leave, regardless of whether the employee returns to work.

If, however, an employee fails to return after receipt of their 12 weeks at 50% OMP, the reclaim will be offset against any leave that is due to them.

#### **(d) TEACHERS ONLY**

For teachers the 28 days (statutory annual leave) is covered by the school holidays which exceed the statutory minimum. However, there are particular implications for some teachers, depending on the timing of the maternity/ adoption leave, the number of school holidays in a leave year is less than 28 days (excluding any that fall in the maternity / adoption leave period). In these cases there will be an entitlement owed to them.

If a teacher returns from maternity/ adoption leave close to the end of the leave year and there is not enough time to take all the annual leave entitlement, the balance will be carried over to the following year. In most circumstances this carry over will be absorbed in the teachers leave, which will be the school holidays. It will only be possible to obtain payment for untaken annual leave where a teacher is not returning to work.

It has been agreed with trade unions that for calculation purposes the leave year for schools run from 1<sup>st</sup> September to the 31<sup>st</sup> August (an academic year). This is consistent with the guidance from the National Employers.

#### **(e) PENSION BENEFITS**

Whilst you are on paid maternity / adoption leave, pension contributions continue in the normal way dependent on your rate of contribution.

If you are returning to work, you have two choices regarding pension contributions for the unpaid elements of maternity / adoption leave:

- Not to pay any pension contributions during unpaid leave.
- Paying contributions in respect of the whole period of your unpaid leave of absence.

If an employee elects to pay contributions, they will be payable on the rate of pay being received immediately before going onto nil pay, but will count as full pensionable service. The Council will pay the employers contribution.

On return to work employees will have the option of making up contributions. However, to do this, the pension department must be notified of the decision within 30 days of returning to work.

**Teachers wishing to pursue this option should contact Teachers Pensions directly on telephone number 0845 6066166.**

## 18. FREQUENTLY ASKED QUESTIONS AND ANSWERS

### Q1. WHAT IF I HAVE A PREMATURE BIRTH?

A. If your baby is born prematurely before the start of your anticipated maternity pay period, we must be notified in writing as soon as is reasonably practicable informing us of the actual date of birth. Your maternity leave will automatically start from the date of your child's birth and the information is also required so that your maternity pay can be correctly calculated and paid.

### Q2. WHAT IF MY BABY IS BORN LATE?

A. If your baby is born later than the week in which it was due, your SMP is not affected. Your Maternity Pay Period (MPP) remains the same and is based on the date specified on the MAT B1. However, if you are incapable of work when the MPP ends, you may be able to get SSP from us, or sickness benefit from your social security office.

### Q3. WHAT IF I HAVE TWINS?

A. You receive the same benefits as you would if you had one baby.

### Q4. WHAT ABOUT PREGNANCY & DISPLAY SCREEN EQUIPMENT?

A. There is no proven link between problems with pregnancies and the use of PCs. However, if you are concerned about using a PC whilst pregnant, please discuss this concern with your Manager / Headteacher and your Doctor.

### Q5. WHEN SHOULD I LEAVE WORK?

A. To qualify for maternity pay you must work until 11 weeks before the beginning of the week in which your baby is due. Provided that you are well enough and your doctor agrees, you can keep working up until the birth of your child. Within these parameters you can decide when you wish to commence your maternity leave.

You must, however, notify your Manager / Headteacher of your pregnancy and the start date for your maternity leave using the form on page 21 by at least the end of the 20th week before the WBD.

Around the 26<sup>th</sup> – 28<sup>th</sup> week of your pregnancy your midwife will provide you with a MATB1 certificate, this must be attached to your completed maternity leave application form (page 21) and sent to HR People Services by the 30<sup>th</sup> week of pregnancy

Remember that even if you do not really intend to return to work your personal circumstances may change or you may imply to change your mind in the next few months, and so may be wise to keep your options open at this stage.

You may choose to change the start date of your maternity leave, after you have submitted you application form, simply notify HR People Services of you request via email

### Q6. WILL I GET THE SAME JOB IF I RETURN TO WORK?

A. In most cases yes. While you are on maternity / adoption leave your job will be kept open for as long as you have reserved your right to return to work.

However, in the unlikely event of your job being made redundant whilst you are on maternity/ adoption leave, suitable alternative employment will be considered on your return in accordance with the Governing Body / Corporate Redeployment Procedure.

**Q7. WHEN DO I NEED TO MAKE A DEFINITE DECISION ABOUT RETURNING**

A. Your stated return date on your application form is just a guide, you must confirm in writing 28 days before the end of your requested leave, to clarify your intentions (to confirm / change your return date or to end your employment).

**Q8. WHAT IF I DECIDE NOT TO RETURN FOLLOWING MY MATERNITY / ADOPTION LEAVE?**

A. If you do not return to work for a period of at least 3 months you will be required to pay back the 12 weeks at ½ pay if you were paid this during your maternity / adoption leave.

**Q9. DOES MY PERIOD OF MATERNITY / ADOPTION LEAVE COUNT AS CONTINUOUS SERVICE?**

A. If you return to Local Government Service without having worked elsewhere following a break for maternity / adoption leave, your paid maternity / adoption leave and authorised unpaid maternity / adoption leave will count as continuous service for sickness payments, leave entitlement, notice required etc. If you do not return, your last day of employment will be on the last day that you received maternity / adoption pay.

**Q10. HOW WILL I KNOW IF I'M ENTITLED TO STATUTORY OR OCCUPATIONAL MATERNITY/ ADOPTION PAY?**

A. Once you have submitted your maternity / adoption leave application form, plus original MATB1 or copy of Matching certificate, H.R people services will write to you to confirm your entitlements. Your entitlements will depend on your length of service, National Insurance contributions and employment status. If you are not entitled to statutory maternity / adoption pay, H.R will return your original MATB1 certificate with an SMP1 / SAP1 booklet, this may enable you to claim maternity / adoption allowance from Job Centre Plus.

**Q11. WILL I STILL RECEIVE AN ANNUAL INCREMENT WHILST ON MATERNITY / ADOPTION LEAVE?**

A. Yes, absence on maternity / adoption leave counts towards your normal annual increment and will not lead to the detriment of your normal incremental progression.

**Q12. CAN I RETURN TO WORK ON A PART-TIME OR POST SHARE BASIS?**

A. You will need to discuss this with your Manager / Headteacher, who will consider your wishes and the needs of the service area and advise you of the decision.

**Q13. CAN I CHANGE MY MATERNITY / ADOPTION LEAVE START OR RETURN DATE, ONCE MY APPLICATION HAS BEEN SUBMITTED?**

A. Yes, the dates on your application form can be changed. If you wish to change the start date of your maternity leave, please email HR People Services as soon as possible, an amended letter will then be sent to you. Your return date on your application form is just a guide, your salary will not be reinstated unless you confirm in writing 28 days before you intend to return.

**Q14. CAN I RETURN FROM MY MATERNITY / ADOPTION LEAVE ON THE LAST DAY OF TERM?**

A. Yes, as long as 28 days written notice is given to the school, governing body, council.

**Q15. MY ANTENATAL APPOINTMENT TOOK LONGER THAN THE 2 HOUR ALLOTTED SPECIAL LEAVE, WILL I LOOSE TIME OR PAY?**

- A. The council understands that not all medical appointments can be achieved within 2 hours, this is why it is stated in the Attendance and Wellbeing policy, that managers can approve reasonable extended time.

**Q16. CAN I ATTEND ANTENATAL CLASSES?**

- A. Antenatal care is not restricted to medical examinations and can include, for example, relaxation and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor

**Q17. I WANT TO CONTINUE BREASTFEEDING WHEN I RETURN TO WORK, HOW WILL YOU SUPPORT THIS?**

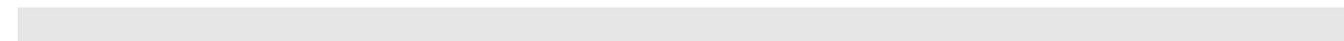
- A. If you want to breastfeed while working, you must tell your manager in writing in advance.

Although there is no legal requirement, we acknowledge that the Health and Safety Executive (HSE) recommends that it is good practice to provide a private, healthy, warm and safe environment (not the toilet) for mothers to express milk and provide a fridge, to store the expressed milk.

As a Council we fully adhere to all employment maternity rights and fully support the wellbeing of our new and expectant mothers.

The Council will if requested provide all of the above and consider options from the list below:

- Flexible working hours I.E. later starts or earlier finish, as long as the 7.2hrs have been achieved.
- Flexible lunch or break times
- Unpaid special leave
- Time in Lieu
- Annual leave, taken as odd hours



## 19. ADDITIONAL PATERNITY LEAVE

- This only applies to the father/ partner/ adopter and allows them to take part of the mother's maternity/ adoption leave so as to allow the mother to return to work.
- The mother must have returned to work before the remainder of her maternity/ adoption leave can transfer to the father/ partner. If there is any outstanding Statutory Maternity/ Adoption Pay this will also be paid to the father/ partner on condition they, as our employees, qualify for SMP/ SAP.
- Confirmation will be needed from the mothers employer, stating the mother has returned to work and how many weeks SMP/ SAP has already been paid.
- Additional Paternity leave is for a maximum of 26 weeks and cannot start before 20 weeks after birth or placed for adoption.
- This only applies where the child's mother is entitled to statutory maternity/ adoption leave, maternity/ adoption pay or allowance.
- An employee has an obligation to inform the employer of the intention to take Additional Paternity Leave by at least the end of the fifteenth week before the baby is expected.
- An employee must provide a completed application form (page 28) and a copy of their partners MATB1 certificate or Matching certificate.
- An employee who qualifies for Additional Paternity Leave is entitled to: return to the same job, to the same terms and conditions of employment, not be subjected to a disadvantage, unfair treatment or dismissal.
- Additional Paternity Leave must be taken as one continuous period, must be for full weeks and for a minimum period of two weeks.
- The father/ partner can take Additional Paternity Leave any time between 20 weeks after the date on which the child was born and up to the child's first birthday.
- Additional Paternity Leave must not be taken until eight weeks after the date on which the father gives the required notice.

## 20. ADDITIONAL PATERNITY LEAVE APPLICATION FORM

### **Employee Use:**

Name:		Employee Number:	
Job Title:		Service Area School	

I am the father of the child, or husband / partner of the mother named on the MATB1 / Matching certificate. The leave is being taken to care for the child and my partner is entitled to statutory maternity / adoption pay and will return to work upon the start of my additional paternity leave. Where the mother does not work for Cardiff Council, I undertake to provide documentary evidence from her employer regarding the date of her return to work and this evidence will also provide details of the number of weeks SMP she has received and if any is outstanding.

Date requested from \_\_\_\_\_ until \_\_\_\_\_

Total weeks requested: \_\_\_\_\_

MATB1 due date / Date of placement : \_\_\_\_\_

Additional Paternity Leave can be taken from 20 weeks and 1 year for a maximum of 26 weeks

### **Declaration of employee:**

Employees signature:		Date:	
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### **Declaration of the mother**

I confirm that I am entitled to SMP / SAP and will return to work so that the above named person can take Additional Paternity Leave, as he is my child's father / my husband / my partner.

Mother Name:		Date:	
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### **Manager / Headteacher Use**

MATB1/Matching certificate seen date:	
Manager/ Headteacher's Printed Name:	
Manager/ Headteacher's Signature :	

**Please attach a copy of the MATB1, or if adopting a copy of the Matching certificate and forward to HR People Services**

## 21. OTHER RELEVANT POLICIES AND PROCEDURES

**(a) 1.CM.084 [Parental Leave](#)**

This gives an individual right for a female or male parent to take unpaid time off work to look after a child or make arrangements for a child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

**(b) 1.CM.083 [Time off For Dependants](#)**

This allows a reasonable amount of unpaid time to be taken off work (usually up to a maximum of two days) to deal with unexpected or sudden emergencies. The emergency must involve someone who is a dependant of the employee.

**(c) 1.CM.049 [Attendance & Wellbeing policy \(Special Leave section\)](#)**

The Special Leave Scheme allows employees short periods of time off work to deal with issues such as family and domestic situations. The scheme provides for paid leave in certain circumstances.

**(d) 1.CM.206 [Sabbatical Leave Scheme](#)**

The purpose of the Sabbatical Leave Policy is to enable the Council/ School to retain an employee who requires an extended period of leave, who might otherwise need to terminate their employment. It also benefits the employee in allowing them to preserve their current employment status at the time of taking the break and return on the same terms and conditions.

Sabbatical Leave may be taken for care of dependants or other domestic circumstances. However, eligibility will not be confined to such criteria. Each request will be assessed by the Manager/ Headteacher on a business case basis taking into account the needs of the Service area/ pupils/ children.

**(e) 1.CM.046 [Post Share](#)**

Post sharing is a way of working where two people share the hours and duties of one full-time post between them so that each post-holder undertakes the full range of duties and responsibilities of the post and receive salary and benefits on a pro-rata basis to the full time post.

The purpose of the policy is to encourage and increase the availability of access to part time work at every level in the organisation and applies to all employees, except school based ones (although many schools have also adopted this scheme). All posts are eligible for post share unless a formal exemption is agreed with the Chief HR People Services Officer. The scheme allows both men and women to remain at, or return to work whilst fulfilling significant commitments elsewhere.

**(f) 1.CM.088 [Flexible Working Patterns](#)**

Requests for flexible working patterns (e.g. part time working, reduced hours, term time working, annualised hours etc) must be considered by Managers/ Headteachers. Taking into account the exigencies of the service where requests are turned down, reasons must be provided by Manager/ Headteachers.

## 22. CHILDCARE

### (a) **CARDIFF COUNCIL CHILDCARE VOUCHER SCHEME**

The introduction of a Childcare Voucher Scheme by the Council is another component of its Work Life Balance policies and practices. The scheme involves an employee giving up part of their salary to be converted into a Childcare Voucher which is exempt from tax and national insurance. The Childcare Voucher is paid direct to the nominated childcare provider monthly and the employee is responsible for payment of the balance of the childcare fees. For full details of the scheme see the Council's Intranet Site-go to information page and click on Childcare Voucher Scheme Alternatively contact:

By Email: [cvs@cardiff.gov.uk](mailto:cvs@cardiff.gov.uk)

Or by post:

Childcare Vouchers Scheme  
Childcare Strategy Unit  
Pembroke Suite, The Conference Centre  
East Moors Road  
Cardiff  
CF24 5RR

For enquires contact: 029 20 351711

### (b) **REGISTERED CHILDCARE – Cardiff Family Information Service**

Cardiff Family Information Service is the only place to find information on all Welsh Government registered childcare in Cardiff. We have information on full and part time childcare: Childminders, Nurseries, Playgroups, Holiday Clubs, Before and After School Clubs and Welsh language provision. We can also help answer any other childcare related questions you may have.

Tel: 029 2035 1700

Email: [fis@cardiff.gov.uk](mailto:fis@cardiff.gov.uk)

[www.facebook.com/cardifffamilyinformationservice](http://www.facebook.com/cardifffamilyinformationservice)

### (c) **HOLIDAY PLAYCARE SCHEMES**

In addition to nursery care, the Council offers quality play care facilities by S.P.I.C.E. Playcare Schemes for children aged between 4<sup>1</sup>/<sub>2</sub> and 14 years are run during Easter and Summer School holidays. Employees using these Schemes pay preferential rates. Details of current schemes are available from:

029 2087 3969 or e-mail [SPICEplaycare@cardiff.gov.uk](mailto:SPICEplaycare@cardiff.gov.uk)

## 23.USEFUL CONTACT NUMBERS

Twf Cymru, offers free advice to parents on raising children in 2 languages	07966 936250	<a href="http://www.twfcymru.com/?skip=1&amp;lang=cy">www.twfcymru.com/?skip=1&amp;lang=cy</a>
4Children (formerly Kids' Club Network)	020 7512 2100	<a href="http://www.4children.org.uk">www.4children.org.uk</a>
Adoption and Fostering Information Line	0800 783 4086	<a href="http://www.adoption.org.uk/">www.adoption.org.uk/</a>
Association for Post-Natal Illness	020 7386 0868	<a href="http://www.apni.org.uk">www.apni.org.uk</a>
Benefits Agency - Benefit Enquiries	0800 882200	
Caesarean Support Network	01624 661269	<a href="http://Guide-information.org.uk">Guide-information.org.uk</a>
Cry-/Sis Support Group (Crying, Sleepless Children)	020 7404 5011	<a href="http://www.24dr.com">www.24dr.com</a>
Department for Work and Pensions		<a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a>
Family Credit Helpline	01253 500050	
Housing & Benefit	02920871473	
Job Centre Plus – Claims for Maternity Allowance (MA1)	0800 055 6688	
Kids' Club Network	020 7512 2100	<a href="http://www.kidsclub.com">www.kidsclub.com</a>
Maternity Alliance	020 7588 8582	<a href="http://www.maternityalliance.org.uk">www.maternityalliance.org.uk</a>
Miscarriage Association	01924 200799	<a href="http://www.miscarriageassociation.org.uk">www.miscarriageassociation.org.uk</a>
National Childbirth Trust	0870 770 3236	<a href="http://www.nctpregnancyandbabycare.com">www.nctpregnancyandbabycare.com</a>
National Childminding Association	0800 169 4486	<a href="http://www.ncma.org.uk">www.ncma.org.uk</a>
National Governing Body for One Parent Families	0800 018 5026	<a href="http://www.oneparentfamilies.org.uk">www.oneparentfamilies.org.uk</a>
Parentline	0808 800 2222	<a href="http://www.parentlineplus.org.uk">www.parentlineplus.org.uk</a>
Pre-Eclampsia Helpline	020 8427 4217	<a href="http://www.apec.org.uk">www.apec.org.uk</a>
Stillbirth & Neonatal Death Society	020 7436 5881	<a href="http://www.uk-sands.org">www.uk-sands.org</a>
Twins & Multiple Births Association (TAMBA)	0870 770 3305	<a href="http://www.tamba.org">www.tamba.org</a>
Working / Family Tax Credits		<a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a>