



Maternity/Paternity/Adoption Leave Policy

1. Introduction

The City of Lincoln Council is fully committed to supporting employees with children. There are various entitlements that are available to our employees at different stages of their parental journey. These entitlements come from statute, national terms and conditions and the discretion of the Council.

2. Scope of this policy

This policy applies to all eligible staff employed by the Council.

3. Aims of the Policy

This policy explains the leave entitlements for employees. It sets out the qualifying criteria, leave entitlement and pay and conditions relating to:

- Maternity leave
- Maternity support leave
- Shared Parental Leave
- Paternity leave
- Parental leave
- Adoption leave
- Adoption support leave
- Childcare Financial Support
- Foster Carer leave

4. Glossary

AML – Additional Maternity Leave

AAL – Additional Adoption Leave

EWC – Expected week of confinement

OAL – Ordinary Adoption Leave

OAP – Occupational Adoption Pay

OML – Ordinary Maternity Leave

OMP – Occupational Maternity Pay

OPP – Occupational Paternity Pay

SAP – Statutory Adoption Pay

SMP – Statutory Maternity Pay

SPP – Statutory Paternity Pay

SPL – Shared Parental Leave

5. Maternity Leave

5.1 Rights and qualification Criteria

To qualify for maternity leave you must be a pregnant employee. You are entitled to take the leave regardless of whether you are on a permanent, fixed, temporary, full or part-time contract and regardless of your length of service.

You are entitled to 52 weeks maternity leave, which is made up of:

- 26 weeks ordinary maternity leave - OML
- 26 weeks additional maternity leave - AML

During both the OML and AML the employee benefits from and is bound by all terms and conditions relating to employment except those relating to remuneration.

You do not have to take all of your maternity leave entitlement but you must take 2 weeks compulsory maternity leave directly after the birth of your baby.

To qualify for maternity leave you must tell us in writing, at least 28 days before leave begins or as soon as reasonably practical that:

- you are pregnant
- the week you are expecting your baby to be born (EWC)
- the date you intend to start your maternity leave

5.2 Leave

You can start your leave any time from 11 weeks before the beginning of the week when your baby is due. If you are off work because of a pregnancy related illness at any point during the four weeks before the expected birth date, your maternity leave will automatically start the next calendar day. The pregnancy related illness is likely to trigger this happening if the likely duration of the illness means you will not return to work before your intended return date or you are likely to return for less than a week before starting the leave.

You are entitled to take reasonable paid time off to attend antenatal appointments while you are pregnant, providing you produce evidence of the appointments. These appointments will include:

- Medical examinations
- Medical scans
- Relaxation classes
- Parent craft classes

Once you have notified your Line Manager a risk assessment must also be undertaken by your manager and Health and Safety to assess your working environment etc. This usually takes place between weeks 12 –16 but can be done before this time, but ideally should not be done any later. This can be done confidentially. HR and Payroll will answer any queries you may have in relation to your options and entitlements.

5.3 Keeping in touch days

During your leave it is useful for us to keep in contact. We will be able to make reasonable contact with you during your maternity leave, this may be to update you on changes in the workplace, or ask about arrangements for your return.

To help you keep up to date with work and in contact with colleagues you can request to work up to ten days during your maternity leave without losing your statutory maternity pay or bringing your leave to an end. These keeping in touch days may only be worked if both you and your line manager agree. On these days you will receive your normal days pay.

These days cannot be taken during the 2 weeks compulsory maternity leave immediately following the birth of the baby.

If an employee takes a keeping in touch day it is the manager's responsibility to inform the payroll department.

5.4 Still birth and Premature Delivery

Provided you meet the criteria for maternity leave, you can still take ordinary and additional maternity leave if your baby is:

- still born after 24 weeks of pregnancy
- born alive at any point of the pregnancy

Premature Birth Leave

If a baby is born prematurely (before 37 weeks), the mother will be entitled to receive extra leave and full pay for the number of days covering from when their baby was born to the original expected due date of birth.

This leave and pay entitlement will be added to the end of the employee's leave period.

If a baby is born prematurely (before 37 weeks), the partner of the mother who has given birth to their premature baby will be entitled to receive two weeks additional leave and full pay. This leave entitlement will be added to the end of the employee's leave period.

5.5 Payment and terms and conditions

Payment during Maternity Leave is made up of 2 elements, Statutory Maternity Pay and Occupational Maternity Pay.

5.6 Statutory Maternity Pay

To qualify for statutory maternity pay you must:

- have at least 26 weeks continuous service at the 15th week before the baby is due.
- earn more than the lower earnings limit for National Insurance contributions.

If you do not meet the qualifying criteria you may be entitled to maternity allowance.

The payments for SMP are as follows:

Week 1 – 6 90% of your average weekly earnings

Week 7 – 39 Paid at the standard weekly rate of SMP or 90% of gross average weekly earnings if less than the standard rate. For current rates please speak to Payroll/HR or they can be found online at www.hmrc.gov.uk or www.direct.gov.uk

Week 40 – 52 Unpaid

5.7 Occupational Maternity Pay

If you have 1 years continuous local government service at the beginning of the 11th week before the expected week of confinement you will have the option of taking Occupational maternity pay. The authority will pay occupational maternity pay of 12 weeks during weeks 7 to 18 in addition to your SMP. It will be paid at 50% of your average weekly earnings.

Payments made during week 7 to 18 by the authority are on the basis that you will return to work following maternity leave for a period of at least 3 months. You will need to indicate that you intend to return to work and wish to take up Occupational Maternity Pay. If you do not return for 3 months you will be asked to refund any payments made.

You cannot earn more money from maternity pay than you would have received had you been at work.

5.8 Annual Leave

During maternity leave you will continue to accrue your contractual annual leave entitlement. If your leave spans 2 different annual leave years you are able to carry over any unused annual leave entitlement. It is permitted to use annual leave before or after the maternity leave to extend the period, with your manager's agreement. It is also possible to end your maternity leave early and then go on to annual leave to attract another paid period. Any annual leave request and approval is subject to the normal process for your department.

5.9 Returning to Work

When you return to work after taking ordinary maternity leave you have the right to the same job and terms and conditions as if you had not been absent.

This also applies when you return from additional maternity leave unless it is not reasonable practicable for you to return to your original job. If this happens you will be offered alternative work with your terms and conditions being protected permanently, unless you change job or vary your contract. Any restructure during your maternity leave will be done in accordance with the Councils Management of Change Policy.

We will assume that you intend to take your full 52 weeks entitlement. If you want to return before this you must give us at least 8 weeks notice, if you fail to give 8 weeks notice we can insist that you do not return until the eight weeks have passed.

If you wish to request to return to work on reduced hours or as part of a job share arrangement as part of our flexible working policy you must put this in writing to your line manager at least 8 weeks before you intend to return to work. Please see the flexible working policy and follow the procedure therein set out.

5.10 Expiration of Fixed Term Contracts or Redundancy during Maternity Leave

An employee who may be made redundant or have their fixed term contract ended during maternity leave will have various options available to them in terms of maternity. Broadly they can be fitted into two groups – those who wish to return to employment with City of Lincoln Council after maternity leave and those who don't.

- Those who do not wish to return:

Will receive their SMP made up to full pay for their notice period during Maternity Leave and will receive any redundancy or annual leave payment due. If any statutory maternity pay is still due after termination, this will continue to be paid by the Council at the normal rate.

- Those who would like to return:

For those who would genuinely like to return to work for the Council after their maternity leave there is an issue regarding Occupational Maternity Pay, as this can only be paid if the employee returns to work for 3 months. Obviously this is not possible if the employee's contract has been terminated or made redundant. Some employees will know before their Maternity Leave that their contract is likely to end or they will be made redundant but for others this will only transpire during their maternity leave. For those who have a genuine desire to continue employment with the Council, although not in their original post, they will be able to still claim the Occupational Maternity pay element, subject to the normal qualifying criteria. This is in the hope that they will secure suitable alternative employment with us and therefore meet the criteria of returning to us for 3 months.

All employees who are at threat of redundancy or the expiration of a fixed term contract (after 2 years) throughout the duration of their pregnancy (once the Council has been informed) and for a period of 18 months after the expected week of childbirth or the date of birth will be

offered any suitable alternative employment without competition (unless there is more than one employee with the same rights). This right will be over and above the normal redeployment right. Pay protection may be necessary to make the alternative employment 'suitable'.

If no suitable alternative employment (for example a role of a similar nature and/or grade) is found the employee will still receive the full Occupational Maternity Pay element of 12 weeks half pay and will not be expected to pay this back. This is only on the basis that the employee has not turned down any suitable alternative employment and has made a genuine effort to continue employment with us. The employee's maternity pay will be made up to full pay for the notice period during Maternity Leave and they will receive any redundancy or annual leave payment due. If any statutory maternity pay is still due after termination, this will continue to be paid by the Council at the normal rate.

More detailed information and guidance can be sought from Human Resources. A member of HR will be happy to meet or advise.

6. Maternity Support Leave

6.1 Rights and qualification criteria

You must be nominated by the mother as their carer, which means you will assist the mother at or around the time of the birth and assist in the care of the child.

6.2 Leave

You can have 5 days leave at or around the time of the birth if you have 1 year's service.

6.3 Payment and terms and conditions

Any employee that is requesting maternity support leave should inform their Manager in writing and must accompany the request with a letter from the mother confirming that the employee will be assisting them at or around the time of the birth and assist in the care of the child.

This time will be paid at your normal rate.

Please note: - If you are taking paternity leave you will not be eligible to take maternity support leave in addition.

7. Shared Parental Leave

7.1 Definitions under this shared parental leave policy

The following definitions are used in this policy:

"Mother" means the mother, expectant mother of the child or adopter.

"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

7.2 Rights and qualification criteria

This policy sets out the rights of employees to shared parental leave and pay.

Shared parental leave is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

This policy applies in relation to employees of the City of Lincoln Council, whether they are the mother or the partner.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child, and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that he/she takes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

7.3 Leave Eligibility

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the Partner takes in respect of the child. Shared parental leave must be taken in blocks of at least one week.

The employee can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement).

A maximum of three requests for leave per pregnancy can be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them.

If the mother is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance, they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother.

7.4 The options:

Continuous leave notifications

A notification can be for a period of continuous leave, namely a single unbroken period.

An employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, namely requesting a set number of weeks of leave over a period of time, with breaks in between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Discussions/ Notifications regarding Shared Parental Leave

An employee considering taking Shared Parental Leave should contact their Line Manager and Human Resources who will then arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.

To notify the Council that you intend to take Shared Parental Leave and pay, Human Resources must receive a “Maternity Curtailment” notice and a “Notice of Entitlement and Intention” in writing as soon as possible (it is recommended that these documents are provided at least 12 weeks before the requested start date of shared parental leave). These documents must in any event be submitted before the “Period of Leave” notice is given (see below).

Maternity Curtailment notice:

There is no set format for how this information must be provided, other than the employee must provide the Mother’s declaration, in writing, confirming the following:

- Her name, address and national insurance number
- Her partners name, address and national insurance number
- Proposed start and end date for maternity leave
- The amount of Shared Parental Leave available
- Copy of the MATB1/adoption matching certificate
- That you meet the relationship eligibility conditions for Shared parental leave
- That the mother consents to us processing the information contained in the declaration.

Notice of Entitlement and Intention (Annex A):

The employee must provide the following in writing:

- Their name, address and national insurance number
- The amount of Shared Parental Leave available
- The dates in which they intend to take shared parental leave
- The total amount of shared parental leave each parent will be taking (in weeks)
- Confirmation that leave is taken to care for the child and that the relationship eligibility criteria are met.

7.5 A Period of Leave Notice (Annex B)

The employee must have provided the Maternity Curtailment Notice and Notice of Entitlement and Intention before submitting this document. This document must be submitted no later than 8 weeks before the requested start date of the shared parental leave.

The Period of Leave Notice should confirm the following:

- The employee and their partners name, address and national insurance number
- Confirmed start and end date for maternity leave
- The amount of shared parental leave available
- The dates in which they intend to take shared parental leave
- The total amount of shared parental leave each parent will be taking (in weeks)
- Confirmation that leave is taken to care for the child and that the relationship eligibility criteria are met.

Upon receiving any of the above notices the Line Manager should arrange a meeting to discuss the request with the employee. At these meetings the employee may, if they wish, be accompanied by a workplace colleague, or a trade union representative. HR may also be in attendance to advise on shared parental leave rights.

7.6 Request for period of Continuous Leave

An employee has the right to take a continuous block of leave, as long as they meet the criteria outlined above, do not exceed the total number of weeks of SPL available to them and the City Of Lincoln Council have been given 8 weeks notice.

7.7 Request for period of Discontinuous Leave

Where a request is for discontinuous leave, and the manager has concerns over accommodating the request, a meeting will take place with the employee, the manager, and Human Resources. If the Manager does not believe the request can be accommodated at this meeting, a discussion should take place as to whether a modified arrangement would be agreeable to the employee and the organisation.

At this meeting an employee has the right to be accompanied by a trade union representative or work colleague.

The organisation will reasonably consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

7.8 Variations to arranged Shared Parental Leave

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides his/her employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

7.9 Requesting further evidence of eligibility

The Council may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- 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

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

7.10 Payment and terms and conditions

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

7.11 Rights during shared parental leave

During the period of Shared Parental Leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave.

Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

7.12 Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. During your leave you will continue to accrue your contractual annual leave entitlement. If your leave spans 2 different annual leave years you are able to carry over any outstanding holiday entitlement. Any annual leave request and approval is subject to the normal process for your department.

7.13 Contact during Shared Parental Leave

Before an employee's SPL begins, the employee and Line manager will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

7.14 Shared Parental Leave in Touch (SPLIT) days

An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

If an employee takes a split day it is the Manager's responsibility to inform the payroll department.

7.15 Returning to Work

The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If the employee does not return on the agreed date without prior authorisation, this will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Where only SPL is taken, at least 6 consecutive weeks must be taken to be eligible for the right to be offered suitable alternative employment without competition (subject to there being no more than one employee with the same rights) if your role is at threat of redundancy or a fixed term contract that is due to expire (after 2 years) for a period of 18 months after the date of birth/adoption.

7.16 Fraudulent claims

The organisation can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

8. Ordinary Paternity Leave

You can take up to two weeks leave. If you have been continuously employed for at least 26 weeks:

- At the 15th week before the expected week of childbirth.
- Or at the week in which the adoptive parent is notified of being matched.

You must notify the Council in writing at least 15 weeks before the expected week of childbirth that you are:

- Having a baby
- Are planning to take paternity leave
- The expected week of childbirth

You must also notify the Council that you are one or both of the following:

- The child's father
- Married to, the civil partner or partner of the mother (or adopter)
- The child's adopter
- The intended parent (if having a baby through surrogacy)

You can choose to start the leave:

- On the day the baby is born
- A number of days or weeks after the baby is born

Your leave can start on any day in the week, but not before the baby is born and can be taken one block of two weeks or two blocks of one week each. Your leave must finish within 52 weeks after the birth/adoption. If your partner has a multiple birth, you're only allowed one period of paternity leave.

Where possible you must give 28 days notice of the date you want to start each block of paternity leave by informing your Line Manager. If you can't give the full notice period for a valid reason you should give as much notice as possible. The Council understand that this date may change and will act reasonably in accommodating this.

You may also request paid leave to attend antenatal classes. If you want to do this you must provide:

- a copy of the expectants mothers MAT B1 certificate
- written evidence of the class dates and times
- a written request to attend the classes to your Assistant Director. Your Assistant Director will consider your request but attendance will depend on the needs of the service.

8.1 Still birth and Premature Delivery

Provided you meet the criteria for paternity leave, you can still take ordinary paternity leave if your baby is:

- still born after 24 weeks of pregnancy
- born alive at any point of the pregnancy

8.2 Pay and terms and conditions

- If you have worked continuously for at least 26 weeks:
 - At the 15th week before the expected week of childbirth.

- Or at the week in which the adoptive parent is notified of being matched. You will receive full pay for two weeks.

- If you have less than the above service before the expected due date you will receive statutory paternity pay, as long as you earn the lower earning limit and have 26 weeks continuous service at the 15th week prior to the expected due date.
- If you earn less than the lower earnings limit but have 26 weeks continuous service at the 15th week prior to the expected due date you have the right to unpaid paternity leave and you may be able to claim income support.

Failure to give 15 weeks notice of paternity leave may effect your entitlement to paternity pay.

You will get all your normal benefits during paternity leave. Your pay will be subject to length of service as detailed above. You will be able to return to the same job after paternity leave.

9. Time off to attend antenatal appointments

9.1 Rights and qualification criteria

An expectant father or the partner of a pregnant woman will be entitled to take time off work to accompany the woman to her ante-natal appointments. The “Partner” includes the spouse or civil partner of the pregnant woman and a person in a long term relationship with her.

9.2 Leave

Employees accompanying the expectant mother to her ante-natal appointments are entitled to accompany the women to five appointments.

9.3 Pay and terms and conditions

You must inform your line Manager as soon as possible if you need to take time off to attend an antenatal appointment. Time off to attend antenatal appointments is paid for up to 5 appointments.

10. Parental Leave

10.1 Rights and qualification criteria

Parental leave means that you can take:

- 18 weeks in total, off work for each child up to their 18th birthday
- 18 weeks in total, off work up to the 18th anniversary of the placement of an adopted child, or until their eighteenth birthday whichever comes first

You have the right to parental leave if you:

- Have been employed for one or more years in Local Government service

And you:

- Are the parent named on the child's birth certificate
- Or
- Are named on a child's adoption certificate
- Or
- Have legal parental responsibility for a child

Both parents have the right to parental leave. If you are separated and your ex-partner looks after the children, you have the right to parental leave if you have parental responsibility for the children.

10.2 Leave

Up to a maximum of four weeks parental leave can be taken in a year. Leave can be taken in any format as long it is agreed with your Manager and may include:

- half days
- whole days
- a week, or weeks
- a temporary reduction in hours

You must give 7 days notice when you want to take parental leave and this must be in writing to your Manager. Your Manager must respond in 7 days to your application for parental leave. Discretion may be used to allow leave with less than 7 days notice in special circumstances. Parental leave cannot be turned down if you want to take it immediately after the birth or adoption of a child.

Occasionally because of the needs of the service your Manager may not be able to agree to parental leave. If this happens your Manager will:

- meet with you
- discuss the reason
- agree alternative dates
- confirm the outcomes of the meeting in writing giving the reason for the refusal and agreed alternative dates.

Any postponement of parental leave cannot be for longer than six months, and if the postponement means that you have gone beyond your entitlement period, you will still be able to take the leave.

You can transfer any unused parental leave to a new employer.

10.3 Payment and terms and conditions

Parental leave is unpaid

You will get all your normal employment benefits, apart from wages, during your parental leave. Your pension payments will be subject to the terms of the Local Government Pension Scheme.

Following parental leave you will be entitled to return to your original post.

11. Adoption Leave

This policy explains the adoption leave entitlements for employees employed by the City of Lincoln Council. It sets out the qualifying criteria, leave entitlement and pay and conditions relating to:

- Adoption leave (including terms and conditions related to leave, reasonable time-off, compensation and return to work)
- Adoption support leave

11.1 Rights and qualification criteria

This policy applies to all staff, regardless of their length of service or marital status and their entitlement to statutory adoption benefits.

A member of staff, male or female, who adopts a child through an approved adoption agency in the UK, is entitled to 52 weeks' adoption leave irrespective of length of service

Only one of the adoptive parents is eligible to take adoption leave. The other parent, if employed by the City of Lincoln Council, is entitled to shared parental leave or paternity leave.

Statutory adoption leave, for the partner taking adoption leave, is 52 weeks which includes 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).

Statutory Adoption Pay is for up to 39 weeks.

In line with Government guidance employees will not qualify for either adoption leave or pay if they:

- become a special guardian or kinship carer
- adopt a stepchild or family member
- adopt privately, for example without permission from a UK authority or adoption agency

11.2 Eligibility

To be eligible for Adoption Leave, you must use an adoption agency that is recognised under UK law. To qualify for adoption leave you must:

- Be newly matched with a child by an adoption agency
- Have continuously worked for local government for at least 26 weeks before the beginning of the week when matched with a child
- Provide a copy of the matching certificate, or other documentary proof from the adoption agency

You are, subject to meeting the terms outlined above entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

To be eligible for OAL and AAL you must inform your Assistant Director and line-manager in writing within seven days of being notified that you have been matched to a child. The written notification must also include:

- When you expect the child to be placed with you
- When you want your adoption leave to start

You can start your adoption leave:

- From the date the child starts living with you
- or
- Up to 14 days before the date you expect the child to start living with you

The adoption leave can start from any day of the week and can be changed provided 28 days notice is given. City of Lincoln Council will assume that you are taking the full entitlement of 52 weeks leave of OAL and AAL unless informed otherwise in writing. If you want to return to work earlier you must give your Assistant Director at least eight weeks notice, failure to do so could result in the Council refusing to agree to your earlier date of return.

If the placement ends during the Adoption Leave you may take up to 8 weeks leave following the end of the placement.

11.3 Keeping in touch days

During the adoption leave it is useful for the Council to keep in contact with you. The Council will make reasonable contact for reasons including to update you on changes in the workplace, or ask about arrangements for return to work.

In addition, to enable you to keep up to date with work and in contact with colleagues, you can work up to ten days during adoption leave without losing statutory adoption pay or bringing the adoption leave to an end. These keeping in touch days may only be worked if both you and your line Manager agree. On these days you are entitled to receive your normal days pay.

If an employee takes a keeping in touch day it is the Managers responsibility to inform the payroll department.

11.4 Pay and terms and conditions

Statutory adoption pay begins from the start of adoption leave and is paid for 39 weeks.

To qualify for statutory adoption pay you must earn more than the lower earnings limit for National Insurance contributions and have worked continuously with Local government for 26 weeks before the week of placement.

If you qualify for statutory adoption pay, your entitlement for Adoption Pay (this is inclusive of your entitlement towards Statutory Adoption Pay, and an additional 'top-up contractual

adoption pay' to bring in parity between the entitlement of employees going on Maternity Leave and Adoption Leave) will be as follows:

Week 1 – 6	90% of your average weekly earnings
Week 7 – 39	Paid at the standard weekly rate of SAP or 90% of gross average weekly earnings if less than the standard rate.
Week 40 – 52	Unpaid

For current rates please speak to Payroll/HR or they can be found online at www.hmrc.gov.uk or www.direct.gov.uk

If you do not qualify you may be able to claim income support.

In addition, if you have 1 year's continuous local government service at the beginning of the week of placement you will have the option of taking 12 weeks Occupation Adoption Pay also. It will be paid at 50% of your average weekly earnings.

The additional Occupational Adoption Leave Pay made by the authority is on the condition that you will return to work following adoption leave for a period of at least 3 months. You will need to indicate that you intend to return to work and wish to take up Occupational Adoption Pay. If you do not return for 3 months you will be asked to refund any payments made.

You cannot earn more money from adoption pay than you received before taking adoption leave.

During both the OAL and AAL the employee benefits form and is bound by all terms and conditions relating to employment except those relating to remuneration.

When you return to work after taking ordinary adoption leave you have the right to the same job and terms and conditions as if you hadn't been absent.

This also applies when you return from additional adoption leave unless it is not reasonable practical for you to return to your original job. If this happens you will be offered alternative work with the same terms and conditions and seniority. If your role is at threat of redundancy or a fixed term contract that is due to expire (after 2 years) whilst you are on adoption leave and for a period of 18 months after the date of adoption you will be offered any suitable alternative employment without competition (unless there is more than one employee with the same rights).

11.5 Right to Reasonable Time-off for Appointments Connected to Adoption

A member of staff, regardless of length of service, is entitled to reasonable paid time off (including travel time) to attend up to 5 appointments connected with the Adoption Leave. These include pre-adoption stage meetings such as but not limited to:

- Assessment meetings including applicant interviews with the adoption agency
- Meetings with social workers or meetings with the child when appropriate.
- Screening meetings & familiarisation sessions

Request for time-off needs to be considered by your Line Manager. The Council is committed to not unreasonably refusing consent to such time-off but reserves the right to ask you to produce an official appointment card, where appropriate, showing that the appointment has been made.

No more than five days of time-off per year will usually be granted unless in exceptional circumstances and with the prior approval of an Assistant Director.

12. Adoption Support Leave

12.1 Rights and qualification criteria:

You must be nominated by the adoptive mother or father as their carer, which means you will assist them at or around the time of the placement of the child and assist in the care of the child.

12.2 Leave

You can have 5 days leave at or around the time of the placement

12.3 Payment and terms and conditions

This time will be paid at your normal rate.

If you are taking paternity leave you will not be able to take adoption support leave as well.

13. Childcare Financial Support

The legislation regarding Childcare Vouchers has changed meaning the scheme the Council offered has ceased for new applications. Those who were in the scheme before 4th October 2018 can still receive Childcare Vouchers through the Council. The rules regarding the continuation of these during Maternity or Adoption Leave are complex and could affect the amount of Pay you receive. As each case will be different dependent on circumstance you are advised to contact Payroll to get individual advice.

Tax Free Childcare is a government scheme set up to replace the Childcare Vouchers. In this scheme the government will add £2 for every £8 you pay for childcare up to a maximum of £2000 per child, per year (or £4000 per year if your child is disabled). To check for eligibility and how to apply please see www.gov.uk.

14. Foster Carer Leave

The council recognises and values the contribution that foster carers make to society and especially the lives of children in care. We understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child.

The council is committed to support any staff member who is a foster carer or an approved kinship carer.

We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements in line with our Flexible working policy and additional time off to support the needs of all foster carers or approved kinship carer employees.

The process of seeking approval to become foster carers is a lengthy one and places a number of reasonable but demanding expectations upon prospective carers, particularly in relation to the training, assessment and approval process.

Wherever possible we will extend the terms of this policy to prospective foster or kinship carers who have begun the formal process of seeking approval and registration as carers.

14.1 Rights and qualification criteria

This leave applies to employees who:

- are applying to become foster carers
- are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months) or are an approved kinship carer

This leave applies to all employees from the first day of employment with the council.

14.2 Leave

The council values and will support foster carers and approved kinship carers by giving up to 5 days leave in a 12 month period for reasons such as:

- assessment and initial training prior to approval as a foster carer
- attendance at panel for approval
- Child review meetings, annual foster carer review meeting and training

The employee's line manager will approve the leave on a discretionary basis taking into account individual circumstances of each case and operational requirements of the business, however this leave will only be refused on an exceptional basis. The leave will be considered and approved on a pro rata basis for part time employees.

14.3 Pay

Leave up to 5 days will be paid. Additional leave may be requested but will be at the discretion of the manager to approve and will have to be taken as annual leave or unpaid leave.

Updated: September 2019
March 2021
Jan 2022
April 2024



**A notice of entitlement and intention
Of taking Shared Parental Leave (SPL)**

Use this form to opt in to the shared parental leave scheme following the birth of a child. Please see the Shared Parental Leave Policy for more information.

If you are the child's mother you must also submit a signed curtailment notice to bring your maternity leave and pay entitlement to an end.

This is a non binding indication for the employee's manager to consider. This form must be submitted before the period of leave notice.

If you need any help with this form, in particular in working out your shared parental leave entitlement in section C, please speak to Human Resources. It may also be useful to discuss your proposed pattern of leave with your manager and/or HR before completing the form.

Section A: Basic information		
Guidance notes. Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	Employee's name, address and NI number	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	

A5	Child's place of birth (if known)	
A6	Child's name (if known)	
Section B: Maternity leave, statutory maternity pay or maternity allowance		
<p>Guidance notes. If you are the mother, please give your maternity leave (ML) and statutory maternity pay (SMP) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end.</p> <p>If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML and/or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.</p> <p>Maternity pay can only be curtailed after a whole number of weeks. For example, if the maternity pay period started on a Wednesday, it can only be curtailed on a Tuesday.</p> <p>These figures are needed in order to calculate your entitlement to shared parental leave and pay.</p>		
B1	I am taking or will take maternity leave* My partner is taking or will take maternity leave* My partner is not entitled to statutory maternity leave but is receiving or will receive statutory maternity pay or maternity allowance*	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (*tick one only)
B2	Maternity leave start date	
B3	Maternity leave end date	
B4	Total maternity leave (weeks)	
B5	Statutory maternity pay or maternity allowance start date	
B6	Statutory maternity pay or maternity allowance end date	

B7	Total period of statutory maternity pay or maternity allowance (weeks)	
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Section C: Shared parental leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the mother's Maternity leave period. If she is not entitled to Maternity Leave, it is 52 weeks minus the SMP or MA period (see section B). SPL must be taken in whole numbers of weeks. If you need help working this out please speak to HR.

Your first period of shared parental leave cannot start until at least eight weeks after you submit this opt-in notice and a period of leave notice.

C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	<p>Indication of dates you would like to take shared parental leave.</p> <p>Please indicate if these dates are continuous or discontinuous.</p>	
C5	<p>The dates in C4 will be treated as a non-binding until you give a period of leave notice.</p> <p>If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here.</p>	<p>.....</p>

Section D: Statutory shared parental pay

Guidance notes. The total statutory shared parental pay (ShPP) available is 39 weeks minus the number of weeks SMP or MA paid (or to be paid) to the mother (see section B).

D1	Total ShPP available (whole weeks).	
D2	Number of whole weeks' ShPP intended to be taken by child's mother.	
D3	Number of whole weeks' ShPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to claim ShPP.	
D5	The dates in D4 will be treated as a non-binding until a notice to take ShPP is given. If you want to treat this notice as a notice to claim ShPP on the dates given in D4 tick here.

Section E: Employee's declaration

Guidance notes. "Child" means the child referred to in Section A.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

I am the child's mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).*

or

I am the child's father or the child's mother's partner.*

(*delete one as applicable.)

I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.

My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit (£111 for 2014-15).
(delete if not applicable)

I expect to share the main responsibility for the care of the child with the person who has completed the declaration in Section F.

I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.

I will immediately inform Human Resources if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.

The information I have given in this notice is accurate.

Signed

Date

Section F: Declaration by person taking shared parental leave with employee

Guidance notes. "The employee" and "the child" are the employee and child referred to in Section A.

If the employee is the child's mother, you must be the child's father or the mother's partner.

If the employee is not the child's mother, you must be the child's mother.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name	
Address	
National Insurance number	
You employer's name and address (if employed) or your business address if self-employed.	

I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts parental leave.*

or

I am the child's father.*

or

I am the partner of the child's mother.*

*(*delete as applicable)*

I expect to share the main responsibility for the care of the child with the employee.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

My average weekly earnings are at least £30, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.

I consent to the employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

Signed

Date



**A Period of Leave Notice
for taking Shared Parental Leave (SPL)**

This form should not be completed before a 'maternity curtailment notice' and an 'entitlement and intention notice' is submitted. This form must be submitted at least 8 weeks before the start date of SPL.

Employees Full Name	
Address	
National Insurance No.	
Job Title	

Partners Full Name	
Address	
National Insurance No.	
Name of Employer	

Mothers Maternity Leave Information	Start Date:
	End Date:
The amount of SPL Available:	

The intended dates each parent wishes to take SPL (maximum of 3 blocks of leave for each parent)	
The total amount of shared parental leave each parent will be taking (in weeks)	

I can confirm that:

- The information stated above is a true indication of the Shared Parental Leave that I wish to take.
- During the proposed dates I will be taking care for the child.
- I meet the eligibility criteria as highlighted within the leave entitlements policy.

Signed

Date:

