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Maternity Support and Paternity Leave Policy

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CONTENTS

Objective	1
Maternity Support Leave	1
Nominated Carer	1
Eligibility for Maternity Support Leave.....	1
Notification for Maternity Support Leave.....	2
Application for Maternity Support Leave	2
Maternity Support Leave: Adoption/Surrogacy	2
Notification of Maternity Support Leave: Adoption	3
Notification of Maternity Support Leave: Surrogacy.....	3
Application for Maternity Support Leave for Adoption/Surrogacy	3
Paternity Leave	4
Main Provisions of Paternity Leave.....	4
Eligibility for Paternity Leave.....	4
Notification for Paternity Leave	5
Application for Paternity Leave	5
Statutory Paternity Pay (SPP)	5
Paternity Leave: Adoption/Surrogacy	5
Eligibility	5
Taking Leave.....	6
Notification	6
Application for Paternity Leave for Adoption/Surrogacy	7
Application for Maternity Support Leave & Pay	8
Application for Paternity Leave & Pay	9

1. **OBJECTIVE**

Rhondda Cynon Taf Council is committed to helping working parents. This policy provides guidance and information on Maternity Support and Parental Leave.

Shared Parental leave and Adoption and Surrogacy leave Policies are also available.

2. **MATERNITY SUPPORT LEAVE**

Maternity Support Leave of 5 days with pay shall be granted to the child's father or the partner, adoptive father, intended parent or nominated carer of an expectant mother at or around the time of birth and must be taken within 14 days of the placement of the child or of the birth or of the child coming home from hospital, it must be taken in a block of 5 days only.

There is no qualifying period for Maternity Support Leave.

The 5 days of Maternity Support Leave will be at full pay. If an individual who meets the eligibility criteria for Paternity Leave wishes to take a second week, it will be paid at Statutory Paternity Pay rate (SPP).

2.1. **Nominated Carer**

A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth within the time period set out in Section 2 above.

It should be noted that only one person can access Maternity Support Leave and that it is expected that in the first instance this will usually be the child's father, adoptive father, intended parent or the partner of the mother.

However if circumstances are such that none of these are available to support the mother then she can nominate another person as the nominated carer.

2.2. **Eligibility for Maternity Support Leave**

Employees will need to satisfy the following conditions in order to qualify for maternity support leave.

They must:

Be the biological father of the child, adoptive father, intended father or the mother's husband or partner (including same sex partners) or if none of these are available, the nominated carer of an expectant mother at or around the time of the birth.

Maternity support leave can only be granted to one person.

2.3. Notification for Maternity Support Leave

Employees will be required to give their line managers 28 days notice of their intention to take Maternity Support Leave. They will need to confirm:

- The week the baby is due or the expected date of the child's placement in the case of adoption
- They are the biological father of the child adoptive father, intended father, or the mother's husband or partner (including same sex partners) or the nominated carer of an expectant mother at or around the time of the birth.
- When the leave will start (it must be taken within 14 days of the placement of the child, or of the birth or of the child coming home from hospital).
- They are the only person who is applying for Maternity Support Leave and that no other person has been identified as the nominated carer.

2.4 Application for Maternity Support Leave

The employee will be required to complete an application form entitled 'Application for Maternity Support Leave' The application form includes a declaration that the employee meets the eligibility conditions and is the only person applying for maternity support leave.

2.5. Maternity Support Leave: Adoption/Surrogacy

Maternity support leave of 5 days with pay shall be granted to the child's adoptive father or the partner or nominated carer of an adoptive mother at or around the time of adoption and must be taken within 14 days of the child being placed.

A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the placement. It is expected that in the first instance this will be the adoptive father, intended parent or partner, however if circumstances are such that none of these are available to support the mother then she can nominate another person to be the nominated carer.

There is no qualifying period for Maternity Support Leave.

In the case of surrogacy the maternity support leave shall be granted around the time of the birth and must be taken within 14 days of the birth or the placement with the intended parents.

The five days Maternity Support Leave will be at full pay. If an individual who meets the eligibility criteria for Paternity Leave wishes to take a second week, it will be paid at the Statutory Paternity Pay rate.

2.6. Notification of Maternity Support Leave: Adoption

In the case of an adoption employees will be required to inform their line managers of their intention to take maternity support leave within seven days of being informed by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.

They will need to inform their manager:

- When the child is expected to be placed
- They are the adoptive father or the partner or nominated carer of an adoptive mother.
- When the leave will start (it must be taken within 14 days of the child being placed).
- They are the only person who is applying for Maternity Support Leave and that no other person has been identified as the nominated carer.

2.7 Notification of Maternity Support Leave: Surrogacy

In the case of surrogacy, employees will be required to give their line managers 28 days notice of their intention to take Maternity Support Leave. They will need to confirm:

- The week the baby is due
- They are an intended parent under a surrogacy arrangement and expect to have parental responsibility for the child
- When they want their leave to start (it must be taken within 14 days of the birth or the date the child comes home from hospital, or the placement of the child with the intended parents)
- They are the only person who is applying for Maternity Support Leave and that no other person has been identified as the nominated carer.

2.8. Application for Maternity Support Leave for Adoption/Surrogacy

The employee will be required to complete an application form entitled 'Application for Maternity Support Leave and Pay'. The application form includes a declaration that the employee meets the eligibility conditions and is the only person applying for maternity support leave.

3. PATERNITY LEAVE

The right to paternity leave is available to the biological father of a child or to a person who is married to, the civil partner of, or the partner of, the child's mother. It is also available where a couple jointly adopt a child or enter into a surrogacy agreement to the parent or partner who does not take adoption or surrogacy leave. The definition of partner includes same sex partners.

To qualify for paternity leave the employee, must have, or expect to have, responsibility for the child's upbringing and be taking the leave to care for the child.

3.1 Main Provisions of Paternity Leave

Eligible employees are entitled to choose to take either one week or two consecutive weeks' Paternity Leave (N.B. odd days cannot be taken).

Eligible employees may choose to start their leave:

- From the date of the child's birth (whether this is earlier or later than expected) or
- From any day of the week on or following the child's birth but must be completed:
- Within 56 days of the actual date of birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

N.B. One week paternity leave may be substituted for one week maternity support leave on full pay providing the eligibility criteria set out above in point 2.2 is met. It should be noted that Maternity Support Leave has to be taken within 14 days of the child's placement at adoption, or of the child's birth or the child coming home from hospital and can only be granted to one person.

3.2 Eligibility for Paternity Leave

Employees will need to satisfy the following conditions in order to qualify for paternity leave.

They must:

- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child or the mother's husband or partner (including same sex partners)
- Have worked continuously for the council for 26 weeks leading into the fifteenth week before the baby is due or by the week in which the adoption is notified.

3.3 Notification for Paternity Leave

Employees will be required to give their line managers 28 days notice of their intention to take Paternity Leave. They will need to confirm:

- The week the baby is due
- Whether they wish to take one or two weeks' leave
- When they want their leave to start.

3.4 Application for Paternity Leave

The employee will be required to complete an application form entitled 'Application for Paternity Leave' as evidence of their entitlement to SPP. The application form includes a declaration that the employee meets the eligibility criteria.

3.5 Statutory Paternity Pay (SPP)

Statutory Paternity Pay will be paid at the same rate as the standard rate for Statutory Maternity Pay.

3.6 Paternity Leave: Adoption/Surrogacy

Paternity Leave is available for adopters, and employees who have entered in to a surrogacy agreement/arrangement. The employee can take either one-week's leave or two consecutive week's leave.

It must be taken within 56 days of the child being placed.

Eligibility

The leave is available for the purpose of caring for the child or supporting the child's adopter or surrogate parent. To be eligible the employee must:

- Have 26 week's continuous service by the end of the notification week (the week the adopter is notified as being matched with a child)
- Be married to or the partner of the child's adopter/surrogate parent; and

- Expect to have responsibility for the upbringing of the child
- Employees are only entitled to one period of leave regardless of the number of children adopted or the number of surrogate children born

Taking Leave

In the case of adoption the employee may choose to begin the leave on:

- The date the child is placed with the adopter
- A certain number of days after the child is placed; or
- On a predetermined date later than the date the child is expected to be placed

In the case of surrogacy the employee may begin the leave on:

- The date the child is expected
- A certain number of days after the expected date
- On a predetermined date later than the expected date

Notification

In the case of adoption, employees will be required to inform their line managers of their intention to take ordinary paternity leave within seven days of being informed by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.

They will need to inform their manager:

- When the child is expected to be placed
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

In the case of surrogacy employees will be required to give their line managers 28 days notice of their intention to take ordinary Paternity Leave. They will need to confirm:

- The week the baby is due
- Whether they wish to take one or two weeks' leave
- When they want their leave to start.

Employees will be able to change their mind about the date on which they want their leave to start providing they tell their employer 28 days in advance (unless this is not reasonably practicable). Employees will have to tell their managers the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

Application For Paternity Leave For Adoption/Surrogacy

The employee will be required to complete an application form entitled 'Application for Ordinary Paternity Leave and Pay' as evidence of their entitlement to SPP. The application form includes a declaration that the employee meets the eligibility conditions.

APPLICATION FOR MATERNITY SUPPORT LEAVE & PAY

Your dates for pay and leave:

The expected date of placement of the baby is:

Or

The baby is due on:

If the baby has been born, enter the actual birth date:

I would like my 5 days maternity support leave (at my full pay rate) to start on:

.....

Your Declaration:

Surname:

First Name(s):

Division/Department:

Payroll Number:

I Declare that:

I am the child's father/adoptive father/intended parent/partner/nominated carer of an expectant mother. (A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth).

In the case of the 'nominated carer' please give brief details of the reason you require this leave (for example no husband or partner is available and I am the nominated carer for the expectant mother.)

That I am the only person who has been identified as the nominated carer for the child.

I will take time off work to support the mother or care for the child

I agree that I will notify my Line Manager in writing of the date the child is born.

Signature: Date:

Mothers Declaration

I confirm that _____ named above is the only person identified as nominated carer for the child and that I have no other support to assist with the care of the child.

Signature: Date:

APPLICATION FOR PATERNITY LEAVE & PAY

Your dates for pay and leave:

Expected date of placement of child:

Or

The baby is due on:

If the baby has been born, enter the actual birth date:

I would like to take 5 days maternity support leave (at my full pay rate) to start on:
..... (this must be within 14 days of the placement of the child or birth or the baby coming home from hospital)

I would like to take 1-week Statutory Paternity Pay rate to start on*

*delete if not applicable

Your Declaration:

Surname:

First Name(s):

Division/Department:

Payroll Number:

I Declare that:
I am the child's father/ adoptive father/ surrogate father/ partner/ nominated carer of an expectant mother. (A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth). That I am the only person who has been identified as the nominated carer for the child

I agree that I will notify my Line Manager in writing of the date the child is born.

Signature: Date:

If you wish to apply for the Paternity Leave you must comply with the following statements to be entitled to Statutory Paternity Pay (SPP) and Leave.

I declare that I am:

The baby's biological father/adoptive father/ surrogate father/married to the mother/civil partner to the mother/living with the mother in an enduring family relationship but am not an immediate relative

I have responsibility for the child's upbringing

I will take time off work to support the mother or care for the child

Signature: Date: