



MATERNITY, PATERNITY AND ADOPTION SUPPORT POLICY (Inc. Additional Paternity)

Date Policy Created: June 2012

Committee Date: 16th July 2012

Reviewed: September 2014

Review Schedule: 2 years

Next review Date: July 2016

Responsibility: Finance and Premises Committee

Useful Contacts and Information

Personnel

College Manager 01392 463908, internal extension 228
Email: hopkinsa@clystvaled.org

Personnel Officer 01392 463911, internal extension 231
Email: bowenw@clystvaled.org

Payroll

Salaries 01392 383000
Email: payroll@devon.gov.uk

Pensions

Support Staff 01392 383000
Email: pensions@devon.gov.uk

Teaching Staff 0845 6066166
www.teacherspensions.co.uk

HM Revenue & Customs <http://www.hmrc.gov.uk>

Department for Work & Pensions <http://www.dwp.gov.uk>

Devon Information on Services For Children (DISC) 0845 1551013
<http://www.devon.gov.uk/disc.services.htm>
Email: discinfo@devon.gov.uk

Directgov <http://www.direct.gov.gov.uk/en/index.htm>

Useful Policies listed below can be found at:

F:\Public Policies CVCC Academy Policy Folder:

- Flexible Working Request Policy
- Health & Safety Policy
- Risk Assessment
- Expectant and New Mothers at Work Guidance
- Keeping in Touch days (Maternity Leave)
- Maintaining Contact and Keeping in Touch days (Paternity/Adoption Leave)

CONTENTS

Useful Contacts & Information	2
-------------------------------	---

Maternity and Adoption Support Leave

Part A

1.0	Introduction	5
2.0	Policy	5
3.0	Principles	5

Procedure

4.0	Notification	6
5.0	Commencement of leave	6
6.0	Return to work	6

Guidance

7.0	Maternity and adoption support leave and pay eligibility and entitlement	7
8.0	Return to work	8
9.0	Pension contributions and leave	8
10.0	Terms & Abbreviations	9
11.0	Appendices	
	1 – Entitlement flowchart	10

Additional Paternity

Part B

12.0	Introduction	11
13.0	Scope	11
14.0	Principles	11
15.0	Additional Paternity Leave (APL)	11
16.0	Additional Paternity Pay (APP)	12
17.0	Equality Statement	13
18.0	Queries	13

Procedure

19.0	Notice of Intention to take APL, and APP where eligible	14
20.0	Appraisal	14
21.0	Losing Eligibility to APL, and APP where eligible	14
22.0	Changing the APL Start and End Dates or Cancelling APL	14
23.0	Commencing APL	15
24.0	Contact during APL	15
25.0	Returning to Work	15
26.0	Flexible Working Requests	16
27.0	Choosing Not to Return to Work	16

Additional Policy Information

28.0	Working during APL – “Keeping in Touch” (KIT) days	18
29.0	Annual Leave Entitlements during APL	18
30.0	Pension Contributions during APL	20

31.0	Right to Return to Work	20
32.0	In the Event of the Mother's Death	20
33.0	Appendices	
	1. Adoption Information	21
	2. Terms and Abbreviations	23
	3. Pensions Contributions during OPL and APL	25

MATERNITY AND ADOPTION SUPPORT LEAVE

Part A

1.0 Introduction

- 1.1 This policy, procedure and guidance applies to all staff employed by Clyst Vale Academy Trust (known as Clyst Vale Community College).

2.0 Policy

- 2.1 Maternity and Adoption Support Leave is to be taken in accordance with national, local and statutory conditions of service. Clyst Vale Community College's Maternity and Adoption Support Leave Scheme shall apply to all employees regardless of the number of hours worked per week. Nothing in the provisions shall be construed as providing rights less favourable than statutory rights.
- 2.2 The Maternity and Adoption Support Scheme is provided to allow eligible employees paid leave:
- to care for a child
 - to support the mother following birth
 - to support an adoptive parent who is taking the main caring responsibility
- 2.3 There are two elements to the scheme - the statutory entitlements and the contractual entitlements. The Clyst Vale Community College Maternity and Adoption Support Scheme is an amalgamation of the two sets of entitlements.

3.0 Principles

- 3.1 Clyst Vale Community College is committed to equality in its Maternity and Adoption Support policy. The conditions for qualification for leave and pay under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

Procedure

4.0 Notification

- 4.1 An eligible employee must give notice in writing to their line manager/College Manager of their intention to take leave by the fifteenth week before the week that the child is due or in the case of an adoption within seven days of notification of matching with a child, unless this is not reasonably practicable. This letter must include:
- the expected week the baby is due or the expected date of placement in the case of adoption
 - whether they wish to take one or two weeks' leave
 - the date when leave is to begin
 - the relationship of the employee to the mother or in the case of adoption, the main adopter
- 4.2 A copy of this letter must be forwarded to the Payroll section who will send the employee a Maternity or Adoption Support pack which includes notification forms SC3 (maternity) or SC4 (adoption) which must be completed and returned to the Payroll section as soon as possible.
- 4.3 The employee can change the date on which the leave will start by giving 28 days' notice of the change of date, or as soon as is reasonably practicable in the case of a premature or delayed birth.

5.0 Commencement of leave

- 5.1 When the employee begins maternity or adoption support leave the line manager must ensure that the CTP1 'Report of Absence' form is completed, stating the date that the employee commenced adoption leave. The reason for absence should be indicated in the 'other' category and 'maternity support leave' or 'adoption support leave' should be clearly written in the box.

6.0 Return to work

- 6.1 Upon return to work the line manager must ensure that the CTP1 'Report of Absence' form is completed, stating the date that the employee commenced adoption leave. The reason for absence should be indicated in the 'other' category and 'maternity support leave' or 'adoption support leave' should be clearly written in the box.

Guidance

7.0 Maternity and adoption support leave and pay eligibility and entitlement

- 7.1 An employee with **less than 26 weeks' continuous service with Clyst Vale Community College** at the fifteenth week before the child is due or the week in which the adoptive parent is notified of having been matched with the adoptive child and is:
- the child's father or
 - the mother's husband, partner or nominated carer or
 - the child's adoptive parent who is not taking the main caring responsibility

is entitled to take one week's leave with pay at or around the time of the birth or placement (see appendix 1).

- 7.2 An employee with **26 weeks' or more continuous service with Clyst Vale Community College** at the fifteenth week before the child is due and is:
- the nominated carer of an expectant mother

is entitled to take one week's leave with pay at or around the time of the birth (see appendix 1).

- 7.3 An employee with **26 weeks' or more continuous service with Clyst Vale Community College** at the fifteenth week before the baby is due or the week in which the adoptive parent is notified of having been matched with the adoptive child and is:
- the child's father or
 - the mother's husband or partner or
 - the child's adoptive parent who is not taking the main caring responsibility

is entitled to take either one week's leave or two consecutive weeks' leave. There is no entitlement to take odd days. This is because this option includes the statutory entitlements of leave and pay and a condition for the receipt of statutory pay is that the leave is taken in a block or blocks. Pay during the first week of leave will be full pay. Any entitlement to Statutory Pay will be included in this amount and the Authority will be able to offset this against the full pay. Pay during the second week of leave will be any Statutory Paternity Pay due. (An employee is eligible for Statutory Paternity Pay if their average weekly earnings are at or above the Lower Earnings Limit for National Insurance at the end of the qualifying week.) (See appendix 1). Current rates are available from the Directgov website.

- 7.4 Any leave must be taken within 56 days of the birth or placement of the child. If the child is born early, leave can be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of confinement.
- 7.5 Employees wishing to take their Maternity or Adoption Support Leave flexibly (ie in odd days) must obtain the approval of their manager. The statutory scheme which is applicable to employees with 26 weeks' or more continuous service allows for leave to be taken only in blocks of a week or two weeks. Therefore, employees

who wish to take leave flexibly will only be entitled to the contractual element of the scheme which is one week.

- 7.6 Only one period of leave and pay, which cannot exceed two weeks, can be taken by one employee in respect of each birth or adoption irrespective of whether more than one child is born or adopted.
- 7.7 Leave can start on any day of the week on or after the child's birth/date of placement. If the baby is born earlier than the fourteenth week before it is due and but for the birth occurring early the employee would have been employed continuously for 26 weeks then the employee will have been deemed to have the necessary length of service.
- 7.8 A qualifying employee will be entitled to paid leave if the child is stillborn after 24 weeks of pregnancy.

8.0 Return to Work

- 8.1 Employees are entitled to return to work to the same job following Maternity or Adoption Support Leave.

9.0 Pension contributions and leave

- 9.1 **Teachers** - During the period of paid maternity or adoption support leave, pension contributions will be paid and deducted from the teacher's pay in the usual manner. The service will count as normal for pension purposes, ie as if the employee had been at work.
- 9.2 **All other staff** - During the period of paid maternity or adoption support leave, employees who are members of the Local Government Pension Scheme, will pay basic pension contributions on the pay actually received but Clyst Vale Community College will pay pension contributions on the pay the employee would have received had they been at work (notional pay). The service will count as normal for pension purposes, i.e. as if the employee had been at work.

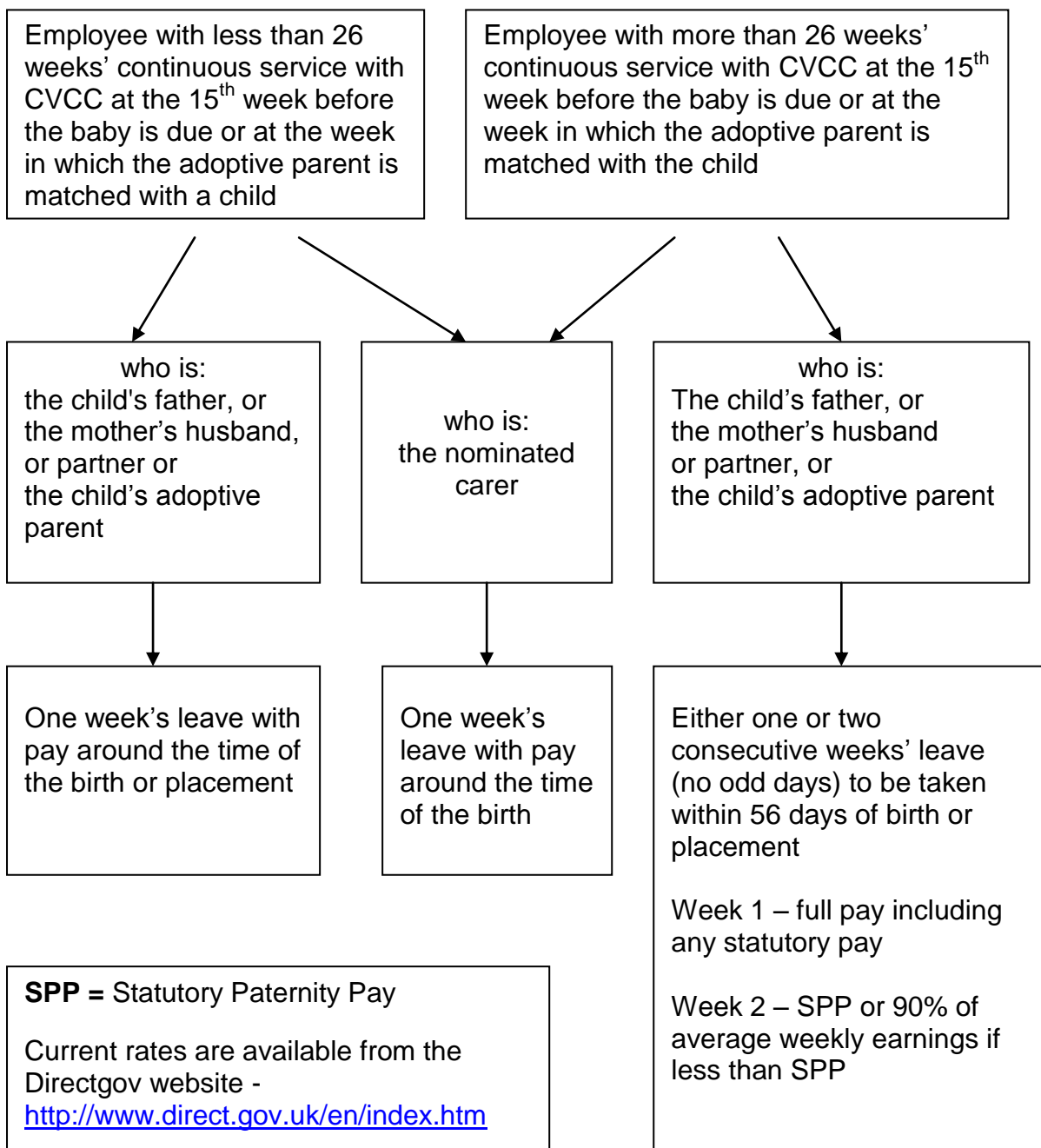
10.0 Terms and Abbreviations

Matched	A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person.
Maternity/Adoption Support Leave	A maximum of two weeks' leave (subject to eligibility) which can be used to care for a child or support the child's mother/adopter.
Nominated carer	The person nominated by the mother to provide support at or around the time of birth.
Partner	Someone who lives with the mother of the baby in an enduring family relationship but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle. A partner does not have to be of the opposite sex and includes civil and married partners.
Placement	The placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted.
Statutory Paternity Pay (SPP)	A weekly state benefit for employees who are on Maternity/Adoption Support Leave (subject to eligibility). Current rates are available from the Directgov website: http://www.direct.gov.uk/en/index.htm

11.0. Appendices

Appendix 1

Maternity and Adoption Support Scheme Eligibility and Entitlements



ADDITIONAL PATERNITY

Part B

12.0 Introduction

12.1 This policy sets out the rights of employees to Additional Paternity Leave (APL) and Additional Paternity Pay (APP) in accordance with statutory legislation that came into effect for:

- fathers and partners of mothers of children due on or after 3 April 2011
- adoptive parents who are notified of having been matched with a child on or after 3 April 2011 (in the case of UK adoptions), and
- adoptive parents whose adopted child enters Great Britain for the purpose of adoption on or after 3 April 2011 (in the case of an overseas adoption)

Note: For ease of illustration, this policy refers to APL and APP in the case of a birth child only. For specific information covering adoptions, please see Appendix 1.

12.2 An employee who qualifies for APL may elect to take up to 26 weeks' APL within the first year of the child's life provided that the mother has returned to work prior to taking her full entitlement to maternity leave.

12.3 APP may be payable, at the statutory rate, during some or all of the APL period of between two and 19 weeks, dependent on the mother meeting certain criteria and on the length and timing of the APL period.

12.4 An employee may take just one period of APL per pregnancy, regardless of the number of children born.

12.5 The APL and APP provisions set out in this policy are in addition to those outlined in the Sections 15.0 and 16.0 of this policy, which incorporates Ordinary Paternity Leave and Ordinary Paternity Pay.

13.0 Scope

13.1 This policy applies to all Clyst Vale Community College employees.

14.0 Principles

14.1 Employees are free to exercise their rights to APL and APP where eligible, and the right to return to work.

14.2 Full consideration is given to the full range of flexible working arrangements when requested by employees returning to work after APL and these are approved where possible.

15.0 Additional Paternity Leave (APL)

15.1 In order to be eligible for APL, an employee must satisfy each of the criteria listed below. He/she must:

- a) be the child's biological father, or the mother's husband, civil partner or partner but not the child's biological father, and have or expect to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing.
- b) be taking the leave for the purposes of caring for the child.
- c) have at least 26 weeks' continuous service with Clyst Vale by the "qualifying week", which is the end of the 15th week before start of the week in which the child is born (the Expected Week of Childbirth).

(The "qualifying week" starts on a Sunday and ends on a Saturday.)

- d) remain in continuous employment with Clyst Vale until the week before the first week of APL.
- e) provide Clyst Vale with eight weeks' notice (see 8.0).

In addition to the above, the mother must meet the eligibility criteria outlined below. She must:

- f) be entitled to one or more of maternity leave, Statutory Maternity Pay or Maternity Allowance.
- g) have physically returned to work before using her full entitlement to maternity leave, and consequently no longer be entitled to receive Statutory Maternity Pay or Maternity Allowance where eligible. If the mother has not physically returned to work (eg takes annual leave, parental leave, or is not at work due to school holidays, or is sick at the end of her maternity pay period) this does not count as a return to work.

15.2 APL must be taken in a single continuous block in multiples of complete weeks. The minimum period is two weeks and the maximum 26 weeks.

15.3 An employee may choose to take his/her APL any time in the period which begins 20 weeks and ends 12 months after the child is born. (APL does not need to be taken immediately after the mother returns to work, although the right to APL, and APP where eligible, is triggered only by the mother's return to work.)

15.4 An employee has the right to take unpaid APL if he/she meets the eligibility criteria for leave but not Additional Paternity Pay (APP).

16.0 Additional Paternity Pay (APP)

16.1 An employee is eligible to APP if:

- he/she meets the eligibility criteria for APL as set out in 15.1
- his/her average weekly earnings for the period of eight weeks ending with the "qualifying week" are not less than the lower earnings limit for national insurance contributions (see 15.1.c for explanation of qualifying week)
- the mother has at least two weeks of her Statutory Maternity Pay or Maternity Allowance period that remains unexpired

- he/she gives proper notification as set out in 19.0

16.2 Where an employee is eligible for APP, this is payable during some or all of the APL period, between two and 19 weeks, dependent on the length and timing of the APL. This is because APP is payable only during the 39 week period that the mother would have been entitled to Statutory Maternity Pay or Maternity Allowance if she had not returned to work before using her full entitlement to maternity leave.

(APP cannot be put “on hold” if there is a gap between the mother’s maternity leave and the start of the employee’s APL.)

16.3 All APL taken after the end of the mother’s Statutory Maternity Pay or Maternity Allowance period is unpaid.

16.4 APP is paid at the standard statutory rate or 90% of the employee’s average weekly earnings, if this is less. Current rates are available from the [Direct Gov](#) website.

16.5 APP starts on or after the date that the mother physically returns to work, and when the employee gives notice for it to start.

16.6 APP continues to be paid during the 10 Keeping in Touch (KIT) days, but it is not payable in any week in which work is carried out in excess of those 10 days.

16.7 APP is payable whether or not the employee intends to return to work after his/her APL period.

16.8 APP is not payable where an employee carries out any work for a new employer.

17.0 Equality Statement

17.1 The HR Helpdesk, as the first line of contact, will ensure that employees are able to access a copy of this policy. Employees based in a school should obtain a copy from their school.

17.2 Clyst Vale seeks to eliminate discrimination, advance equality and foster good relations.

17.3 Clyst Vale is committed to the principle of equal opportunities in employment regardless of a person’s age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

18.0 Queries

18.1 Any queries regarding this policy should be referred to the College Manager, telephone number: 01392 463908, internal extension 228. Email: hopkinsa@clystvale.org

Procedure

19.0 Notice of Intention to take APL, and APP where eligible

- 19.1 Where an employee wishes to request APL, and APP where eligible, he/she must give his/her manager written notice of the date on which he/she wishes this to start and end.
- 19.2 A copy of this written notice must be forwarded to Payroll, as soon as possible, who will send the employee an APL HMRC notification form and explanatory letter.
- 19.3 The employee must submit the fully completed HMRC notification form to Payroll eight weeks prior to commencing APL, and send a copy to his/her manager for information. Any delay could result in APL being postponed.
- 19.4 Payroll will respond to the notification in writing within 28 days confirming the start and end dates of the APL, and APP where eligible, and send a copy to the manager.
- 19.5 Copies of all the documentation/information will be kept on the employee's payroll records and/or College personnel file, as appropriate.

20.0 Appraisal

- 20.1 If a performance appraisal is due during the APL period, the manager should agree with the employee to either carry this out before or after this leave.

21.0 Losing Eligibility to APL, and APP where eligible

- 21.1 An employee may lose his/her eligibility for APL, and APP where eligible, if he/she is no longer married to or the partner of the child's mother and/or no longer has the main responsibility for the upbringing of the child. Eligibility will also be lost if the mother is no longer entitled to maternity leave or has not returned to work, for example, where she has been made redundant. In these circumstances, advice should be sought (see 19.0).

22.0 Changing the APL Start and End Dates or Cancelling APL

- 22.1 Before APL starts, the employee may cancel the leave or change the start or end dates. To do this, the employee must give his/her manager written notice ("subsequent notice") either six weeks before the date that he/she is cancelling or changing or six weeks before the new date, whichever is the earlier.
- 22.2 If it is not reasonably practicable for the employee to do this, he/she must give notice as soon as is reasonably practicable. Clyst Vale can require the employee to take a period of APL where it is not reasonably practicable for the business/service area to accommodate the employee's proposed change. In this case, APL will start on the date originally given and shall end no later than six weeks after the employee gave subsequent notice or the date the leave was due to end, whichever is the earlier.

22.3 In these circumstances, the manager will write to the employee confirming the revised APL start and end dates, as soon as reasonably practicable.

23.0 Commencing APL

23.1 When the employee's APL period starts, the manager must ensure that the ['Online Absence Report'](#) is completed to ensure Payroll is notified. The manager should also make a note of when the employee is expected to return.

23.2 If a temporary replacement is required to cover the employee's APL, the temporary employee must be informed in his/her contract of employment that the employment will be terminated on the return to work of the employee after taking APL or if there are any other circumstances whereby the employee does not take this leave.

24.0 Contact during APL

24.1 Managers will maintain contact with the employee during the APL period to keep him/her informed of any job vacancies, significant workplace developments and training opportunities and to discuss any issues such as those that relate to returning to work.

This type of contact does not constitute 'work' and will not therefore count towards the 10 "Keeping in Touch" days (see 28.0) nor bring the APL period to an end.

25.0 Returning to Work

25.1 If the employee returns at the end of the APL period as intended, he/she does not need to give specific notice although confirmation of this to his/her manager is required in order that suitable arrangements can be made.

25.2 If the employee is unable to return to work on the intended return date due to sickness, the employee will then commence a period of sickness absence and will be treated as any other employee who is absent due to sickness, including the payment of sick pay where eligible.

25.3 The manager should ensure that an ['Online Absence Report'](#) is completed upon the employee's return to work to ensure Payroll is notified.

25.4 The manager and employee should calculate any entitlement to public/extra statutory holidays that occurred during the APL period and make arrangements for taking of any substitute days (see 29.0).

25.5 See 31.0 for information on an employee's right to return to work.

26.0 Flexible Working Requests

26.1 Clyst Vale offers a number of flexible working policies (eg part-time working, and parental leave) aimed at helping employees to achieve a better work-life balance through enabling greater flexibility as to when, how and where they work, whilst meeting business/service requirements. An employee returning to work after taking APL may wish to consider these options.

27.0 Choosing Not to Return to Work

27.1 The employee must give normal notice of resignation if he/she does not intend to return to work after the intended APL period.

27.2 The last day of APL will be the last day of employment, unless the employee has given written notice that he/she wishes to resign on an earlier date.

27.3 The manager will need to ensure that a [Leaver's Form \(Prism 2 for Support Staff, Prism 2T for Teaching Staff\)](#) is completed, confirming the last day of employment.

Additional Policy Information

28.0 Working during APL - “Keeping in Touch” (KIT) days

- 28.1 An employee can undertake 10 days’ work at Clyst Vale during his/her APL period without bringing this to an end. These are known as “Keeping in Touch” (KIT) days. Any work carried out on a day shall constitute a day’s work for these purposes.
- 28.2 Work is defined as any work carried out under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.
- 28.3 A manager cannot insist that an employee carries out any work and equally an employee cannot insist on being given any work during the APL period.
- 28.4 An employee’s APL will not be extended due to the fact that he/she has undertaken work as KIT days during this period.
- 28.5 An employee will not lose any APP due where eligible, for working up to 10 KIT days.
- 28.6 An employee will be paid their normal rate of pay for any work carried out which will be offset against any APP due for each day.
- 28.7 An employee will lose APP for any week in which he/she agrees to undertake any further work for Clyst Vale. This may also bring the APL period to an end.

29.0 Annual Leave Entitlements during APL

29.1 All employees excluding Teachers and Term Time Staff

- 29.1.1 APL does not affect annual leave entitlement, ie when taking APL the employee will still be entitled to his/her full annual leave allowance within the year(s) in which the APL is taken.
- 29.1.2 If an employee's APL spans two annual leave years, they will be able to carry forward their contractual entitlement into the new leave year. However, the manager should be proactive about managing the amount of leave that the employee will have, and discuss the options available as early as possible. These options could be to:
- take annual leave before the start of the APL
 - start the APL earlier than anticipated and fit in the annual leave before returning to work
 - return before the end of the APL so that the remaining leave can be taken before the end of the annual leave year
- 29.1.3 During APL, annual leave will accrue in the same way as it did before this leave began. If the employee returns to work on a reduced hours basis, on

the date of return to work the annual leave will begin to be calculated at the new pro-rata rate.

29.1.4 If the employee decides not to return to work, annual leave will accrue up to the final date of employment.

29.1.5 If during the APL period the employee subsequently decides not to return to work and too much annual leave has been taken, there will be a requirement to pay back some of the annual leave taken in advance.

29.2 Teachers only

29.2.1 The leave year for teachers, for the purpose of establishing annual leave entitlement whilst on APL is 1 September to 31 August.

29.2.2 In accordance with Working Time Regulations, the statutory leave entitlement for employees is 28 days (5.6 weeks), pro-rata for those working part time. This is not an additional entitlement to annual leave on top of the current school closure arrangements.

29.2.3 A teacher who takes APL must be able to take the above statutory annual leave entitlement at a time outside of the APL period. This leave can be offset by any period of school closure that has taken place in the leave year in question ie both before and after the APL period.

29.2.4 On return from APL, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate leave in that leave year. Where the return from APL is so close to the end of the leave year that there is not enough time to take the entire annual leave entitlement, he/she must be allowed to carry over any balance of leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the statutory annual leave for that leave year has been accommodated.

29.2.5 It is not possible for a teacher to obtain payment in lieu of untaken annual leave instead of taking leave during the leave year. However, payment in lieu may be necessary if a teacher does not return to his/her job following APL. Payment will be made in accordance with the Working Time Regulations and is not pensionable.

29.3 Public and extra statutory holiday entitlement during APL (not applicable to Teachers)

29.3.1 **Full time employees:** During APL an employee is entitled to accrue public holiday entitlement as those public holidays and extra statutory days fall, with a substitute day of paid leave being provided at another time.

- 29.3.2 **Part time employees:** During APL an employee is entitled to accrue pro-rata public holiday and extra statutory day entitlement as those days fall, and will be given a substitute day of paid leave at another time.
- 29.3.3 **Term time employees:** Term time only employees should be given a substitute day of paid leave during term time, where a public holiday/extra statutory day falls during the APL period. This should be managed locally, in the same way as the additional day of annual leave after 10 years' continuous service.
- 29.3.4 Substitute days of leave may be taken immediately following the end of the period of APL, which should allow for any cover arrangements to be managed most effectively. Alternatively, any substitute days of leave may be added to the leave entitlement to be taken upon the return to work. In all cases, this should be recorded.

30.0 Pension Contributions during APL

30.1 Local Government Pension Scheme Members (not applicable to teachers)

- 30.1.1 During any period of paid APL (ie during the period APP is paid) an employee who is a member of the Local Government Pension Scheme will pay basic pension contributions on the actual pay he/she receives, although Clyst Vale will pay pension contributions on the pay the employee would have received had he/she been at work (notional pay). The service will count as normal for pension purposes (i.e. as if the employee had been at work).
- 30.1.2 During any period of unpaid APL, the unpaid period will not count for pension purposes unless the employee makes an election for it to count. If an employee wishes to buy-back pension 'lost' in respect of a period of authorised unpaid leave they can do so by paying an age-related Additional Pension Contribution (APC) contract, either over a period of time (where practicable) or as a one-off lump sum. As long as the employee elects within 30 days of returning from the leave of absence, the cost of the APC contract will be split one third employee and two thirds employer. If the employee elects after the 30 day period, the cost of the APC contract will be at full cost to the employee.
- 30.1.3 Where an employee works on a Keeping in Touch day, both the employee and Clyst Vale will pay contributions based on the pay the employee receives for that day, and the day will count as a day of scheme membership.

30.2 Teachers' Pension Scheme

- 30.2.1 During any period of paid APL (i.e. during the period APP is paid) an employee who is a member of the Teachers' Pension Scheme will pay pension contributions on the actual pay he/she receives.

30.2.2 During any period of unpaid APL, the employee will no longer be a member of the scheme.

30.2.3 For further information, see the [Teachers' Pension Scheme](#) website which includes a fact sheet relating to maternity and paternity.

31.0 Right to Return to Work

31.1 Employees have the right to return to work following APL as set out in 31.0.

31.2 'Return to work' means to the job to which the employee was employed under his/her original contract of employment, and on terms and conditions not less favourable than those which would have been applicable to him/her if he/she had not been absent. 'Job' for this purpose, means the nature of the work that he/she is employed to do and the capacity and place in which he/she is so employed.

31.3 Where it is not practicable by reason of redundancy for Clyst Vale to permit the employee to return to work in his/her job, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. The duties in that post should be suitable for the employee and appropriate to the circumstances. Also, the capacity and place in which the employee is to be employed and his/her terms and conditions of employment should not be substantially less favourable to him/her than if he/she had been able to return to the job in which he/she was originally employed. Suitable alternative employment as described above may also be offered if exceptional circumstances other than redundancy (eg a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which he/she was employed prior to his/her absence.

32.0 In the Event of the Mother's Death

32.1 Special provisions apply in the event of the mother's death and in these circumstances, advice should be sought as set out in 18.0.

33.0 Appendices

Appendix 1 – Adoption Information

As the policy refers to Additional Paternity Leave (APL) and Additional Paternity Pay (APP) in the case of a birth child only for ease of illustration, this appendix provides specific information relating to adoptions (in the UK and from overseas).

The table below shows the wording that should be replaced throughout the policy:

<u>Policy wording</u>	<u>Replacement wording</u>
mother	primary adopter
maternity leave	adoption leave
Statutory Maternity Pay	Statutory Adoption Pay
Maternity Allowance	(No adoption equivalent)

The table below shows the wording that should be replaced in respect of the clause numbers listed:

<u>Clause number</u>	<u>Replacement text</u>
12.2	<p>(in the case of a UK adoption) An employee who qualifies for APL may elect to take up to 26 weeks' APL within the first year after the child's placement for adoption, and it must end no later than 12 months after that date, provided that the primary adopter has returned to work prior to taking his/her full entitlement to adoption leave.</p> <p>(in the case of an overseas adoption) An employee who qualifies for APL may elect to take up to 26 weeks' APL within the first year after the child enters Great Britain, and it must end no later than 12 months after that date, provided that the primary adopter has returned to work prior to taking his/her full entitlement to adoption leave.</p>
12.4	An employee may take just one period of APL per adoption, regardless of the number of children placed under the same adoption arrangement.
15.1.a	<p>[In order to be eligible for APL, an employee must satisfy each of the criteria listed below. He/she must:]</p> <p>(in the case of a UK adoption) be married to, the civil partner of, or the partner of the child's primary adopter and be matched with the child for adoption, or</p> <p>(in the case of an overseas adoption) be married to, the civil partner of, or the partner of the child's primary adopter, and have or expect to have the main responsibility (apart from any responsibility of the primary adopter) for the child's upbringing.</p>

15.1.c	<p>(in the case of a UK adoption) have at least 26 weeks' continuous service with Clyst Vale by the end of the week he/she is notified of having been "matched" with the child, or</p> <p>(in the case of an overseas adoption) have at least 26 weeks' continuous service with Clyst Vale by the end of the week in which "official notification" was sent from the relevant domestic authority or, commencing with the week in which his/her employment with Clyst Vale began (to accommodate the possibility that the official notification may have been received a year or more before the child enters the UK and the employee may have changed employer in this time).</p>
15.1.f 15.1.g	<p>[In addition to the above, the primary adopter must meet the eligibility criteria outlined below. He/she must:]</p> <p>be entitled to one or both of adoption leave or Statutory Adoption Pay.</p> <p>have physically returned to work before using his/her full entitlement to adoption leave, and consequently no longer be entitled to receive Statutory Adoption Pay where eligible. If the primary adopter has not physically returned to work (eg takes annual leave, parental leave, or is not at work due to school holidays, or is sick at the end of his/her adoption pay period) this does not count as a return to work.</p>
15.3	<p>[An employee may choose to take his/her APL any time in the period:]</p> <p>(in the case of a UK adoption) within the first 12 months after the child's placement for adoption provided that the primary adopter has returned to work, or</p> <p>(in the case of an overseas adoption) within the first 12 months after the child enters Great Britain provided that the primary adopter has returned to work.</p> <p>(APL does not need to be taken immediately after the primary adopter returns to work, although the right to APL, and APP where eligible, is triggered only by the primary adopter's return to work.)</p>

Appendix 2 – Terms And Abbreviations

Additional Paternity Leave (APL)	<p>An employee who meets the eligibility criteria for APL may choose to take up to 26 weeks' APL:</p> <ul style="list-style-type: none"> • within the first year of the child's life, or • within the first 12 months after the child's placement for adoption (in the case of UK adoption), or • within the first 12 months after the child enters Great Britain (in the case of an overseas adoption) <p>provided that the mother or primary adopter has returned to work prior to taking his/her full entitlement to maternity or adoption leave.</p>
Additional Paternity Pay (APP)	<p>APP may be payable at the statutory rate during some or all of the APL period, between two and 19 weeks, dependent on the mother or primary adopter meeting certain criteria and on the length and timing of the APL period.</p>
Adoption from overseas	<p>Refers to the adoption of a child who enters Great Britain from outside the UK in connection with, or for the purposes of, adoption that does not involve the placement of the child for adoption under the law of any part of the UK.</p>
Expected Week of Childbirth (EWC)	<p>This is the week the baby is expected to be born (in the case of a birth child).</p>
Job	<p>For this purpose, means the nature of the work that the employee is employed to do and the capacity and place in which he/she is so employed.</p>
Matched	<p>A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person (in the case of UK adoptions).</p>
Maternity Allowance	<p>Where a mother does not qualify for Statutory Maternity Pay, she may be entitled to Maternity Allowance. (Both are statutory benefits.)</p>
Maternity & Adoption Support Leave	<p>A maximum of two weeks' leave (subject to eligibility) which can be used to care for a child or support the child's mother/primary adopter, which incorporates Ordinary Paternity Leave. See Part B of this Policy for more information about Ordinary Paternity Leave and Ordinary Paternity Pay.</p>
Official notification	<p>Means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming that the primary adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.</p>

<p>"Partner" in relation to a child's mother</p>	<p>Means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.</p> <p>Where the child's mother was adopted, her full blood and half blood relatives will still be classed as relatives. The adoptive parents will also be treated as relatives. However, no other adoptive relationships will be treated in this way. Therefore, any other member of the adoptive family could be a partner of the child's mother and would be able to make a request if they fulfilled the other criteria.</p>
<p>"Partner" in relation to a child's adopter</p>	<p>Means a person (whether of the same or the opposite sex) who lives with the adopter and the child in an enduring family relationship, but is not a relative of the adopter. "Relative" for these purposes means the adopter's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.</p>
<p>Placement</p>	<p>The placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted (in the case of UK adoptions.)</p>
<p>Primary adopter</p>	<p>The child's adopter who has elected to take adoption leave, where a couple are jointly adopting.</p>
<p>Qualifying Week (for APL)</p>	<p>An employee must have at least 26 weeks' continuous service by the "qualifying week", which is either:</p> <ul style="list-style-type: none"> • the end of the 15th week before start of the week in which her child is born (the Expected Week of Childbirth), or • the end of the week he/she is notified of having been "matched" with the child (in the case of a UK adoption), or • the end of the week in which "official notification" was sent from the relevant domestic authority, or, commencing with the week in which his/her employment with Clyst Vale began (to accommodate the possibility that the official notification may have been received a year or more before the child enters the UK and the employee may have changed employer in this time) (in the case of an overseas adoption). <p>(The "qualifying week" starts on a Sunday and ends on a Saturday.)</p>
<p>Return to Work</p>	<p>Means to the job to which the employee was employed under his/her original contract of employment, and on terms and conditions not less favourable than those which would have been applicable to him/her if he/she had not taken APL.</p>
<p>Statutory Adoption Pay (SAP)</p>	<p>A weekly statutory benefit for employees who are on adoption leave (subject to eligibility).</p>
<p>Statutory Maternity Pay (SMP)</p>	<p>A weekly statutory benefit for employees who are on maternity leave (subject to eligibility).</p>

Appendix 3 – Pension Contributions During Ordinary Paternity Leave (OPL) And Additional Paternity Leave (APL)

Type of Leave (Paternity)		Employee pays basic pension contributions on	Employer pays contributions on	How service counts under the LGPS	
OPL		Actual pay (if any) received	Notional full pay	Counts in full as if the employee had been at work	
Paid APL		Actual pay received	Notional full pay	Counts in full as if the employee had been at work	
Unpaid APL	Employee opts to pay contributions to cover unpaid APL period	Notional pay - based on pay employee received or was entitled to receive immediately before unpaid period began (ignoring any increase in pay due to a KIT day)			
		<u>If before unpaid APL began, was entitled to receive:</u>	<u>Notional pay based on:</u>		
		SPP only	SPP	Notional full pay	Counts in full as if the employee had been at work
		SPP and OPP	SPP and OPP	Notional full pay	Counts in full as if the employee had been at work
		OPP only No SPP or OPP	OPP	Notional full pay	Counts in full as if the employee had been at work
		Full pay received before OPL began	Notional full pay	Counts in full as if the employee had been at work	
	Employee does not opt to pay contributions for unpaid APL period	Not applicable – no basic contributions are due	Not applicable – no contributions are due	Does not count	

Note: If an employee is paying additional regular contributions (ARCs) to purchase extra annual pension, or is paying additional survivor benefit contributions (ASBCs) to uprate some or all of their pre 6 April 1988 membership so that it counts in calculating a surviving nominated co-habiting partner's pension, or is paying additional pension contributions to purchase added years of membership, those additional employee contributions continue to be paid throughout the whole period of any paternity leave on the employee's notional full pay (unless the employee opts to stop paying those contributions). AVCs continue to be paid on any pay received (unless the employee opts to stop paying those contributions).

Key: KIT = Keep-In-Touch day
OPP = Occupational Paternity Pay
SPP= Statutory Paternity Pay