



Dame Alice Owen's School

LEAVE OF ABSENCE POLICY

Agreed by the Governing Body Personnel & Remuneration Committee
To be reviewed
(first agreed in May 2009, reviewed every 2 years)

September 2017
Autumn 2019

1. INTRODUCTION

This leave of absence policy is to assist the Headteacher and Governing Body of Dame Alice Owen's School in making decisions about requests for leave in accordance with legal, contractual and moral obligations.

This policy covers annual leave, family leave and miscellaneous leave. A principal purpose in setting out this policy is to ensure that requests are dealt with fairly and consistently.

The policy applies to:

- all employees of the school, including the Headteacher;

The procedure does not apply to:

- peripatetic staff who are centrally employed by the LA;
- school meals staff employed by Hertfordshire Catering or by an external contractors
- employees of external contractors and providers of services. (Such staff are covered by the relevant procedures of their employing body).

2. PURPOSE SCOPE & PRINCIPLES

- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff.
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified.
- All leave allowances should be applied pro rata to an employee's contracted hours, unless otherwise stated.
- The operational needs of the school will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.

- The responsibility for exercising discretion on behalf of the Governing Body is the Headteacher's, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the Schools Grievance Procedure. There is no right of appeal to a leave request being declined.
- It should not be assumed approval has been given until a response has been provided by the Headteacher
- Where the request for leave concerns the Headteacher, requests should be made to the Chair of Governors.

3 ANNUAL LEAVE ENTITLEMENT FOR EMPLOYEES COVERED BY LOCAL GOVERNMENT TERMS AND CONDITIONS

For support staff contracted to work 52 weeks per year, the leave entitlement is dependent on grade and continuous Local Government service. See Appendix 1. This leave will normally be taken during the school holidays and must be agreed with the Headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Headteacher, can leave be taken at other times. Support staff may carry forward up to 5 days to the next annual leave year, provided this is done with the Headteacher's consent and leave is taken prior to 31st May.

Staff will not be permitted to take leave during the term unless express consent from the Headteacher has been given. If leave is granted, this will be unpaid for term-time only staff.

All employees should make partners aware that, as a rule, time off in term time will not be granted, to avoid costs incurred from the cancellation of surprise holidays for birthdays or anniversaries.

4 TEACHERS' WORKING TIME

A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which he/she may be required to teach pupils and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to employees on either the Leadership or Leading Practitioner pay ranges or those acting up in such a role.

5 SPECIAL OCCASIONAL LEAVE OF ABSENCE

The School's policy as agreed by the Governing Body is:

5.1 Disability Leave (*only applicable to support staff employed on the HCC Collective Agreement terms and conditions*)

For support staff employees only who have declared to their employer a disability as defined by the Equalities Act 2010, up to 5 days paid disability leave may be granted (pro rata for part time employees).

Reasons for using disability leave might include:

- Attending a doctor's or complementary medicine practitioner's appointments
- Assessment for conditions such as dyslexia
- Hearing aid tests
- Training with guide or hearing dog
- Counselling/ therapeutic treatment or recovery time after blood transfusion or dialysis
- Treatment for physiotherapy (sessional or residential)

Disability leave may not be used to cover an absence due to ill health.

5.2 Time off for a sick child

Absence to care for a sick child or dependant will be unpaid.

In exceptional circumstances compassionate, emergency or exceptional leave may be used for the first day of absence only (see 5.3). This would typically relate to the hospitalisation of the child.

5.3 Compassionate, Emergency or Exceptional Leave

Noting the provision set out in 5.2, emergency and discretionary leave enables employees to take time off work to deal with an unexpected or sudden emergency involving a dependant. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. The circumstances that enable employees to take emergency and discretionary leave are:

- Providing assistance where a dependant falls seriously ill, gives birth, is injured or assaulted
- Making arrangements for the care of the dependant who is seriously ill or injured.
- The death of a dependant.
- The care of the dependant has unexpectedly been disrupted or terminated.
- There is an unexpected incident involving the child of an employee whilst at school.

A dependant is a spouse, child, foster child, parent, relative or partner living in the same household as the employee (it excludes tenants, lodgers or boarders of the employee). A dependant also includes any person who reasonably relies on the employee to make arrangements for the provision of their care, e.g. partner who does not co-habit.

Leave to attend funerals is limited to the funeral of an immediate family member of the employee only (parents, a spouse, sibling, grandparent or child).

An employee must notify their line manager as soon as practically possible in the event of an emergency. The Headteacher may approve up to five days' paid leave per leave year (pro rata for part timers) for emergency and discretionary leave.

For most cases, one or two days are reasonable to deal with a problem. The time off is to enable an employee to cope with a crisis, to deal with the immediate care and where necessary to make longer term care arrangements for the dependant. Where paid leave is granted only the first day of absence will usually be paid in any one period of absence, unless discretion is applied by the Headteacher.

5.4 Other personal reasons

Exceptionally, there may be other personal reasons for requesting leave of absence. Usually these will be one off events affecting family. An example might be attendance at a child's graduation ceremony. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

5.5 Career Break/Extended leave of absence

Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave can be for up to a year in duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible. Further guidance on Career Breaks is set out in appendix 2.

5.6 Moving house

Up to 2 days' unpaid leave will be granted.

5.7 Service with Auxiliary Forces

Reservists are required to inform their line manager that they are a member of the Reserve Forces. Reservist employees will also be required to grant permission for the Ministry of Defence (MoD) to write to the Headteacher to make sure the school are aware and provide details of mobilisation obligations and rights as an employee reservist.

Reservist training normally takes place during evenings and weekends. Line managers may however grant up to 5 days leave at their discretion where training falls within an employee's normal working hours.

Additionally up to 2 weeks' per year can be granted to attend 'annual camp'. Employees are required to give as much notice as possible for annual camp in order for line managers to arrange appropriate cover.

Leave may be refused if it would have a detrimental impact on service delivery. In any case teachers and other classroom based staff will only granted paid leave if the force's unit cannot arrange exercises during holiday periods.

5.8 Mobilisation

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. The Ministry of Defence aims to give as much notice as possible of mobilisation (but at least 28 days). In circumstances where a reservist employee is mobilised they will not be paid by the school and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

If an employee who is mobilised wishes to remain in the LGPS the schools payroll provider should be informed who will calculate the amount of contributions that the employee and the Ministry of Defence (MoD) must pay. For Teachers the relevant form must be completed, available online at teachers.pensions.com.

For further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: www.sabre.mod.uk

5.9 Carry over of annual leave

The School expects employees who are covered by Local Government terms and conditions of employment to take their full entitlement of leave in each leave year, which runs from April to March. Where this is not possible, with the knowledge of and by arrangement with the Headteacher, employees may carry forward 5 days to the next annual leave year, provided this is taken prior to 31 May.

5.10 Religious Festivals

Where staff can show that they are bona fide adherents of any organised religion and that they require leave for the purpose of an official holy day, the Governing Body will allow up to 2 days leave. Staff taking such leave are asked to make up this time at a later date or if this is not possible any leave granted should be unpaid.

5.11 Sporting Events

Where staff can show they are representing their country, they should write to the Headteacher so that arrangements can be made for paid or unpaid leave.

5.12 Attendance at Court Proceedings

5.12.1 Jury Service

Employees will be notified of a requirement to carry out Jury Service by letter from the courts. A copy of this letter should be given to their line manager and a request made for the absence from work.

In cases where employees are not paid their normal wages they are able to complete a certificate of loss of earnings to claim reimbursement from the court.

5.12.2 Witness summonses and subpoenas

Staff subject to a witness summons or subpoena will be allowed paid time off work to attend court as much notice of such a requirement should be given.

5.13 Public Duties

School employees may be granted up to 18 days per annum paid leave to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities. For employees who are School or College Governor's, up to 3 days per annum will be paid, In addition to this, unpaid leave can be granted for employees carrying out public duties.

5.14 Study/Examination Leave

For employees who are sitting examinations relevant to their current post or career, providing the school is paying the fees, half a day study per examination plus half a day per examination will be paid.

5.15 GCSE Duties & Activities

For teachers who are engaged in activities for examining groups, please refer to appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

5.16 Time off for Trade Union duties

The school recognises the legal requirement for employers to allow reasonable time off work for the school's elected representatives of recognised trade unions to carry out their duties in the school in which they are elected. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work;
- consultation on recruitment and selection policies, redundancy and dismissal arrangements;
- meetings with school management or LEA officers on matters of joint concern;
- representing a union member at grievance, or disciplinary hearing;
- attendance at relevant training courses organised by the trade union.

The County Council has a separate agreement with Trade Unions and Professional Associations to provide paid time off for their county representatives. The nominated county representatives are allowed pre-agreed, time off each week to carry out their duties and the school is reimbursed from a council budget.

5.17 Bad weather conditions

There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable effort should be made to attend work. Alternative arrangements may be agreed with the Headteacher, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave.

5.18 Time off for medical appointments

The school will allow reasonable paid time-off for employees to attend medical appointments, which are unable to be arranged out of working hours. Before arranging non-

urgent doctor's medical appointments, employees should seek the approval of their Headteacher if it is necessary to take time off work. Employees should make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they have to be absent from work.

Routine doctor or dentist appointments, e.g. check-ups, should not be taken during term time or working time for those working in holiday periods.

Elective procedures should be arranged during holiday periods and will usually be unpaid.

6 MATERNITY, PATERNITY, ADOPTION, CARERS LEAVE & ANTENATAL CARE

There are specific entitlements for maternity, paternity, adoption, carer's leave and antenatal care contained in the Carer's Guide for Schools, a copy of which can be obtained from the school office

6.1 In Vitro Fertilisation (IVF)

All employees, regardless of hours worked or length of service, are entitled to 5 days paid leave per annum (pro rata for part time employees) for the purpose of attending IVF appointments and undergoing fertility treatment. The Headteacher may also grant unpaid leave at their discretion

7 INTERVIEWS

The Governing Body recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for school management posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.

In order to maintain a fair balance between the operational needs of the school and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career in the education sector, the Governing Body will grant leave of absence for interviews as follows:

- a) The Headteacher is empowered to approve up to a maximum of 5 days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- b) Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.
- c) For support staff any days beyond the initial 5 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

8 UNAUTHORISED ABSENCE

If an employee takes leave of absence without the prior consent of the Headteacher this will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

APPENDIX 1

HOLIDAY ENTITLEMENTS FOR LOCAL GOVERNMENT EMPLOYEES

The leave year runs from the 1 April to the following 31 March. For school based staff working 52 weeks per year leave will normally be taken during the school holidays. Only in exceptional circumstances and with the express consent of the Headteacher can leave be taken at other times or carried forward to the next leave year.

For employees NOT covered by the HCC Collective Agreement with effect from 01.04.12			
Grade	Less than 5 Years continuous service	5 to 10 Years continuous service	10 or more years continuous service
HB to H7	23	27	28
H8 to M1	25	27	28
M1 to M5	27	27	30

Plus an extra concessionary day which will be given around the Christmas period. This will usually be the last working day before Christmas or the first working day after Christmas.

Annual leave entitlements will be pro rata for part time staff working 52 weeks per year.

Staff engaged on a term time only basis will not be permitted to take leave at any other time except during school holiday periods unless express consent from the Headteacher has been given.

Career Breaks

It is recognised that during an employees' working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or dependent relatives, or pursuing a course of further education. The school may be able to accommodate such personal commitments, where operationally practicable, through career breaks. Employees should also give consideration to flexible working requests depending on their individual needs.

Career breaks enable employees to take an unpaid break from work for personal reasons whilst maintaining continuity of service with the school. The employee should try to give as much notice as possible to commence a career break (ideally 3 months) but a shorter notice can be accepted at the Headteacher's discretion for example where a dependent needs care at short notice.

With the exception of continuity of service all other terms of the employment contract with the school will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the school without competitive selection.

A career break may be considered appropriate for example:

- To extend a period of maternity/adoption leave
- To care for dependants
- To enter full time education
- Extended foreign travel

These reasons are not all inclusive and others may be considered, with the exception of taking up other full time paid employment. Employees who are on a career break may in exceptional circumstances take up a part time role for example to support a university course or extended travel. Permission must be sought from the school before taking this up.

Eligibility

All permanent employees with at least two years continuous service with the school regardless of the number of hours worked are eligible to apply for a career break.

Length of career break

The minimum length of break is 3 months, for teaching and classroom based staff the expectation would be for this to equate to a term, and the maximum is 1 year. There is no limit to the number of career breaks an employee can take, providing they return to work at the school for a minimum of 2 years between each break.

Please note that for the first 30 days of a career break both employer and employee pension contributions are payable. For more information please contact the Serco HR Payroll Transactions Team.

Restructuring and/or Reductions in staffing

Consideration of planned organisational change should be taken before a career break is authorised particularly where there is potential for a reduction in posts.

If an employee is on a career break when a restructure is being considered, every effort should be made to contact them in order for them to have input into any consultations or feedback processes. Employees may be given the opportunity to return to work early if they wish to if the temporary cover can be ended at no additional cost.

Employees on a career break must be included in selection processes even if the Headteacher is unable to make contact with them.

Extending the career break

If the employee wishes to extend their career break, if the break taken was to be less than one year, they must do so in writing normally giving as much notice as possible. The Headteacher will give consideration to the extension along the same lines as the original request and may grant up to 1 year in total.

Cutting short the career break

There will be no automatic right to cut short a career break but the Headteacher will consider such requests from an employee if they can be accommodated.

If the employee does not return from the career break

If an employee does not wish to return from a career break, they should confirm this in writing **at least 4 weeks'** prior to their expected return date, for those employed under School Teachers Pay and Conditions of Service the appropriate notice must be given in accordance with those terms. If, on the school writing to the employee to confirm the return date, the employee does not respond, their contract will be terminated on that expected return date.

Conduct during a Career break

Employees should be aware that they remain employees of the school during a career break. Whilst an employees' off duty hours are their personal concern they should not put themselves in a position where their duties and private interests conflict. The standards of the School's Code of Conduct should be maintained during a career break.

FAMILY & CARER'S GUIDE

Including

MATERNITY LEAVE,

PATERNITY LEAVE,

ADOPTION LEAVE

&

CARER'S LEAVE



Contents:

A. Maternity Rights and Provisions: -	Page 4
1. Eligibility and Initial Obligations of the Employee	
1.1 Eligibility	
1.2 Initial Obligations of the Employee	
1.3 Notice and Changing of Dates	
2. Maternity Options Available	
2.1 Teachers	
2.2 Supply Teachers	Page 5
2.3 Local Government Staff	
3. Notice	Page 7
4. General Information	
4.1 Death of Baby and Stillbirth	
4.2 Ante-Natal Care	
4.3 Right to Annual Leave	
4.4 Pregnancy related Sick Leave	Page 8
5. Dismissal Protection	
6. Job Opportunities Whilst On Maternity Leave	Page 9
7. Pensions	
8. Statutory maternity Pay Information	
8.1 Qualifications	
8.2 Payment	
8.3 Conditions	
9. 'Keeping in Touch Days'	
B. <i>Maternity Pay and Leave Scheme</i>	<i>Page 10</i>
1. Summary of Options – Teaching Staff & Non-Teaching Staff	
1.1 Teaching Staff	
1.2 Non-teaching Staff	Page 11
2. Initial Notification	Page 12
3. Maternity Leave	
4. Request for extended maternity leave	Page 13
5. Return to work	
5.1 Teaching Staff	
5.2 Local Government Staff	
6. Redeployment of employee on fixed term contracts	Page 14
7. Employees who do not return to work	
8. Pay rises before or during maternity leave	
9. Employees who leave before the start of their maternity or adoption leave period	
C. <i>Paternity Leave</i>	<i>Page 15</i>
1. Teachers	
2. Local Government Staff	
3. Additional Paternity Leave	Page 16
4. Notification requirements	
5. Timing of Additional Paternity Leave	Page 17
6. Time off to attend Ante Natal appointments	

7. Payments during Additional Paternity Leave

D. Adoption Leave *Page 18*

1. Eligibility and Initial Obligations of the Employee
 - 1.1 Eligibility
 - 1.2 Introductory appointments
 - 1.3 Initial Obligations of the Employee
 - 1.4 Length of Adoption Leave
 - 1.5 Statutory Adoption Leave Page 19
2. Details of the Scheme
 - 2.1 Local Government Staff
 - 2.2 Teachers
3. Matching Certificates Page 20
4. 'Keeping In Touch Days'
5. Return to work after adoption leave
6. Paternity leave and pay (adoption)
 - 6.1 Eligibility
 - 6.2 Length of Paternity leave
7. Statutory Paternity Pay for Adoption
 - 7.1 Notice of intention to take Paternity Leave Page 21
 - 7.2 Self Certificate
 - 7.3 Return to work after Paternity Leave.

E. Parental Leave and Time off for Dependants *Page 22*

1. Parental Leave
 - 1.1 Length of Parental Leave
 - 1.2 Children with Disabilities
 - 1.3 Notice of intention to take Parental Leave
 - 1.4 Keeping Records
2. Time off for dependants
3. Maternity Support Leave Page 22
4. In Vitro Fertilisation
5. Special Guardianship

F. Shared Parental Leave *Page 24*

G. Childcare Voucher Scheme *Page 25*
(Hertfordshire County Council Schools Only)

H. What help is available to carers? *Page 27*

Notification forms

Appendix 1 – Notification of intention to take Maternity Leave Page 29

Appendix 2 – Notification of intention to take Paternity Leave/Additional Paternity Leave Page 30

Appendix 3 – Notification of intention to take Adoption Leave/Additional Adoption Leave
Page 32

Appendix 4 – Notification of intention to take Paternity Leave/Additional
Paternity Leave (Adoption) Page 33

Appendix 5 - Childcare Voucher FAQs – Page 35
including changes to deducting Childcare Vouchers from Occupational Maternity Pay

A MATERNITY RIGHTS AND PROVISIONS

This booklet sets out your entitlements as an employee of a school in Hertfordshire to maternity pay and leave under the statutory maternity scheme and the contractual maternity scheme.

The differences in entitlements between the teaching and non-teaching schemes are a result of the different conditions of employment which apply to these two groups of staff.

1. Eligibility and Initial Obligations of the Employee

1.1 Eligibility

The maternity scheme applies to all pregnant employees regardless of the number of hours worked per week.

1.2 Initial Obligations of the Employee

You must complete Appendix 1 Notification of Maternity Leave form at the end of this pack, including the start date of your maternity leave by the 15th week before the expected week of childbirth confirming the start date of maternity leave and the expected week of childbirth. You may not start your maternity leave before the 11th week before the expected week of childbirth.

1.3 Notice and Changing of Dates

You may change the start of your maternity leave by giving 28 days notice.

2. Maternity Options Available

All pregnant employees have an entitlement to remain absent for up to 52 weeks.

All Employees must take a minimum of two weeks maternity leave immediately after the birth of a child.

The first 26 weeks of maternity leave are known as **ordinary maternity leave**. The second 26 week period is known as **additional maternity leave**.

2.1 Teachers

Teachers with 26 weeks continuous service with Hertfordshire at the beginning of the 15th week before the expected week of childbirth and who satisfy the conditions are entitled to Statutory Maternity Pay.

Teachers with one year or more continuous service with Hertfordshire or another LEA at the beginning of the 11th week before the expected week of childbirth are entitled to occupational maternity pay.

The following options are available to teachers dependent on their continuous service:

Teachers with less than one year continuous service with Hertfordshire and/or another LEA and less than 26 weeks continuous service with Hertfordshire

Entitled to 52 weeks unpaid maternity leave which may start 11 weeks before the expected week of childbirth

Teachers with less than one year continuous service with Hertfordshire and/or another LEA and more than 26 weeks continuous service with Hertfordshire

Entitled to 52 weeks maternity leave which may start 11 weeks before the expected week of childbirth

- (i) For the first six weeks, 9/10 of a week's salary (provided the conditions for payment of Statutory Maternity Pay are satisfied).
- (ii) Thirty three weeks pay at the lower rate of Statutory Maternity Pay
- (iii) Thirteen weeks additional unpaid leave

Teachers with one year or more continuous service with Hertfordshire and/or another LEA but less than 26 weeks continuous service with Hertfordshire

Entitled to up to 52 weeks maternity leave, which may start 11 weeks before the birth.

- (i) For the first four weeks of absence, full pay
- (ii) Two weeks at 90% of a weeks pay
- (iii) **If you have declared your intention to return to work**, for the subsequent 12 weeks you will be paid half a week's pay.
- (iv) any further maternity leave will be unpaid.

Teachers with one year or more continuous service with Hertfordshire and/or another LEA and more than 26 weeks service with Hertfordshire

- (i) For the first four weeks of absence, full pay, offset against payments made by way of SMP (lower or higher rate as applicable).
- (ii) For the next two weeks, 90% of a week's salary.
- (iii) **If you have declared your intention to return to work**, for the subsequent 12 weeks you will be paid half a week's pay plus SMP at the lower rate.

- (iv) A further 21 weeks Statutory Maternity Pay at the lower rate
- (v) **If you do not intend to return to work**, payments during weeks 7 to 39 will consist of Statutory Maternity Pay at the lower rate only.
- (vi) 13 weeks unpaid additional maternity leave.
- (vii) The payment of half pay made during maternity leave under (iii) above is made on the understanding that you will return for at least 13 weeks employment with Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School). In the event of you not doing so, you will refund the occupational maternity pay (SMP payments are not refundable).

2.2 Supply teachers

The Conditions of Service for School Teachers in England and Wales states that service as a supply teacher is not recognised for the purposes of qualification for contractual maternity pay. As a supply teacher you may qualify for Statutory maternity Pay and Leave, if you satisfy the conditions for service and earnings.

2.3 Local Government Staff

Employees with 26 weeks continuous service with Hertfordshire at the beginning of the 15th week before the expected week of childbirth and who satisfy the conditions are entitled to Statutory Maternity Pay.

Employees with one year or more continuous service with Hertfordshire or another LEA at the beginning of the 15th week before the expected week of childbirth are entitled to occupational maternity pay.

The following options are available to employees dependent on their continuous service:

Local Government employees with less than 26 weeks continuous service with Hertfordshire and/or another LEA is entitled to:

52 weeks unpaid maternity leave which may start 11 weeks before the expected week of childbirth

Local Government employee with 26 weeks or more service with Hertfordshire but less than one year continuous Local Authority service with Hertfordshire and/or another LEA and satisfy the requirements for payment of Statutory Maternity Pay are entitled to 52 weeks maternity leave, 39 of which are paid as follows:

- (i) 6 weeks at 90% of a week's pay.
- (ii) 33 weeks at the lower rate of SMP.

Local Government Employees who have one year or more continuous Local Government service at the 15th week before the expected week of childbirth but less than 26 weeks

continuous service with Hertfordshire are entitled to 52 weeks of maternity leave, 26 weeks of which will be paid leave made up as follows:

- (i) for the first six weeks of absence you will be entitled to 90% of a week's pay.
- (ii) **if you have declared your intention to return to work;** an entitlement to 12 weeks half pay which may be paid as a lump sum at the end of the 3 month return to work period or as half pay over a 12 week period from weeks 7 to 18 or, the same overall amount, but distributed in smaller amounts (30% pay) between weeks 7 and 26 of maternity leave. This is on the understanding that the employee will return to work for a period of at least 13 weeks employment with Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).
- (iii) payment of half pay made during maternity leave under (ii) above are made on the understanding that the employee will return to work for a period of at least 13 weeks employment with Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School). In the event of you not doing so, you should refund the occupational maternity pay, or such part thereof, if any, as the authority may decide.

- (iv) Please note: there is no entitlement to Statutory Maternity Pay.

Local Government Employees who have one year or more continuous service with Hertfordshire at the 15th week before the expected week of childbirth and satisfy the requirements for payment of Statutory Maternity Pay are entitled to 52 weeks of maternity leave, 39 weeks of which is paid leave made up as follows:

- (i) for the first six weeks of absence you will be entitled to 90% of a week's pay.
- (ii) **if you have declared your intention to return to work**; an entitlement to 12 weeks half pay which may be paid as a lump sum at the end of the 3 month return to work period or as half pay over a 12 week period from weeks 7 to 18 or, the same overall amount, but distributed in smaller amounts (30% pay) between weeks 7 and 26 of maternity leave. Plus SMP at the lower rate. This is on the understanding that the employee will return to work for a period of at least 13 weeks employment with Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).
- (iii) 21 weeks of SMP at the lower rate.
- (iv) **if you do not intend to return to work**, payments during the subsequent 33 weeks from week 7 to 39, will consist of Statutory Maternity Pay at the lower rate only.
- (vi) a further 13 weeks of unpaid maternity leave.

3. Notice

- You must complete the Notification of Maternity Leave form (Appendix 1) of this document. You must provide written notification including the start date of maternity leave by the 15th week before the expected week of childbirth. The start date of the maternity leave can be changed after the deadline providing 28 days notice is given. Maternity leave cannot commence any earlier than the 11th week before the expected week of childbirth.
- Although no notification is necessary if you plan to return at the end of maternity leave; in order that the School may make the necessary preparations for your return, you should contact the School confirming your date of return within 3 months of your return date.
- If you wish to change the date of your return you must give 28 days notice.
- There is no provision for the employer to postpone the return to work after maternity leave, unless you have failed to give the required 28 days notice of a change to your return to work.

- If you cannot return at the end of maternity leave because of illness, this will be treated as normal sick leave.

4. General Information

4.1 Death of a Baby and Still-Birth

If the baby dies or is still-born after 24 weeks' pregnancy you will be entitled to remain absent on maternity leave. Where this occurs before 24 weeks (miscarriage) Head Teachers' should give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate on the basis of the individual circumstances.

4.2 Ante-Natal Care

Pregnant employees are also entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, midwife or registered health visitor. This includes relaxation and parentcraft classes where recommended by a health care practitioner.

4.3 Right to Annual Leave.

As a result of recent case law, women on maternity leave now accumulate the entitlement to annual leave throughout their period of maternity leave. This entitlement applies to all employees including term time only workers and teachers.

Term time only workers

In order to calculate the entitlement to annual leave it is necessary to carry out a 'Balance of Salary' calculation at the start of the maternity leave period and a second calculation at the end of your leave period. This calculation takes into account your start date with the Authority and the number of completed weeks of the academic year up to the point you start your maternity leave. The proportion of completed weeks will then be compared to the salary you have been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary.

Once you return to work, a second calculation is carried out to identify whether you are entitled to a payment in respect of annual leave you have accumulated whilst on maternity leave.

Please note: The date on which you start and end your maternity leave can significantly affect the balance of salary calculation. Please contact the Schools Transactions Team to establish how this is likely to affect you.

Teachers

The Conditions of Service for School Teachers makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 24 days per annum under UK law. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of maternity leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

4.4 Pregnancy related Sick Leave

Pregnant employees who are subject to the revised HCC terms and conditions of employment (2012) may be entitled to up to five days paid leave if they experience pregnancy related sickness. This leave type is recorded by the line manager or Head Teacher (NB: the absence reason managers need to select is 'Pregnancy Related SCK LEA' in order to ensure that this is recorded as paid).

This should be recorded on the monthly return form (RTE).

5. Dismissal Protection

- 5.1** You are entitled to return to the job in which you were employed under your original contract of employment and on terms and conditions not less favourable than those that would have been applicable to you if you had not been absent.
- 5.2** Where it is not practicable by reason of redundancy for the school to permit you to return to work in your job as defined in above you shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to you and appropriate to the circumstances, and that the capacity and place in which you are to be employed and your terms and conditions of employment are not substantially less favourable to you than if you had been able to return in the job to which you were originally employed.
- 5.3** Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if you had not been absent, necessitate a change in the job in which you were employed prior to your absence. The work to be done should be suitable to you and appropriate to the circumstances and the capacity and place in which you are to be employed and your terms and conditions of employment should not be less favourable to you than if you had been able to return to the job in which you were originally employed.

Head Teachers and governors should seek further advice from the Schools HR Advisory Team.

6. Job Opportunities Whilst On Maternity Leave

As an employee on maternity leave you may wish to have access to promotional and developmental opportunities whilst on leave.

The Job Opportunities Bulletin contains details of all job vacancies being advertised throughout HCC and occasionally external organisations. The bulletin is available via the Herts Direct website.

7. Pensions

Contributions to the Local Government and Teachers Pension Scheme will automatically continue to be deducted from your actual pay if you are a member of the Scheme on paid maternity leave.

Local Government Scheme member only.

If you take unpaid maternity leave you must decide whether to pay pension contributions for this period and on your return to work you will be given the opportunity to purchase contributions for any period of unpaid maternity leave.

Contributions will be based on the pay you were receiving the day before unpaid leave started. Should you wish to purchase service for periods of unpaid maternity leave, you must contact the LPFA Local Government Pension Scheme Administration team on 01992 555466 within 30 days of your return to work.

8. Statutory Maternity Pay Information

8.1. Qualification

You will qualify if you have been employed continuously with Hertfordshire for 26 weeks prior to the 15th week before the expected week of childbirth, and with average earnings of not less than the lower National Insurance earnings limit.

8.2. Payment

First 6 weeks at the Higher Rate of SMP i.e. 9/10ths of average weekly earnings, plus a further 33 weeks at the Lower Rate of SMP.

All payments are subject to deduction for National Insurance, Income Tax and superannuation.

8.3. Conditions

Payment of SMP cannot start earlier than the 11th week before expected week of childbirth. SMP is **not** refundable to the Authority if the return to work obligation is not fulfilled.

9. 'Keeping in Touch Days'

9.1 You may, with the agreement of the Headteacher, undertake 10 'Keeping in Touch Days' during your maternity leave. This allows you to work under your contract of employment for up to 10 days and receive payment as agreed with your Head Teacher, without bringing your maternity leave to an end. Please note any part of a day will count as one KIT day.

B. Maternity Pay and Leave Scheme.

The following scheme applies to all full-time and part-time employees in schools. You will have a statutory right to continue to benefit from all your normal terms and conditions of employment, with the sole exception of pay. For the purposes of simplification, entitlements of teaching and non-teaching staff have been separated.

1. SUMMARY OF OPTIONS

1.1 TEACHING STAFF - SUMMARY OF OPTIONS

OPTION A For employees with less than 26 weeks continuous service with Hertfordshire and/or another LEA

A (i) Resignation

A (ii) 52 weeks **Unpaid** leave

OPTION B For employees with 26 weeks or more continuous service with Hertfordshire at the beginning of the 15th week before the expected week of childbirth

B (i) Resignation

B (ii) **26 weeks'** ordinary maternity leave, which includes maternity pay, paid as follows:

Teachers	}	
<u>With less than one year continuous service with Hertfordshire or another Authority</u>	}	
-6 weeks SMP at 9/10 week's salary	}	
-20 weeks SMP at the lower rate	}	
	}	Statutory Maternity Pay is paid if certain qualifications are met.
<u>With one year or more continuous service with Hertfordshire or another Authority</u>	}	
-4 weeks full pay	}	
-2 weeks at 9/10 weeks salary	}	
-12 weeks half pay plus SMP at the lower rate	}	
-8 weeks SMP at the lower rate	}	

B (iii) **26 weeks** ordinary maternity leave plus additional maternity leave of **26 weeks**, in total, up to **52 weeks** leave. During this time you will also receive pay made up as follows: -

Teachers	}	
<u>With more than 26 weeks but less than one year continuous service with Hertfordshire or another Authority</u>	}	
-6 weeks SMP at 9/10 week's salary	}	
-33 weeks SMP at the lower rate	}	
-13 weeks unpaid leave	}	
	}	Statutory Maternity Pay is paid if certain qualifications are met
<u>With one year or more continuous service with Hertfordshire</u>	}	
-4 weeks full pay	}	
-2 weeks at 9/10 weeks salary	}	

-12 weeks half pay plus SMP at the lower rate	
-21 weeks SMP at the lower rate	
-13 weeks unpaid leave	

OPTION C Teachers with less than 26 weeks service with Hertfordshire, but with 1 year or more continuous service with Hertfordshire and another Local Authority.

Entitled to up to 52 weeks maternity leave. 18 weeks maternity pay, to be paid as follows:

4 weeks at Full Pay	} No SMP will be payable
2 weeks at 9/10	
12 weeks at half pay	
21 weeks unpaid leave	

1.2 NON-TEACHING STAFF - SUMMARY OF OPTIONS

OPTION A For employees with less than 26 weeks continuous service with Hertfordshire or another LEA

A (i) Resignation

A (ii) 52 weeks **Unpaid** leave

OPTION B For employees with 26 weeks or more continuous service with Hertfordshire at the beginning of the 15th week before the expected week of childbirth

B (i) Resignation

B (ii) **26 weeks'** ordinary maternity leave, which includes maternity pay, paid as follows:

<u>LG Staff</u>	}	
<u>With less than one year continuous service with Hertfordshire or another Authority</u>	}	
-6 weeks SMP at 9/10 week's salary	}	
-20 weeks SMP at the lower rate	}	
	}	Statutory Maternity Pay is paid if certain qualifications are met.
<u>With one year or more continuous service with Hertfordshire or another Authority</u>	}	
-6 weeks at 9/10 weeks salary	}	
-12 weeks half pay plus SMP at the lower rate	}	
-8 weeks SMP at the lower rate	}	

B (iii) **26 weeks** ordinary maternity leave plus additional maternity leave of **26 weeks**, in total, up to **52 weeks** leave. During this time you will also receive pay made up as follows: -

<u>LG Staff</u>	}
<u>With more than 26 weeks but less than one year continuous service with Hertfordshire or another Authority</u>	}
-6 weeks SMP at 9/10 week's salary	}
-33 weeks SMP at the lower rate	}

-13 weeks unpaid leave	}	Statutory Maternity Pay is paid if certain qualifications are met
<u>With one year or more continuous service with Hertfordshire or another Authority</u>	}	
-6 weeks at 9/10 weeks salary		
-12 weeks half pay plus SMP at the lower rate		
-21 weeks SMP at the lower rate		
-13 weeks unpaid leave		

OPTION C For employees with 26 weeks or more continuous Local Government service with Hertfordshire and another LEA but less than 26 weeks with Hertfordshire at the beginning of the 15th week before the expected week of childbirth

C(i) **26 weeks** ordinary maternity leave plus additional maternity leave of **26 weeks**, in total, up to **52 weeks** leave. During this time you will also receive pay made up as follows: -

-6 weeks at 9/10 week's salary	}	Statutory Maternity Pay is not payable.
-12 weeks half pay.	}	

For information referring to Childcare Vouchers and changes relating to Childcare Voucher Deductions when being paid SMP/OMP please see Section F. below and Appendix 6 – FAQs on Changes to deducting Childcare Vouchers from Occupational Maternity Pay.

2. Initial Notification

Before commencing maternity leave, please submit the following to your nominated Assistant HR Officer for your school in the Schools Transactions Team, 4th Floor, County Hall, Hertford, SG13 8TN (you can use the free school courier service):

- a) **The enclosed notification form (Appendix 1) to be submitted at least 15 weeks before the expected week of childbirth (EWC)**
- b) **A certificate (Mat B1) available from a registered medical practitioner or certified midwife confirming the expected week of childbirth. Please note that maternity benefits will not be initiated until the original copy of this certificate is received.**

3. Maternity Leave

Leave entitlement is summarised as follows:

- a) You may start maternity leave at any time during the 11 weeks before the beginning of the EWC.

- b) Absence on account of illness which occurs before the 4th week period is treated as ordinary absence on sick leave, providing it is covered by a doctor's certificate. However, after the 4th week date, if you are medically unfit to carry out your duties and if the illness is associated with pregnancy, maternity leave must begin immediately. This includes illness during a holiday period. Any absence which is not pregnancy related is treated as sickness absence.
- c) If in the early months of pregnancy, you are advised by the County Medical Officer to be absent from school because of the risk of rubella, you will be granted leave with full pay less benefit, providing you do not unreasonably refuse to serve in another school where there is no such undue risk.
- d) Absence for attendance at ante-natal clinic is treated as paid leave providing the appointment card is produced to the Head Teacher.
- e) Absence on account of miscarriage i.e. before the 25th week of pregnancy, is treated as ordinary absence on sick leave, providing it is covered by a doctor's statement.
- f) In the event of a stillbirth i.e. after 24th week of pregnancy, a teacher may remain absent for a further six weeks after the stillbirth.
- g) During maternity absence **you must not work again**, other than 'Keeping in Touch Days' (see Maternity rights and Provisions Item 9), until the return date agreed as part of the particular chosen option. Earlier return (e.g. as a supply teacher) will invalidate the arrangement.
- h) When the baby is born before maternity leave, the day after the day of childbirth should be regarded as the first day of maternity leave.

4. Requests for extended maternity leave.

At the discretion of the Head Teacher you may be allowed extended maternity leave without pay in excess of the 52-week period. This would not constitute a break in your service. Any such request should be submitted at the earliest possible date but no less than 8 weeks before the date indicated as the intended date of return at the start of the maternity leave.

5. Return to Work

5.1 Teachers

You do not have to give notice of the date of return; it is assumed that you will return; and that the date of return will be the date notified at the start of the maternity leave. Should you wish to return before the end of your maternity leave you must give 28 days notice of the change to your Head Teacher.

If you cannot return at the end of maternity leave because of illness, this will be treated as normal sick leave.

The payment of contracted maternity pay (i.e. 12 weeks half-pay under option B) is dependent upon your returning to employment with Hertfordshire County Council or another local government or associated employer after maternity leave for 13 weeks.

If you do not complete this period of further service the payment will be refunded to the Authority. The notification form allows you to choose to have the 12 weeks half-pay withheld and to be paid as a lump sum on your return to work.

Please be aware that a return to work with an Academy or Free School will not be regarded as a valid return to work for the purposes of the maternity scheme.

5.2 Non-teaching

You do not have to give notice of the date of return; it is assumed that you will return; and that the date of return will be the date notified at the start of your maternity leave. Should you wish to return before the end of your maternity leave you must give 28 days notice to your Head Teacher.

If you cannot return at the end of maternity leave because of illness, this will be treated as normal sick leave.

The payment of contracted maternity pay (i.e. 12 weeks half-pay under option B) is dependent upon your returning to employment with Hertfordshire County Council or another local government or associated employer after maternity leave for 13 weeks. If you do not complete this period of further service the payment will be refunded to the School. The notification form allows you to choose to have the 12 weeks half-pay withheld and to be paid as a lump sum on your return to work.

Please be aware that a return to work with an Academy or Free School will not be regarded as a valid return to work for the purposes of the maternity scheme.

6. Redeployment of Employees on Fixed Term Contracts.

If you are employed on a fixed term contract and that contract is due to end prior to the end of your maternity leave, you may wish to have access to promotional and developmental opportunities whilst on leave.

The Job Opportunities Bulletin contains details of all job vacancies being advertised throughout HCC and occasionally external organisations. The bulletin is available via the Herts Direct website.

7. Employees who do not return to work.

An employee who decides not to return to work after the birth of their baby is encouraged to give as much notice as possible to allow time for arrangements to cover her post. As a minimum, employees are required to give 28 days notice of their intention not to return.

8. Pay rises before or during maternity leave:

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of the maternity leave, both the higher and standard rate of SMP and OMP will be recalculated to take account of the employee's pay rise. This means that the employee's SMP and OMP will be recalculated and increased retrospectively. In some cases

she may qualify for SMP or OMP if she did not previously. The employee will be paid a lump sum to make up any difference between SMP or OMP already paid and the amount payable as a result of the pay rise.

9. Employees who leave before the start of their maternity or adoption leave period.

An employee who leaves HCC before the beginning of the 15th week before the week the baby is due cannot claim SMP. They may however be entitled to Maternity Allowance and should contact their local Job Centre Plus.

An employee who leaves HCC employment (for any reason) after the 15th week before the expected week of childbirth is entitled to SMP subject to satisfying SMP qualifying criteria.

C. Paternity Leave

April 2003 saw the introduction of a statutory right to paternity leave and pay provided the required criteria are met.

The leave may be taken in blocks of one week or two consecutive weeks and not in odd days and must be taken within 8 weeks of the birth.

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

You will need to provide the Head Teacher with notice of your intention to take paternity leave by the beginning of the 15th week before the expected week of childbirth. Notice will include the date the baby is due, whether you wish to take one or two weeks leave and when you wish to start your leave.

You should then confirm the actual date of the birth with the Head Teacher, who should in turn notify the payroll section in order that the appropriate Paternity payments may be made.

You may change the date of your paternity leave with 28 days notice, unless this is not reasonably practicable.

For part time employees paternity leave will be pro-rata as per their weekly hours worked.

In order to be eligible for paternity leave and pay, you must satisfy the following criteria:

1. Teachers

Please note there is no contractual entitlement to paternity leave for teachers over and above the statutory provision set out below.

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

You 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
- have worked continuously for their employer i.e. Hertfordshire County Council. for 26 weeks leading into the 15th week before the baby is due.

Eligible employees will be entitled to choose to take either one week or two consecutive weeks' paternity leave (not odd days), paid at the rate for Statutory Paternity Pay or 90% of the employee's average weekly earnings, whichever is the lowest.

Your school may choose to adopt a more favourable policy in relation to teachers' paternity leave and pay. This is at the discretion of the governing body.

2. Local Government Staff

Local Government Employees who satisfy the following conditions will be entitled to take one week's paternity leave paid in full.

- 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

In addition, Local Government employees with 26 weeks or more continuous service at the beginning of the 15th week before the expected week of childbirth will be entitled to a second week of paternity leave. This is paid at the current rate of Statutory Paternity Pay or 90% of the employee's average weekly earnings, whichever is the lowest. Employees who earn less than the Lower Earnings Limit will not qualify for SPP.

A Paternity Leave notification form is enclosed as Appendix 2.

NOTE: Paternity leave is in addition to the provisions for Parental leave set out in section E of this booklet

3. Additional Paternity Leave (Teaching & Non-Teaching Staff)

April 2011 saw the introduction of a statutory right to additional paternity leave and pay provided the required criteria are met, where both partners can share the statutory entitlements.

Qualifying Conditions

Where the mother or primary adopter returns to work early, employees who meet the qualifying criteria below may take up to 26 weeks Additional Paternity Leave (APL) (or a period equivalent to the remaining maternity leave entitlement - whichever is shorter). Leave must be taken within the first year of the child's life for the purpose of caring for a newborn.

In a birth situation:

- The child must be due on or after 3rd April 2011
- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother,
- He/she must expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility)
- He/she must be taking leave to care for the child
- He/she must have a minimum of 26 weeks' service with HCC or local government body at the end of the 15th week before EWC
- He/she must remain in continuous employment until the week before the first week of additional paternity leave
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. The mother must have returned to work and forfeited a portion of her maternity leave

In an adoption situation

- If adopting from the UK the applicant must have been matched for adoption on or after 3rd April 2011
- If adopting from overseas the child must have entered the UK on or after 3rd April 2011
- He/she must be married to, the civil partner of, or the partner of, the primary adopter
- He/she must have been matched with the child for adoption
- He/she must be taking the leave to care for the child
- He/she must have a minimum of 26 weeks' service with HCC or local government body at the end of the 15th week before the week in which he/she was notified of having been matched with the child
- He/she must remain in continuous employment until the week before the first week of additional paternity leave

- The primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The adopter must have returned to work and forfeited a portion of his/her adoption leave.

4. Notification Requirements

Employees must submit the Notification of Intention to Take Additional Paternity Leave form by the 15th week before the expected week of childbirth, or within 7 days of matching notification, or within 21 days of notification if adopting from abroad.

5. Timing of additional paternity leave

Additional paternity leave can start no earlier than 20 weeks after the child's birth or placement for adoption and end no later than 12 months after. The leave must be taken as a single block in multiples of complete weeks (minimum of 2 week up to a maximum of 26 weeks).

6. Time off to attend ante-natal appointments

The father or the partner of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to two of her ante-natal appointments. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement, if they satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for 1 or 2 appointments. No reasonable request for time off will be refused. The maximum time off allowed will half of a normal working day. Employees may be asked to provide proof of the ante-natal appointment to their line manager.

7. Payments during Additional Paternity Leave

An employee is entitled to Additional Statutory Paternity Pay (ASSP) if they are eligible for APL and:

- their average weekly earnings for the period of eight weeks ending with the 15th week before the expected week of childbirth, or the week in which notification of adoption was received, are not less than the lower earnings limit for national insurance contributions
- the mother/primary adopted is entitled to SMP, maternity allowance or SAP and they have returned to work before exhausting their full statutory pay entitlement
- the mother or primary adopter has a minimum of two weeks of their maternity or adoption pay period that remains unexpired; and
he/she gives proper notification in accordance with the rules set out above.

Employees who meet the qualifying criteria will be entitled to have the mother's remaining SMP entitlement transferred to them as Additional Statutory Paternity Pay (ASPP).

Therefore, if the mother returns to work in week 30 of her maternity leave the employee taking paternity leave will be eligible for ASPP for the first 9 weeks. This will be paid at the same rate as Ordinary Statutory Paternity Pay or 90% of the employee's average weekly earnings, whatever is the lowest.

Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

An employee will be entitled to up to 26 week's unpaid leave if he/she fails to satisfy the additional statutory paternity pay conditions.

D. Adoption leave and pay

1. Eligibility and Initial Obligations of the Employee

1.1 Eligibility

Statutory Adoption Leave

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an adoption agency
- be newly matched with a child under 'Fostering to Adopt'

The right to take adoption leave and pay also applies to employees fostering a child under the "Fostering for Adoption" Scheme. The other parent will also be eligible for paternity leave and pay. Under these circumstances, eligible employees can also access the Shared Parental Leave Scheme.

1.2 Introductory appointments:

The primary adopter will be entitled to paid time off to attend up to 5 introductory appointments before the adoption takes place. The secondary adopter will be entitled to unpaid time off for up to 2 introductory appointments.

1.3 Initial Obligations of the Employee - Notice of intention to take adoption leave

You are required to inform your employers of your intention to take adoption leave :

- 7 days of being notified by their adoption agency that they have been matched for adoption if adopting within the UK
- 28 days of receiving notification if adopting from overseas

You need to tell your employers:

- when the child is expected to be placed with you and
- when you want your adoption leave to start.

You can change your mind about the date on which you want your leave to start providing you tell your employer at least 28 days in advance (unless this is not reasonably practicable).

1.4 Length of adoption leave

You are entitled to up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave - a total of up to 52 weeks' leave.

You can choose to start your leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

1.5 Statutory Adoption Pay

Statutory Adoption Pay is paid for up to 39 weeks. The rate of Statutory Adoption Pay is the same as the standard rate of Statutory Maternity Pay or 90% of average weekly earnings whichever is the lower.

In an adoption situation if an eligible adopter leaves HCC between the date they are notified of being matched for adoption and the date the adoption placement starts they are still eligible to receive Statutory Adoption Pay.

1.6 Termination of child's placement

If the child's placement is terminated during the employee's adoption leave they will be entitled to pay and leave for up to eight weeks after the placement ends. In these circumstances, employees should notify their line manager as soon as possible.

2. Details of Adoption Scheme

2.1 Local Government Employees (Not Teachers)

In addition to the provisions under the statutory adoption scheme, Local Government employees with one year or more continuous service will be eligible to receive occupational adoption pay as follows:

- For the first 6 weeks a combination of Statutory Adoption Pay, topped up by an amount of Occupational Adoption pay to equal 90% of the employee's average weekly earnings.
- For the following 33 weeks, the current weekly SAP allowance or 90% of an employee's weekly pay (whichever is the lowest).

In addition, eligible employees are entitled to further Occupational Adoption Pay equivalent to 12 weeks at half pay, paid between the 7th and 26th week of Ordinary Adoption Leave, provided the employee agrees to return for at least 13 weeks to Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).

2.2 Teaching Staff

In addition to the provisions under the statutory adoption scheme, teaching staff will be eligible to receive occupational adoption pay as follows:

Teachers with at least one year's continuous service will be eligible to receive 7 weeks on half pay for the first 7 weeks of the leave period provided the teacher agrees to return for at least 13 weeks to Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).

The combined Statutory Adoption Pay and Occupation Adoption Pay will not exceed the normal contractual earnings for a week.

For information referring to Childcare Vouchers and changes relating to Childcare Voucher Deductions when being paid SMP/OMP please see Section F. below and Appendix 6 – FAQs on Changes to deducting Childcare Vouchers from Occupational Maternity Pay.

3. Matching certificate or Placement Order for ‘Fostering to Adopt’.

Employees must give their employer documentary evidence – from their adoption agency as evidence of their entitlement to SAP. Employers can also ask for this as evidence of entitlement for adoption leave. Employees should ask their adoption agency for this documentary evidence, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates.

4. ‘Keeping in Touch Days’

You may undertake 10 ‘Keeping in Touch Days’ during your maternity leave. This allows you to work under your contract of employment for up to 10 days and receive payment as agreed with your Head Teacher.

5. Return to work after adoption leave

If you intend to return to work at the end of your full adoption leave entitlement do not have to give any further notification to your employers.

Should you wish to return to work before the end of your adoption leave period, you must give your employers 28 days’ notice of the date you intend to return.

6. Paternity leave and pay (adoption)

(See Additional Paternity Pay Section C3. above for further details)

Following the placement of a child for adoption, the rights to paternity leave and pay give eligible employees the right to take paid leave to care for their new child or support the adopter.

6.1 Eligibility

You must satisfy the following conditions in order to qualify for paternity leave. You must:

- have or expect to have responsibility for the child’s upbringing
- be the adopter’s spouse or partner
- have worked continuously for their employer for 26 weeks ending with the week in which the adopter is notified of being matched with a child.

You should complete the self-certificate form enclosed as Appendix 3 as evidence that you meet these eligibility conditions.

6.2 Length of paternity leave

If eligible, you are entitled to choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

You can choose to start your leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a chosen number of days or week after the date of the child's placement (whether this is earlier or later than expected), or
- from a chosen date which is later than the date on which the child is expected to be placed with the adopter.

Leave can start on any day of the week on or following the child's placement but must be completed within 56 days of the child's placement.

Only one period of leave is available to employees irrespective of whether more than one child is placed together.

7. Statutory Paternity Pay for Adoption

Provided you satisfy the qualifying criteria you are entitled to Statutory Paternity Pay (SPP) from your employers. The rate of Statutory Paternity Pay is the same as the standard rate of Statutory Maternity Pay or 90% of average weekly earnings whichever is the lower.

7.1 Notice of intention to take paternity leave

You must inform your employers of your intention to take paternity leave within seven days of the being notified by your adoption agency that you have been matched with a child, unless this is not reasonably practicable. You must tell your employers:

- the date on which you were notified of having been matched with the child
- when the child is expected to be placed
- whether you wish to take one or two weeks' leave
- when you want your leave to start.

Should you change your mind about the date on which you want your leave to start you must tell your employer 28 days in advance (unless this is not reasonably practicable).

You should tell your employers the date you expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

7.2 Self certificate

You must give your employer a completed self certificate as evidence of your entitlement to SPP. A self-certificate is enclosed as Appendix 4. Employers can also request a completed self certificate as evidence of entitlement to paternity leave. The self-certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements.

7.3 Return to work after paternity leave

You are entitled to return to the same job following paternity leave.

E. PARENTAL LEAVE

All employees with 12 months continuous service have the right to parental leave, which may be taken in addition to any entitlement to maternity, paternity or adoption leave, as follows:

1 Parental Leave

1.1 Length of Parental Leave

Employees have the right to up to 13 weeks' unpaid leave for a child up to the age of 18 (up to age 18 years after adoption), subject to

- ◆ a maximum of 4 weeks per year
- ◆ leave being taken in blocks of one week.

1.2 Children with Disabilities

Parents of children who have disabilities have the right to

- ◆ take leave up to the age of 18.
- ◆ Up to 18 weeks unpaid leave

1.3 Notice of Intention to take Parental Leave

The expectation is that the Head Teacher and employee will be able to agree a suitable time for such leave, subject to:

- Minimum notice of 21 days
- postponement by up to six months if the period proposed is unduly disruptive

Where a father gives notice of his intention to take leave starting when the child is born, the Head Teacher cannot postpone this leave.

1.4 Keeping Records

Employers are not required to keep statutory records of parental leave taken, but Heads may wish to record requests for parental leave and the amount of parental leave taken. It is open to employers to make enquiries of a previous employer or seek a declaration from the employee as to how much parental leave he or she has taken.

2. Time off for dependants

All employees have a basic right to take a reasonable amount of unpaid time off work to deal with an emergency involving a dependant.

“Dependant” is defined broadly as spouse, child, parent or someone who relies on the employee.

Examples of “emergency” are illness, injury, birth, death, breakdown of care arrangements or dealing with an unexpected accident involving a child at school.

There is no set time limit; the test is what is reasonable in the circumstances. Normally 1 or 2 days is the most that is needed.

It is accepted that the employee may not always be able to seek permission beforehand but will be expected to inform the school as soon as practicable.

If your school already has a policy on discretionary leave, these provisions, which came into effect in December 1999, should be incorporated into that policy.

3. Maternity Support Leave

Maternity Support Leave may be available to employees who are the mother’s nominated carer at or around the time of the birth but are not entitled to Paternity Leave. Up to five days paid leave can be granted (pro rata in the case of part time employees). The leave can be taken up to three weeks either side of the expected date of birth. It can be taken in a block of one week or as single days.

4 In Vitro Fertilisation

All employees, regardless of hours worked or length of service, are entitled to five days paid leave per annum (pro rata for part time employees) for the purpose of attending IVF appointments and undergoing fertility treatment. The manager may also grant unpaid leave at their discretion.

5. Special Guardianship

A Special Guardianship is a legal order giving certain rights to people who are caring for someone else's child and are likely to be relatives or foster parents who have an existing relationship with the child. These orders do not remove parental responsibility from the child's birth parents; however the special guardian will have responsibility for all day-to-day decisions about caring for the child or young person, and for making important decisions about their upbringing, for example, their education.

A special guardianship order lasts until the child is 18 years old. Special Guardians, unlike adoptive parents, are not entitled to receive any specific pay or leave entitlement in respect of the order. Employees will be entitled to request parental leave and can apply for flexible working.

F. SHARED PARENTAL LEAVE

Shared Parental Leave enables eligible parents to share the care of their child during the first year of birth or adoption. Shared Parental Leave applies to parents who have a child that is due to be born or placed for adoption on or after 5th April 2015.

For full details of the Shared Parental Leave scheme please visit the following pages of the Hertfordshire Grid for Learning:

http://www.thegrid.org.uk/schoolworkforce/human_resources/policies/index.shtml#s

G CHILDCARE VOUCHER SCHEME (*HERTFORDSHIRE COUNTY COUNCIL SCHOOLS ONLY)

The Childcare Voucher Scheme enables you to exchange part of your salary for Childcare Vouchers which are exempt from Tax and National Insurance. For a basic rate taxpayer this could mean a saving of over £500 per year.

Employees are eligible to take up to £55 worth of Childcare vouchers per parent per week. This equates to £243 of vouchers per month, per parent. Any childcare costs in excess of this amount will have to be paid for by other means.

The vouchers can be used to pay any childcare provider who is registered with OFSTED or has Approved Status. More information on Childcare Approval Scheme is available from the Inland Revenue.

Changes to tax regulations mean that higher or additional rate taxpayers who join the scheme on or after 6th April 2011 will have the value of the vouchers they can claim capped. This means that anyone joining the scheme on after this date will be entitled to the same maximum saving of £11 per week. **Note: This does not affect employees already in the scheme or who join before 6th April 2011.**

Childcare vouchers table				
	Joined up to 6th April 2011	Joined up to 6th April 2011	Joined on or after 6th April 2011	Joined on or after 6th April 2011
Tax Band	Voucher limit Per week	Tax Saving Per week	Vouchers Limit Per week	Tax Saving Per week
Basic	£55	£11	£55	£11
Higher	£55	£22	£28	£11
Additional	£55	£22	£22	£11

Reducing your tax and national insurance contributions through a salary sacrifice scheme may effect your entitlement to a range of benefits including the state second pension (if you are not a member of the Local Government Pension Scheme). A full list of benefits which may be effected can be found at <https://www.gov.uk/national-insurance/overview>

Entering into a salary sacrifice arrangement may reduce your entitlement to Statutory Maternity Pay (SMP). SMP is calculated based on your earnings in the eight weeks leading up to the 15th week before the expected week of childbirth. You may wish to consider suspending your vouchers during this period in order to receive a higher rate of SMP.

Where applicable childcare voucher payments will be deducted from Occupational Maternity/Paternity Pay. Any such deduction will be equivalent to the proportionate reduction in salary that is paid as Occupational Maternity/Paternity Pay; the level of deduction will not exceed the percentage of salary that is paid as Occupational Maternity/Paternity Pay.

An employee who is claiming the working tax credit (WTC) childcare element may be worse off accepting vouchers instead of salary. This is because using vouchers to pay childcare costs means that you cannot claim the WTC childcare element for these costs. For further information please refer to the new HMRC guidance which can be found on their website <http://www.hmrc.gov.uk/calcs/ccin.htm>

For further information on childcare vouchers, please contact our provider Computershare Voucher Services by visiting their website <http://www.computersharevoucherservices.com/Pages/default.aspx>

*Please note that the County Council's payroll administrator, Serco, does not manage the payroll for all schools in Hertfordshire, and is unfortunately not able to include those schools who do not purchase the Serco payroll service within the scope of this scheme. However, the County Council can help schools to set up a childcare voucher scheme with their own payroll provider.

HCC's ID number for the Childcare Voucher scheme with Computershare Vouchers for Non Schools employees is 4861 and for Schools employees is 0018175108.

Changes to Childcare Voucher Deductions when being paid SMP/OMP

SMP and OMP are calculated based on the employee's average salary over the 8 weeks before the 15th week before the expected week of childbirth. Employees should be aware that if they have given up part of their salary in return for Childcare Vouchers then their Statutory and Occupational Maternity, Adoption or Paternity pay will be based on the salary remaining after these deductions have been made. **See Appendix 6 FAQs on Deducting Childcare Vouchers** for further information. Therefore they may choose to suspend their voucher payments over the payment calculation period in order to receive a higher rate of maternity pay.

Where an employee on Maternity/Paternity Leave continues with the Childcare voucher scheme, payments will be deducted from Occupational Maternity/Paternity Pay. Any such deduction will be equivalent to the proportionate reduction in salary that is paid as Occupational Maternity/Paternity Pay; the level of deduction will not exceed the percentage of salary that is paid as Occupational Maternity/Paternity Pay.

H What help is available to carers?

The following are available to employees. Further information about each policy can be found on Connect, the County Council's Intranet site.

All the following policies are subject to the needs of the service and agreement by your Head Teacher and Governing Body. In considering flexible working requests Head Teachers will take into account service needs. Agreement to alternative working patterns may also be subject to a trial period, which should be jointly agreed:

Flexible working hours

Allows flexibility in starting and finishing times along with the opportunity to take flexi time. The scheme does not operate in all locations but ask your manager what is available to you and s/he will consider what flexibility can be offered.

Part time working

Reducing hours to meet caring responsibilities. (This can be done on a permanent or temporary basis) Any reduction will be subject to the needs of the job and the section.

Temporary reduction in hours

Hours are voluntarily reduced for a specific and time limited period to allow for alternative caring arrangements to be made or short term caring needs to be met.

Homeworking

Enables employees in certain jobs to work from home. Relevant equipment such as laptop computers and mobile phones can be provided.

Annualised hours

Employees are contracted to work a specific number of hours over a year. This allows some flexibility in when hours are worked, e.g. reduced hours during school holiday periods and increased hours during term time.

Job sharing

This involves two (or occasionally more) people sharing a full time post and dividing the terms and conditions between them.

Concentrated hours

The working week is compressed into fewer working days e.g. 37 hours can be worked in a 4 day week or 4 1/2 day week

Time off for Dependants

All employees have a basic right to take a reasonable amount of unpaid time off work to deal with an emergency involving a dependant.

“Dependant” is defined broadly as spouse, child, parent or someone who relies on the employee.

Examples of “emergency” are illness, injury, birth, death, breakdown of care arrangements or dealing with an unexpected accident involving a child at school.

There is no set time limit; the test is what is reasonable in the circumstances. Normally 1 or

2 days is the most that is needed.

It is accepted that the employee may not always be able to seek permission beforehand but will be expected to inform the school as soon as practicable.

If your school already has a policy on discretionary leave, these provisions, which came into effect in December 1999, should be incorporated into that policy.

Compassionate Leave

Head Teachers can grant up to five days leave for employees to deal with adverse domestic circumstances

Unpaid leave

Up to 20 days unpaid leave (or more in exceptional circumstances) can be granted in any year

Annual leave

Employees can carry forward up to 5 days holidays from their annual entitlement per annum.

APPENDIX 1: NOTIFICATION OF MATERNITY LEAVE

Preferred Title:..... Full name.....

Home address

.....Post Code

Home Telephone Number School

..... School Ref.No.....

Post Held

Expected date of childbirth

Date of the beginning of 11th week before the expected week of childbirth

Date on which maternity leave is expected to start (must not be earlier than 11th week date)

I elect to take option

If you wish us to withhold 12 weeks half pay until you return to work please tick

Local Government Staff Only

If you wish to have the 12 weeks half pay paid over weeks 7 to 26

Declaration

I, the above named, wish to inform you that I am pregnant and wish to take maternity leave. I intend to return to my duties after my maternity leave and remain available for 13 weeks to a Hertfordshire County Council School/Department, another local government or associated employer or a new employer following a TUPE in the same post. If I do not fulfil this obligation I am obliged to repay part or all of my contractual maternity pay to Hertfordshire County Council. I confirm that I have read the Carers' Guide on Maternity Leave.

Signature

Date

Signature

Date

Head Teacher

**Forward to the Schools Transactions Team, 4th Floor, County Hall, Hertford SG13 8TN,
(Pay Point: CHN507)**

Date when service commenced in Hertfordshire County Council
*(if less than 26 weeks from the beginning of the 15th week before the
EWC, date when continuous service with other authority(ies) began*

For HCC use only:

Option Payable (Delete as applicable)

One/Two week(s) without pay
 One /Two week(s) with Full Pay

One/Two week(s) with SPP only
 Additional Paternity Pay (___ wks)

PART 2

Mother's Declaration

To be completed by the mother of the child or the person who took Maternity Leave/Pay:

Your first name	Your surname	National Insurance Number

Your address

My maternity leave started on:	I have given notice to my employer that I will return to work on:

During my period of maternity/adoption leave I was entitled to Statutory Maternity Pay or Maternity Allowance (please tick to confirm)

I confirm that the person named in Part 1 (please tick all boxes)

Is the biological father of the child or my spouse, civil partner or partner

Has, or expects to have, the main responsibility (apart from my responsibility) for the upbringing of the child

Is, to my knowledge, the only person exercising the entitlement to additional paternity leave, and is the sole applicant for additional statutory paternity pay (if applicable), in respect of my child

I consent to Hertfordshire County Council processing such of my information as is contained in this form.

Signature		Date	
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Appendix 3: Notification of intention to take Adoption Leave

On completion please hand this form to your Head Teacher.

Personal Details	
Name.....	
Home Address.....	
.....Post Code	
Home Telephone Number.....	
School.....School Ref. No.....	
Post Held	
Leave	
The child's placement is due to take place on	
A matching certificate/Placement Order issued by an adoption agency confirming that I have been matched for adoption/Fostering for Adoption is enclosed with this form	
I would like to start my adoption leave on	
Pay	
If eligible, the Occupational Adoption Pay equivalent to 12 weeks half pay for non-teaching staff and 7 weeks for teaching staff is conditional upon returning to work for 3 months following maternity leave to Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).	
If you want to return early from your Adoption Leave you must give your Head Teacher at least 28 days notice.	
I confirm that the child whom I am adopting has been newly matched by an approved adoption agency and I am the only individual taking adoption leave in respect of the adoption of this child	
Signed	Date
Signature (Headteacher)	Date

Appendix 4: Notification of intention to take Paternity Leave (Adoption)

On completion please hand this form to your Head Teacher no later than 8 weeks before leave is due to start.

PART 1:	
Personal details	
Employee	Manager
Name:	Name:
Job Title:	Job Title:
Department:	
Work Tel:	
NI No:	
Payroll Ref:	
Your dates for pay and leave	
<p>To the Head Teacher: The Adoption placement is due to commence on _____</p> <p>To Serco HR & Payroll: I'd like my Adoption Paternity pay & leave to commence on _____</p> <p>I'd like to be away from work for <input type="checkbox"/> one week <input type="checkbox"/> two weeks</p> <p>I would like to take Additional Paternity Leave commencing on: _____</p> <p>and will be returning on: _____</p>	
<i>Your must be able to tick all boxes to get paternity leave and pay:</i>	
<input type="checkbox"/> I have responsibility for the child's upbringing <input type="checkbox"/> I will take off work to support the mother or care for the child <input type="checkbox"/> The information provided in this application is true and accurate <u>and</u> I enclose herewith a copy of the matching certificate issued by an adoption agency confirming that I have been matched for adoption.	
Teachers only:	
<input type="checkbox"/> I have been continuously employed with Hertfordshire County Council for 26 weeks or more.	

Signature:	Date:
Signature (Headteacher)	Date

For HCC use only:

Option Payable (Delete as applicable)

One/Two week(s) without pay	<input type="checkbox"/>	One/Two week(s) with SPP only	<input type="checkbox"/>
One /Two week(s) with Full Pay	<input type="checkbox"/>	Additional Paternity Pay (____ wks)	<input type="checkbox"/>

PART 2

Adopter's Declaration

To be completed by the mother of the child or the person who took Adoption Leave/Pay:

Your first name	Your surname	National Insurance Number

Your address

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My adoption leave started on:	I have given notice to my employer that I will return to work on:
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During my period of maternity/adoption leave I was entitled to Statutory Adoption Pay (please tick to confirm)	<input type="checkbox"/>
--	--------------------------

I confirm that the person named in Part 1 (please tick all boxes)

Is my spouse, civil partner or partner	<input type="checkbox"/>
--	--------------------------

Has, or expects to have, the main responsibility (apart from my responsibility) for the upbringing of the child	<input type="checkbox"/>
---	--------------------------

Is, to my knowledge, the only person exercising the entitlement to additional paternity leave, and is the sole applicant for additional statutory paternity pay (if applicable), in respect of my child	<input type="checkbox"/>
---	--------------------------

I consent to Hertfordshire County Council processing such of my information as is contained in this form.

Signature		Date	
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Appendix 5: FAQs on deducting Childcare Vouchers from Occupational Maternity Pay (Hertfordshire County Council Schools Only)

Q. Does HCC have to continue benefits employees were exercising immediately prior to maternity leave commencing.

A. Yes, legislation requires HCC to allow benefits that employees were exercising immediately prior to their leave to continue throughout their leave.

Q. How much can deducted from OMP?

A. Deductions for childcare vouchers shall be made from OMP as a proportion of the value of vouchers claimed equal to the proportion of normal salary paid as OMP. For example, if an employee receives 50% of normal salary as OMP HCC will deduct 50% of the value of the vouchers claimed.

Q. If an employee is not eligible to receive OMP payments will deductions for childcare vouchers still be taken?

A. No, only deductions from OMP are made and therefore if employees are not eligible for OMP no deductions will be made.

Q. During an employee's last period of maternity leave these deductions were not made, why are they being taken from subsequent OMP payments?

A. Under the terms and conditions of the childcare voucher scheme HCC have always had the provision to make these deductions from OMP. In the past HCC has not exercised this right. Given the increasing costs to the scheme through maternity HCC has taken the decision to begin these deductions to mitigate against the increase in costs and therefore ensure the scheme remains viable.

Q. What happens if childcare vouchers are cancelled whilst the employee is on maternity leave?

A. If childcare vouchers are cancelled no further deductions will be made.

Q. Can an employee start taking childcare vouchers during a period of maternity leave?

A. No. Employees are only entitled to benefits that they were exercising immediately prior to their leave. Therefore employees who are not taking the vouchers at the point their leave commences cannot join the childcare voucher scheme until they return to work.

Appendix 4 Summary Table

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		Appendix 1
Disability Leave – Collective Agreement support staff only	✓		✓		5.1
Time off for sick child	✓			✓	5.2
Compassionate, Emergency or Exceptional Leave	✓		✓		5.3
Other personal reasons		✓		✓	5.4
Career Breaks/Extended Leave of Absence		✓		✓	5.5
Moving House		✓		✓	5.6
Service with Auxiliary Forces	✓		✓		5.7
Mobilisation	✓		✓		5.8
Carry over of annual leave		✓	✓		5.9
Religious festivals		✓		✓	5.10
Sporting Events		✓	✓		5.11
Attendance at Court Proceedings		✓	✓		5.12
Public Duties	✓			✓	5.13
Study/ Examination Leave		✓	✓		5.14
GCSE Duties & Activities		✓	✓	✓	5.15
Trade Union Duties	✓		✓		5.16
Bad Weather Conditions		✓		✓	5.17
Time off for appointments (Doctor, Dentist etc.)		✓	✓		5.18
Maternity, Paternity, Adoption, Carers leave & ante-natal care	✓		✓		6
In Vitro Fertilisation (IVF)		✓	✓		7
Interviews within HCC or another Local Authority		✓	✓		8