

Dundee Negotiating Committee for Teachers



*Joint Secretary Representing Management
Gillian Milne
Human Resources Manager
Dundee City Council
50 North Lindsay Street
Dundee DD1 3RJ
T 01382 433593
E Gillian.milne@dundee.gov.uk*

*Joint Secretary Representing Unions
David Baxter
Harris Academy
Lawton Road
DUNDEE
DD3 6SY
T 01382 435700
F 01382 435701*

*Minute Secretary
Gordon Winton
Committee Services Officer
Support Services Department
Dundee City Council
21 City Square
Dundee DD1 3BY
T 01382 434818
F 01382 434666
E gordon.winton@dundee.gov.uk*

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Dear Colleague

FAMILY LEAVE

In accordance with the provisions of the SNCT terms and conditions of service for Teachers and Associated Professionals, employees are entitled to family leave and pay for the following:

- Maternity Leave (ML) and Pay (OMP/SMP)
- Adoption Leave (AL) and Pay (OAP/SAP)
- Surrogacy Leave
- Maternity and Adoption Support Leave and Pay, incorporating Ordinary Leave
- Parental Leave

The attached procedure has been agreed by the joint secretaries to deal with these applications.

Gillian Milne (Management)

David Baxter (Teachers)

Joint Secretaries

DNCT/28

1.0 Background

Teachers and associated professionals are entitled to various forms of Family Leave. The conditions of service which determine these are detailed in the Section 7 of the SNCT handbook for Teachers and Associated Professionals.

Full details regarding family leave are available at:

[http://www.snct.org.uk/wiki/index.php?title=Part 2 Section 7](http://www.snct.org.uk/wiki/index.php?title=Part_2_Section_7)

These conditions cover the following categories:

- Maternity Leave (ML) and Pay (OMP/SMP)
- Adoption Leave (AL) and Pay (OAP/SAP)
- Surrogacy Leave
- Maternity and Adoption Support Leave and Pay, incorporating Ordinary Leave
- Parental Leave

This circular details the following:

- Procedure for Applying for Family Leave
- Dates when applications should be made
- Documents to be submitted with application
- Returning from family leave

Full details of the undernoted related matters are detailed in full within the SNCT handbook at the link noted above.

- Keeping in Touch Days
- Pension
- Right to Return to work
- Continuous Service
- Antenatal Care (including appointment for partners)
- Still birth and Neonatal Death
- Sick Leave and Maternity
- Annual Leave Accrual
- Preadoption meetings

Accordingly, all applications for these types of family leave should be made following the procedure detailed in this agreement.

Section 7 of the SNCT conditions of service also covers Shared Parental Leave; the procedure for applying for this is detailed in DNCT/25 (link below) and not this agreement.

<http://dmlink.dundee.gov.uk/WebRep/CeRDMSGetNodeContent/OTgetNode.php?node=a3689c74aaa2a0569c0c>

2.0 Procedure for Applying for Family Leave

All applications should be made by the completion of the appropriate form which should be submitted to the teacher / associated professionals Head Teacher/Head of Establishment/Manager for approval. All applications will be forwarded to the appropriate Education Manager who will acknowledge and submit to the Corporate Business Support Service

2.1 Family Leave Application – Maternity Leave / Adoption Leave / Surrogacy Leave

Employees who wish to apply for maternity leave, adoption leave or surrogacy leave require to do so by completing the application form attached in appendix 1. Completed forms should be submitted to the employees manager as early as possible and no less than the undernoted timescales.

- Maternity Leave – no later than 21 days before childbirth
- Adoption Leave – within 7 days of being notified they have been matched with a child
- Surrogacy Leave - no less than 28 days notice

The employee's manager will pass the completed form to the appropriate Education Manager for reference who will acknowledge it and submit to CBSS Staffing to process and notify the payroll section.

2.2 Documents to be submitted with a Family Leave Application

Where practical, employees should submit the following documents along with their family leave application form.

- Maternity Leave – Form MATB1 received from a registered medical practitioner or midwife.
- Adoption Leave – A matching certificate received from the adoption agency
- Surrogacy Leave - A copy of the Sheriff Court Parental Order

2.3 Return from Family Leave

The employee may indicate when applying for family leave when they intend to return, however, if no indication is made the council will initially base the return date as the end of the family leave period.

An employee who wishes to return to work earlier than the end of the family leave period must give the council 28 days' notice. If the appropriate notice is not given, the council may postpone her return for up to 28 days (but not to a date later than the end of the family leave period).

No notification is required for an employee returning to work on the first working day following the end of the family leave period. For the purposes of ensuring adequate staffing levels, Head Teachers / Managers may contact the employee regarding their intention to return.

Teachers and associated professionals will normally take any accrued period of annual leave immediately after their return to work.

2.4 Termination of an Adoption Placement

Where the adoption placement ends, for any reason, during the adoption leave, the employee will notify the council. Where the adoption placement ends within the first 26 weeks of AL the employee will be entitled to remain absent from work until the end of the 26 week period. Where the adoption placement ends after the 26th week of AL the employee will be entitled to remain absent on AL for up to 8 weeks after the end of the placement or until the end of the AL period, whichever is sooner. Notification of the intended date of return should be given in accordance with paragraph 2.3 above.

3.0 Maternity and Adoption Support Leave and Pay

Support Leave of one week with normal pay will be granted to the spouse or partner or nominated carer of an expectant mother or of someone taking adoption leave at or around the time of birth or placement. The nominated carer is the person nominated by the mother or the person taking adoption leave to assist in the care of the child and to provide support to her/him.

Maternity Support Leave and Adoption Support Leave can be taken:

- (a) from the date of the child's/children's birth or placement for adoption;
- or
- (b) from another date after the child's/children's birth or placement for adoption.

This is subject to paragraphs 3.1 below, Ordinary Paternity Leave and Pay.

Applications for Maternity and Adoption Support Leave should be made by completing the form at Appendix B

3.1 Ordinary Paternity Leave and Pay

In addition to the maternity support leave described above, an employee who is the spouse or partner of an expectant mother (and who has at least 26 weeks' continuous service at the start of the 15th week before the baby is due) is entitled to a further week's Ordinary Paternity Leave (OPL).

In addition to the adoption support leave described above, an employee who is the spouse or partner of a person taking adoption leave and who has at least 26 weeks' continuous service at the start of the notification week is entitled to a further week's OPL.

OPL can be taken:

- (a) from the date of the child's/children's birth or placement for adoption;
- or
- (b) from another date after the child's/children's birth or placement for adoption.

Applications for Ordinary Paternity Leave should be made by completing the form at Appendix B.

3.2 Dates for notifying OPL

Leave can start on any day of the week, but must be taken within 56 days of the actual birth or placement date. If the birth is early, leave must be taken within the period from the actual date of the birth up to 56 days after the expected week of birth.

An employee who wishes to take OPL must inform the council of her/his intention to take paternity leave by the 15th week before the week in which the child is expected.

In the case of adoption, employees must inform their employers of their intention to take paternity leave within 7 days of the employee being notified by their adoption agency that they have been matched with a child/children, unless this is not reasonably practicable.

There can only be one period of leave. Where an employee elects to take 2 weeks' leave, these must be consecutive. Where an employee elects to take only 1 week of leave then this will be taken as a complete week of leave. The first week will be support leave and paid at full pay while the second week will be ordinary paternity leave and SPP will be paid.

The employee shall accrue annual leave, in accordance with Section 5 of the SNCT handbook, Annual Leave, during the leave period. This leave should be taken following the employee's return to work. The timing of this leave is subject to the overriding needs of the service and,

- (a) in the case of teachers and music instructors, the accrued leave can be directed to be taken during the days of school closure, with payment to be arranged in accordance with Part 2, Section 5, paragraphs 5.7 of the SNCT handbook

or

- (b) in the case of education support officers, quality improvement officers and educational psychologists, should normally be taken as soon as possible following the return to work.

3.3 Altering the Date of Maternity and Adoption Support Leave or OPL

Employees may alter the date on which their leave starts by giving 28 days' notice in writing, where this is reasonably practicable.

3.4 Payment during OPL

The ordinary paternity leave and pay provisions allow for up to 2 weeks' OPL and SPP for employees who meet the criteria. The provisions above provide for normal pay for the first week and SPP for the second week. In the first week SPP is offset against normal pay. (Subject to Statutory Payment qualifying conditions)

4.0 Parental Leave

Parental leave is a right for all employees who are parents, and who have at least 1 year's continuous service, to take time off work to look after or make arrangements for their child's welfare. Parental leave is unpaid.

Full details of the provisions of Parental Leave are detailed in paragraphs 7.7.1 to 7.7.7 of the SNCT handbook, as per the link in paragraph 1.0 of this agreement.

This is also detailed in DNCT/15 as per the link below.

<http://dmlink.dundeeccity.gov.uk/WebRep/CeRDMSGetNodeContent/OTgetNode.php?node=989eab709d6daaa2a20a>

DNCT/28 - Application for Family Leave – Teacher and Associated Professionals

Section 1 – Personal Details

Teachers Name	
Pay Number	
School	
Post Held	

Section 2 – Application Details

Type of Family Leave Applied for	Maternity Leave/Adoption Leave/Surrogacy Leave (Delete as appropriate)
Expected Date of Childbirth/ Adoption/ Placement	
Proposed Date for Family Leave to commence	
Proposed end date of Family Leave – (unless otherwise notified employee will be returned to payroll the day after this date and will then receive accrued leave before returning to school)	

Section 3 – Documents Attached

Type of Leave	Document required	Enclosed
Maternity Leave	Form MATB1	
Adoption Leave	Adoption Agency Matching Certificate	
Surrogacy Leave	Copy of the Sheriff Court Parental Order	

Employees Signature _____

Date _____

Acknowledge by Manager / Head Teacher _____

Date _____

DNCT/28 - Application for Maternity Support Leave / Adoption Support Leave & Ordinary Paternity Leave – Teacher and Associated Professionals

Section 1 – Personal Details

Teachers Name	
Pay Number	
School	
Post Held	

Section 2 – Application Details

Type of Family Leave Applied for	Maternity Support Leave/Adoption Support Leave & Ordinary Paternity Leave (Delete as appropriate)
Number of Weeks applied for	1 / 2 (Delete as appropriate)
Expected Date of Childbirth/ Placement	
Proposed Start date of Leave	

Section 3 – Documents Attached

Type of Leave	Document required	Enclosed
Maternity Support Leave	Form MATB1	
Adoption Support Leave	Adoption Agency Matching Certificate	

Employees Signature _____

Date _____

Acknowledge by Manager / Head Teacher _____

Date _____