

# HR & OD POLICIES

HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

## Paternity Maternity Support Ordinary and Additional Leave Teaching



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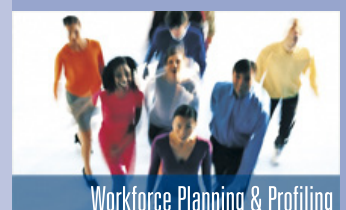
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# 1. INTRODUCTION

Following the birth of a baby the nominated supporter will be able to take one week's paid maternity support leave and if eligible a further week of ordinary paternity leave. Support Leave of one week with normal pay will be granted to the spouse or partner or nominated carer of an expectant mother at or around the time of birth or placement. The nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to her/him.

Maternity Support Leave can be taken:

- From the date of the child's/children's birth; or
- From another date after the child's/children's birth.

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).

OPL can be taken:

- From the date of the child's/children's birth; or
- From another date after the child's/children's birth.

Leave can start on any day of the week, but must be taken within 56 days of the actual birth. 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 is on OPL shall receive their normal pay.

## Notification

An employee who wishes to take Maternity Support Leave or Ordinary Paternity Leave must inform their line manager of her/his intention to take paternity leave by the 15th week before the week in which the child is expected (where reasonably practicable). For Maternity Support Leave and/or Ordinary Paternity Leave he/she must complete the [Application for Ordinary Paternity Leave](#) and forward to HR Support.

Depending on the circumstances the employee may not qualify for Ordinary Paternity Leave. HR Support will inform individuals and if required will provide the employee with the SPP1 form to take to the job centre. If this is the case more advice and information will be made available to the employee at the time.

For further information on eligibility please contact HR&OD or Payroll.

If the employee is not entitled to Ordinary Paternity Leave they may be entitled to other government help and should contact their Jobcentre Plus office. 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 while the second week will be ordinary paternity leave, both will be paid at full pay.

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

Only one period of leave is available to employees, irrespective of multiple births.

An employee shall be entitled to the above provisions in circumstances where the child is stillborn after 24 weeks or has died or where the child's mother has died within the period of leave.

## 2. ADDITIONAL PATERNITY LEAVE

Following the Work and Families Act 2006 the Government has increased the flexibility available to parents by introducing additional paternity leave which allows them to share a period of leave and/or pay following the birth of a child.

### Eligibility

In addition to maternity support leave and pay, and ordinary paternity leave and pay, an employee may have the right to up to 26 weeks' Additional Paternity Leave (APL) if he/she has at least 26 weeks' continuous service at the start of the 15th week before the EWC, and remains in continuous employment with the council until the week before the first week of the APL period begins.

The employee must either be the child's father or be married to or be the partner or civil partner of the child's mother. The employee must have, or expect to have, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.

APL is for a maximum of 26 weeks and can only be taken if the child's mother has:

- Been entitled to one or more of the following – Statutory Maternity leave, Statutory Maternity Pay or Maternity Allowance; and
- Returned to work from Statutory Maternity Leave and ceased claiming any relevant pay.

APL can be taken between 20 weeks and one year after the child is born. The leave must be taken in multiples of complete weeks and as one continuous period, with the minimum period being 2 weeks.

If the employee's child dies during additional paternity leave or during the period of notice that the employee has given in respect of taking additional paternity leave, the period

of additional paternity leave will terminate at the end of the week that falls 8 weeks after the death of the child. If the notified date occurs less than 8 weeks after the death of the child, the notified date will apply as the end of the APL period.



### Additional Statutory Paternity Pay

An employee who is on APL may also be entitled to receive Additional Statutory Paternity Pay (ASPP).

For an employee to be entitled to ASPP, the child's mother must have returned to work from Statutory Maternity Leave and ceased claiming any relevant pay, with at least two weeks of the unexpired Statutory Maternity Pay period or Maternity Allowance period remaining.

ASPP is only payable during the period of the child's mother's 39 week Statutory Maternity leave, Statutory Maternity Pay or Maternity Allowance period. ASPP will be payable for such part of the unexpired SMP period as is included within the period of APL taken. For more information please see the [Additional Paternity Leave Examples Fact Sheet](#).

ASPP must end no later than the date the SMP or MA would have ended therefore partners are eligible to receive ASPP only during the remainder of this 39-week period

and any additional paternity leave taken beyond that period will be unpaid. If there is a break between the mother returning to work and the partner starting APL the partner will only be entitled to the pay remaining at the date he/she begins his/her leave. For more information please see the additional paternity leave examples.

In order to ensure payment of the full entitlement, periods of SMP, MA and ASPP should be taken in complete weeks. Returning to work in the middle of a week will result in the payment due for the whole week of SMP, MA and ASPP being lost. SMP, MA and ASPP are not paid in part weeks but for full weeks only.

When transferring leave, in order to ensure no loss of pay, the father/partner should start the period or ASPP on the same day of the week that the mother commenced her leave. The mother should also return to work on the same day she started leave. For more information please see the additional paternity leave examples.

To qualify for ASPP the employee must have average earnings of not less than the lower earnings limit for National Insurance purposes.

An employee has the right to take unpaid APL if he/she meets the eligibility criteria for leave but not pay. All APL taken after the end of the 39 week Statutory Maternity leave, Statutory Maternity Pay or Maternity Allowance period is unpaid.

### 3. NOTIFICATION OF START OF ADDITIONAL PATERNITY LEAVE

#### **Notification & Evidence Required Before Starting Additional Paternity Leave**

To qualify for APL and ASPP, an employee must provide the council with the following:

- The expected week of childbirth.

- The actual date of birth, if this has already occurred.
- The dates he/she wishes APL to commence and end.

The employee must also provide:

- A signed declaration from the employee stating that the employee is either the father of the child or the spouse, partner or civil partner of the child's mother, and that the purpose of the period of leave will be to care for the child and that the conditions set out above, have been satisfied.
- A signed declaration from the child's adopter confirming:
  - Their name, address and National Insurance number
  - The date that she intends to return to work from Statutory Adoption Leave
  - That the father, husband, partner or civil partner satisfies the conditions set out above
  - That the father, husband, partner or civil partner is, to their knowledge, the only person exercising the entitlement to APL in respect of their child and
  - That she consents to the council processing the information that she has provided to them.

Employees should complete the [Application for Additional Paternity Leave](#) and submit it to HR Support at least 8 weeks before the leave commences.

Aberdeenshire Council requires that the mother's employer verifies the information on the application form. Employees must provide this at least 28 days before starting additional paternity leave.

Employees must also provide a copy of the child's birth certificate confirming the date of birth of the child.

**THE ADDITIONAL PATERNITY LEAVE APPLICATION FORM MUST BE RETURNED TO HR SUPPORT AT LEAST 8 WEEKS BEFORE THE LEAVE COMMENCES.**

On receipt of the above forms HR Support will write to the employee within 28 days confirming the start and end date of the period of leave.

### Notification of Changes

An employee who wishes to return to work earlier than the end of the APL period must give the council 6 weeks notice. If the appropriate notice is not given, the council may postpone their return if it is not reasonably practicable to accommodate the requested change in arrangements. The extent of any such postponement is limited to the earlier of the end of a 6 week notice period or the original return date.

## 4. CONTACT

Prior to the commencement of additional paternity leave a meeting should be arranged to discuss how contact can be maintained with you and your line manager. Both the employer and employee should have a clear understanding of the nature and frequency of contact.

Communication may be facilitated by home computers where employees on leave can exchange e-mails with colleagues at work and access council's intranets. If you have no home access to e-mails then communication by telephone or letter should be agreed.

Employers have a responsibility to ensure employees on additional paternity leave have information on vacancies and promotion, including acting appointments, and in-service or other CPD opportunities. The employee should also be apprised of changes to the workplace or work organisation which may impact on the employee.

### Keeping in Touch Days

During APL the employee is allowed up to ten days at work with normal pay as Keeping In Touch Days, without bringing the APL period to an end.

Normal pay will be an amount inclusive of ASPP, as appropriate. These days do not have to be consecutive and can be used for training or any other activity which enables the employee to keep in touch with the place of employment. Keeping in Touch Days can only be taken following agreement from the line manager and the employee on both the activity and timing.

For more information on Keeping in Touch Days please refer to [SNCT Code of Practice on Keeping In Touch Days \(Appendix 2.10\)](#)

Payroll must be informed of any 'Keeping in Touch Days' worked, a time sheet will be provided by your line manager which should be submitted when the days occur or monthly or by any other agreement



## 5. GENERAL INFORMATION

### Pensions

The employer shall continue to make full pension contributions during the period of paid paternity leave or annual leave.

### Annual Leave

The employee shall accrue 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,

- 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 based on the teacher's current daily rate of pay.
- 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.

Annual leave days are set as follows:

October vacation	First 7 days
December vacation	First 7 days
April vacation	First 6 days
Summer vacation	First 20 days

The remaining days are defined as school closure.

### Additional Paternity Leave

A teacher or music instructor will accrue annual leave, in accordance with [SNCT, Section 5, paragraphs 5.3 to 5.5](#), during the period of his APL.

An education support officer, quality improvement officer or educational psychologist will accrue annual leave, in accordance with [SNCT, Section 5, paragraphs 5.12 to 5.15](#), during the period of his APL.

APL shall either fall within one leave year or span two leave years. Statutory leave must be provided by the council and must be taken by the employee for each leave year spanned by the period of APL.

An employee on APL which spans two leave years shall receive at the end of the first leave year a statement which notifies: the leave taken to the commencement of the APL period and the leave accrued during the APL period in that leave year (contractual entitlement minus leave taken). The balance to be carried forward into the next leave year.

When an employee has notified the council of the intended date of return, the council will issue a statement of the employee's annual leave entitlement effective at that date, including any balance of statutory leave which will require to be taken.

On return from APL the employee shall take any remaining statutory leave in that leave year. Where it is not practicable to take that leave in full or in part any balance will be carried forward into the next leave year but must be taken as leave. The timing of this leave shall take account of the needs of the service and,

- In the case of teachers and music instructors, should normally be taken in the term in which the return to work takes place, or within the following term; or
- 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.

The balance of annual leave accrued during APL that is being taken as paid leave shall be taken following the end of the APL period. The timing of this leave is subject to the overriding needs of the service and,

- 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 based on the teacher's current daily rate of pay. Any remaining leave is to be taken in the term in which the return to work takes place, or within the following term; or
- 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.

Where an employee gives written notice to the council that he does not intend to return to work at the end of his APL period, the council will make a payment in lieu of leave accrued during the APL period.

## Temporary Responsibility Payments

If you are currently in an Acting Up Position, then you will continue in that position until such time as you receive notice of a return to your substantive post (which should be no earlier than if you had of been in work). During this period you are not in receipt of occupational pay so you should not claim TRPs.

## Pay Awards and Incremental Progression

Periods of paternity leave count in full as credited service in the determination of placement on the Main Grade Salary Scale in accordance with the salary placement regulations.

## GTCS Registration

As you may be aware, each April you pay a registration fee to the GTCS that is deducted automatically from your salary. Should April fall within your unpaid additional paternity leave period then this deduction cannot be made from your salary. It is your responsibility therefore to ensure that your registration fee is paid immediately. The GTCS will send you an account, which you can settle direct with them. Contact the GTCS on 0131 314 6000.

## Income Tax and National Insurance Contributions

Income tax and national insurance contributions will be deducted from your paternity pay as appropriate.

## Essential Car User Allowance/ Telephone Allowance

If you are currently in receipt of an essential car user allowance or telephone allowance, you will accrue your full entitlement throughout your paternity leave.

## Fixed Term Appointments

Teachers on fixed term contracts will be treated the same as permanent teachers with regards to their entitlement to paternity leave and pay.

Fixed term contracts should not be ended due to paternity leave. If a fixed term contract is due to be extended, this should be offered regardless of the paternity leave.

If however, the contract end date falls within the period of paternity leave and it is not due to be extended, teachers will not be required to return to work.

If a teacher on a fixed term contract is still receiving paternity pay when their contract ends they will remain on payroll until they have exhausted their paternity pay. This is for administrative purposes only and the teacher will not accrue annual leave or continuous service past the date their contract ended.

## Continuous Service

All periods of paternity leave count towards continuous service.

## Parental Leave

Employees wishing to take further time off to care for their children can do so under the [Parental Leave Policy](#).

## 6. RETURN TO WORK

An employee has the right to return from the periods of leave described in this Section to the post in which she/he was employed. This will be under the original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her/him had she/he not been on paternity leave

Where it is not practicable, by reason of redundancy, for the council to permit the employee to return to work in her/his post, the employee is entitled to be offered a suitable alternative vacancy where one exists.

Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been on paternity leave, and where these circumstances necessitate a change in the post in which she/he was employed prior to her/his leave commencing.

A fixed term employee will not have the right to return to work where her/his contract would have expired during the leave period but will be entitled to all other provisions in this Section, provided she/he meets the criteria (where these are stated).

## Job Share Scheme

If you wish to return to work on a job share basis please refer to the approved [Job Share Fact Sheet](#) for Teachers.

## 7. CHILD CARE

One of the key factors in returning to work following paternity leave is arranging child care to meet your requirements.

Aberdeenshire Child Care Information Service provides free advice and information on child care options.

Details of registered child minders and day care facilities in your area of Aberdeenshire, as well as impartial guidance on choosing child care, can be obtained from:

Aberdeenshire Family Information Service  
Crichiebank Business Centre  
Mill Road  
Port Elphinstone, Inverurie  
AB51 5NQ

Telephone: 01467 894017  
Advice Line: 0800 298 3330  
Email: [afis@aberdeenshire.gov.uk](mailto:afis@aberdeenshire.gov.uk)  
Website: [www.childcarelink.gov.uk/aberdeenshire](http://www.childcarelink.gov.uk/aberdeenshire)

If you live in the Aberdeen area information can be obtained from:

Aberdeen City Council, Children's Services  
Information Service  
Telephone: 01224 443344  
Email: [csis@aberdeencity.gov.uk](mailto:csis@aberdeencity.gov.uk)



## Aberdeenshire Council Childcare Initiative

Aberdeenshire Council operates a Child Care Initiative Scheme, which allows employees to “sacrifice” a portion of their weekly or monthly salary to pay for full or part of their child care costs. If both parents or legal guardians are employees of Aberdeenshire Council, they can both apply to join the scheme.

The benefit to employees is that they will not require to pay tax or national insurance contributions on the portion of salary sacrificed. Employees will be able to choose an amount up to a maximum of £55 a week that can be sacrificed. Aberdeenshire Council will pay this amount directly to the child care provider. The child care provider must be registered with the Scottish Commission for the Regulation of Care (Care Commission) in order for employees to be eligible to apply to join the scheme.

Further details including terms and conditions, frequently asked questions and application pack are available on [Arcadia](#) or by contacting:

Child Care Initiative Administrator,  
Payments Section, Finance,  
Aberdeenshire Council,  
Woodhill House,  
Aberdeen,  
AB16 5GB

Telephone: 01224 664578  
Email: [employee.benefits@aberdeenshire.gov.uk](mailto:employee.benefits@aberdeenshire.gov.uk)

For further advice and guidance on any of the above please contact [Human Resources and Organisational Development](#).

### Maternity Support and Ordinary Leave - Teaching

Revision Date	Previous Revision Date	Summary of Changes
22-11-2011	-	Creation of all Documents

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