

**MATERNITY/ADOPTION SUPPORT LEAVE**  
**POLICY AND PROCEDURE**

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## **MATERNITY/ADOPTION SUPPORT LEAVE POLICY AND PROCEDURE**

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### **1.0 INTRODUCTION**

- 1.1 This policy applies to all employees of ECM Trust including teaching and non teaching staff, and is to allow employees to offer support or care to the expectant mother/expectant adopter at or around the time of the birth/placement.

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### **2.0 QUALIFYING CONDITIONS**

#### **2.1 Maternity/Adoption Support Leave**

Maternity/Adoption Support Leave which are additional to normal and special leave entitlements can be granted in the following circumstances:-

- The employee must have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the Expected Week of Confinement (EWC); or the end of the week in which the child's adopter is notified of being matched with the child; or when adopting from overseas the date the child enters Great Britain.
- The employee must be the biological or adoptive father of the child or the spouse or partner of the child's biological or adoptive parent.
- The employee is living with the mother in an enduring family relationship but is not an immediate relative.
- The employee has or expects to have responsibility for the child's upbringing.
- The employee is the child's nominated Carer
- The child's mother is entitled to statutory maternity leave, maternity pay or allowance; or statutory adoption leave or pay.

- 2.2 The employee must be prepared to show appropriate evidence on the request of their Manager.

#### **Note:**

- 2.3 To qualify as a Nominated Carer, you must be a relative or have a caring relationship with the mother and/or child. You will be expected to be the primary provider of assistance in the case of the child and in the provision of support to the mother.
- 2.4 The employee qualifying for Maternity/Adoption Support leave will be entitled to retain the benefit of their terms and conditions of employment with the exception of contractual remuneration, and to return to their post.
- 2.5 Should the employee have less than the 26 week continuous service by the end of the 15<sup>th</sup> week before the EWC, and does not qualify for Maternity/Adoption Support, they would need to discuss taking annual leave or unpaid Special leave with their Manager/Head Teacher.
- 2.6 The trust also operates a [Parental Leave Scheme](#) for those employees who have completed one year's satisfactory service with Barnsley Metropolitan Borough Council.

#### **2.7**

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Additional Maternity/Adoption Support Leave is no longer applicable for babies born or children placed for adoption on or after 5 April 2015 but may be entitled to Shared Parental Leave and Pay.

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### 3.0 **AMOUNT OF LEAVE**

#### 3.1 **Maternity Adoption/Support Leave**

Employees are entitled to a maximum of 2 weeks (10 days) paid Maternity/Adoption Support Leave.

3.2 **The employee can choose to take this leave in two blocks of one week or one block of two weeks within 12 months from the date the baby is born or placed for adoption.**

The leave may start:

- 3.3
  - from the date of the child's birth or placement for adoption, whenever that actually occurs; or
  - **at any time during the first 12 months from the date of the birth or placement for adoption.**

3.4 The employee is only entitled to one period of Maternity/ Adoption Support leave, even if there are multiple births e.g. twins.

3.5 Should the expectant mother lose the baby beyond 24 weeks, the employee will qualify for Maternity Support Leave.

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### 4.0 **NOTIFICATION**

#### 4.1 **Maternity Support Leave**

In respect of a birth, notice must be given in or before the notification week – the 15<sup>th</sup> week before the mother's EWC (or if this is not practicable, as soon as possible thereafter) and at least 28 days before the leave commences. Employees must provide a copy of the MATB1 form, which the expectant mother will be able to supply confirming their pregnancy.

#### 4.2 **Adoption Support Leave**

For Adoption Support Leave, notice must be given no more than 7 days after the adopter was notified that they have been matched for adoption. The date given for the start of leave may be varied on 28 days notice. If it is not reasonably practicable for the employee to give this notice, it must be given as soon as is reasonably practicable. Employees must provide evidence in the form of one or more documents issued by the adoption agency that have matched the person applying for Adoption Support leave with the child.

#### 4.3 **Maternity/Adoption Support Leave**

When the baby is born or has been placed for adoption, the employee must inform their Manager/Headteacher of the date of the start of leave and the length of leave requested at least 28 days before they plan to take the leave.

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Employees wishing to apply for Maternity/Adoption Support Leave should complete an [MASL1](#) form and return it to their Manager/Head Teacher who will advise the employee if their application has been approved. This form will then be forwarded on to the Councils [Financial Services Payroll and Pensions](#).

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## 5.0 **MATERNITY/ADOPTION SUPPORT PAY**

5.1 Maternity/Adoption Support Pay will be paid at the following rates:

- 1st week paid at employee's normal rate of pay.
- 2nd week paid either at the current rate of Statutory Maternity/Adoption Pay per week or 90% of his/her average pay, whichever is the lower.

5.2 The employee must earn at least the lower earnings limit for National Insurance contributions to qualify for Maternity/Adoption Support Pay. Should the employee earn less than the lower earnings limit the employee is entitled to unpaid Special leave or may be able to take annual leave. The employee may be entitled to other welfare benefits.

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## 6.0 **DEDUCTIONS FROM SALARY**

### 6.1 **South Yorkshire Pensions Authority**

For non teaching staff, SYPA advise you contact them directly for advice.

### 6.2 **Teachers Pensions**

For teaching staff, Teachers' Pension advise the following information:

Any period of Maternity/Adoption Support Leave for which the teacher receives full or statutory pay is classed as pensionable employment. Where the teacher receives no pay, that period must be shown as days excluded.

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## 7.0 **GRIEVANCE**

7.1 Employees whose request for Maternity/Adoption Support Leave or Additional Maternity/Adoption Support Leave is refused has a right to appeal under the Council's/Schools [Grievance and Appeals Procedure](#).

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## 8.0 **EQUALITY AND DIVERSITY**

8.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact your Directorate Human Resources Business Partner who will if necessary ensure the policy is reviewed.

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9.0 **INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS**

Maternity and adoption support pay is assessable to tax under Schedule E (75) [ICTA 1988, S150; FA 2002, S35].

Therefore, payments made by the Council to employees during Maternity/Adoption Support Leave are subject to income tax and national insurance in the normal manner, having regard to tax and national insurance levels and rates at the time these payments are made.

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Approved by the Trust Board April 2024

Next review date: summer 2028



Chair of Trustees \_\_\_\_\_ CEO \_\_\_\_\_

