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## Adoption/Maternity Support

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<b>Policy:</b>	Leave
<b>Owning Department:</b>	People and Development
<b>Version Number:</b>	1.00
<b>Published Date:</b>	01/04/19
<b>Theme(s):</b>	Your benefits and entitlements Your work and life

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**Compliance Record**

<b>Equality Impact Assessment: Date Completed/Reviewed:</b>	18/10/18
<b>Information Management Compliant:</b>	Yes
<b>Health and Safety Compliant:</b>	Yes
<b>Publication Scheme Compliant:</b>	Yes

**Version Control Table**

<b>Version</b>	<b>History of Amendments</b>	<b>Date</b>
1.00	Initial approved version	01/04/19

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## **1 Overview**

### **1.1 What is this about?**

1.1.1 We recognise the importance of supporting parents at or around the time of birth or adoption to allow them to spend time with their partner and child. The information here explains what leave and pay is available when a partner is having a baby or adopting a child.

### **1.2 Who is this for?**

1.2.1 This is for all officers, authority/police staff and managers.

### **1.3 Key information**

- There is an entitlement to time off for pre-adoption or antenatal appointments.
- There may be an entitlement to adoption/maternity support leave and pay when a partner is having a baby or adopting a child (refer to section on eligibility). This also applies when having a baby through a surrogacy arrangement or if you are the nominated carer of the expectant mother/primary adopter.
- Only one person can take adoption/maternity support leave for any one pregnancy or period of adoption.
- The leave must be completed within 56 days of the birth or placement.
- If the partner has not used their full entitlement to adoption/maternity leave and statutory pay, it may be possible to transfer the balance as Shared Parental Leave.

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### 1.4 Eligibility

1.4.1 Adoption/maternity support leave

1.4.2 You have to be taking time off to look after the child and be one of the following:

- the biological father/adoptive parent of the child;
- married to or partner of the mother/primary adopter;
- the nominated carer of the expectant mother/primary adopter; or
- the intended parent (when having a baby through a surrogacy arrangement).

1.4.3 **Officer** - There is no service requirement to qualify for one week's leave but you must have at least 26 weeks' service by the 15<sup>th</sup> week before the baby is due, to be eligible for the second week of maternity support leave. There is no service requirement for the second week of adoption support leave.

1.4.4 An officer who is the nominated carer of the expectant mother/primary adopter may be granted one week of maternity support leave.

1.4.5 **Authority/police staff** – You must have at least 26 weeks' service by the 15<sup>th</sup> week before the baby is due or by the week matched with child, to be eligible for either one or two weeks' leave.

1.4.6 A member of staff who is the nominated carer of the expectant mother/primary adopter may be granted one or two weeks' adoption/maternity support leave.

### 1.5 Adoption/maternity support pay

1.5.1 **Officer** - The first week will be paid at full pay and the second week at the statutory rate. To qualify for the statutory rate in the second week you must have at least 26 weeks' continuous service by the 15<sup>th</sup> week before the baby is due or 26 weeks' continuous service when matched with child.

1.5.2 **Authority/police staff** - To qualify you must have at least 26 weeks' continuous service by the 15<sup>th</sup> week before the baby is due or by the week matched with child. The first week will be paid at full pay and the second week at half pay plus the statutory rate. If you are the nominated carer you are not entitled to pay at the lower statutory rate.

1.5.3 The current statutory rate can be found on GOV.UK.

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## 2 Officer/Staff

### 2.1 What you need to do:

- Tell your manager that your partner is adopting a child or having a baby, or that you have been asked to be a nominated carer.
- Talk over any work related concerns or issues with your manager.
- Let us know about any time off you need for pre-adoption or antenatal appointments.
- Tell us when you want your adoption/maternity support leave (and pay) to start and end.
- Let us know if you want to change the leave period.
- Update Dependents tab on SCoPE (officers only).

### 2.2 Notification

2.2.1 You are encouraged to tell your manager as soon as possible, that your partner is having a baby or adopting a child or that you have been asked to be a nominated carer. This is so that any necessary adjustments or support can be considered.

### 2.3 Pre-adoption or antenatal appointments

2.3.1 You are entitled to unpaid time off to attend up to two pre-adoption or antenatal appointments. Time off is capped at six and a half hours for each appointment for officers and capped at the number of hours for a standard working day for authority/police staff. You can also choose to use annual leave, flexi time or TOIL if available.

2.3.2 Let your manager know as early as you can when your appointments are. You may be asked to sign a declaration confirming the details of the appointment.

### 2.4 Adoption/maternity support leave

2.4.1 If you are eligible you can take either one or two weeks. If taking two, the leave must be taken in consecutive weeks.

2.4.2 A week is the same amount of days that you normally work e.g. a week is two days if you only work Mondays and Tuesdays.

2.4.3 You do not have to give us the exact date when you want to take the leave. Instead you can give a general time e.g. from the day of the birth or

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placement or one week after.

- 2.4.4 The leave cannot start before the baby is born or the date of the placement and it must be completed within 56 days.

### 2.5 **Applying for leave**

- 2.5.1 If you are applying for leave, you need to complete Application for Adoption/Maternity Support Leave Form (089-004) and send it to your manager no later than the end of the 15<sup>th</sup> week before the expected week of childbirth or within seven days of receiving notification that you have been matched with a child.

- 2.5.2 You will receive a letter from People Direct to acknowledge receipt of the application and the letter will confirm any entitlement to leave and pay.

### 2.6 **Changing leave start date**

- 2.6.1 If you want to change when your adoption/maternity support leave starts you have to give at least 28 days' notice. You can do this by writing to your manager (or by email) with details of the new start date. Less notice may be accepted by your manager, if there are reasonable grounds for you not being able to give the required notice.

### 2.7 **Update SCoPE (officers only)**

- 2.7.1 You have to add the details of your new child onto the Dependents tab on SCoPE as soon as it is practical to do so. Your Personal Record can be updated using the Self Service function.

**Note:** In the unfortunate circumstances that a baby is stillborn after week 24 of the pregnancy, or born alive at any point during the pregnancy and later dies, there is still an entitlement to leave and pay (if eligible). The same applies if an adoption placement is interrupted after the placement date.

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### **3 Manager**

#### **3.1 What you need to do:**

- Talk over and consider any requests for support or adjustments.
- Take into account requests for pre-adoption or antenatal appointments.
- Check and sign the Application for Adoption/Maternity Support Leave Form (089-004) and forward on to People Direct.
- Consider any requests to change the leave period.

#### **3.2 Provide support**

3.2.1 When the team member tells you that their partner is having a baby or adopting a child (or that they have been asked to be a nominated carer), you should ask them if they require any support from you.

3.2.2 If the team member tells you they need support, you should talk over any requests or temporary adjustments they require e.g. flexible working or time off to attend pre-adoption or antenatal appointments.

#### **3.3 Pre-adoption or antenatal appointments**

3.3.1 The team member has the right to unpaid time off to attend up to two pre-adoption or antenatal appointments. Time off is capped at six and a half hours for each appointment for officers and capped at the number of hours for a standard working day for authority/police staff.

3.3.2 When time off is unpaid you should remind them they may want to consider using annual leave, flexi time, or TOIL.

3.3.3 You need to take into account requests for time off and make sure the team member can be released from duty to attend pre-adoption or antenatal appointments.

3.3.4 You should record any time off on SCoPE in the duty roster.

#### **3.4 Application form**

3.4.1 When you receive Application for Adoption/Maternity Support Leave Form (089-004) make sure it has been completed correctly.

3.4.2 After approving the leave period you should forward the completed form to People Direct as soon as possible.



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### 3.5 **Change of leave start date**

- 3.5.1 The team member has to give you at least 28 days' notice if they wish to change when their leave is to start. You can accept less notice if you believe it was not practical for the team member to provide the required notice. You have to forward any requests to change the leave start date on to People Direct.

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## 4 Resources

### Forms

- Application for Adoption/Maternity Support Leave Form (089-004)

### Related Procedures

- Adoption
- Allowances and Expenses (Officers)
- Fertility Treatment
- Pregnancy and Maternity
- Shared Parental Leave
- Special Leave
- Surrogacy

### Useful Links

- Fathers Network
- GOV.UK



## Appendix A

### Further Information and Support

#### Tax-free childcare

Tax-Free Childcare is a new government initiative that was rolled out in April 2017 to replace the Childcare Voucher Scheme. For eligible parents Tax-Free Childcare offers to cover 20% of childcare costs, up to £2000 per child per year, for children up to the age of 12. If your child is disabled you may get up to £4000 a year for children up to the age of 17. Further information is available at [www.gov.uk](http://www.gov.uk).

#### Court attendance

If you are cited to attend court you must do so unless a doctor certifies you unfit to attend. You will receive payment or TOIL equivalent to a full working day irrespective of the number of hours you spend at court. Claim for Attendance at Court Form (089-008) should be used to claim payment. If you are in receipt of Statutory Paternity Pay (SPP) and are required to attend court it could be more beneficial to claim TOIL. You will lose entitlement to one week's SPP if you claim payment for any day or part of a week that you have attended court.

**Authority/police staff** – if you are held at court longer than the standard working day, additional hours will be paid at the normal rate of overtime. In exceptional circumstances where attendance has resulted in additional costs for registered childcare the costs will be reimbursed if you provide an invoice or receipt.

#### Useful Contacts

Childcare and Parenting	<a href="http://www.gov.uk">www.gov.uk</a>
Employee Assistance Programme	EAP
Health and Wellbeing Team	[REDACTED]
HM Revenue and Customs (Child Benefit)	0300 200 3100
People Direct	[REDACTED]
Scottish Family Information Service	<a href="http://www.scottishfamilies.gov.uk">www.scottishfamilies.gov.uk</a>

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Scottish Police Federation [www.spf.org.uk](http://www.spf.org.uk)

Scottish Women's Development Forum **[REDACTED]**

Unison [www.unison.org.uk](http://www.unison.org.uk)

Unite [www.unitetheunion.org](http://www.unitetheunion.org)

Working Families [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

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## Process Map

