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| **SUPPORT/**  **PATERNITY GUIDANCE** |

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| This guidance applies to Teachers and Associated Professionals covered by the Scottish Negotiating Committee for Teachers (SNCT) terms and conditions.  This guidance incorporates relevant national legislation and SNCT terms and conditions and should be read in conjunction with the SNCT Handbook.  This guidance applies to employees whose child is due to be born or is matched for adoption on or after 5th April 2015. |

**Issue 2, July 2017**

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1. **What do I need to know before my support/paternity leave?**

You will be entitled to one week of **maternity and adoption** **support leave** and you may also qualify for one week of **ordinary paternity leave**. See 2.2 for full details.

This guidance applies to employees who are:

* in the case of births, the biological father or civil partner or partner (partner means a person of either sex who lives with the mother in an enduring family relationship but is not her parent, grandparent, sibling, uncle or aunt) or nominated carer of the expectant mother
* in the case of adoptions, the spouse or civil partner or partner (of either sex) or the nominated carer of the primary adopter
* in the case of surrogacy arrangements, the spouse or partner of the parental order surrogacy parent.

1.1 Time off for ante-natal appointments/pre-adoption meetings

You are entitled to **unpaid** **time off** to attend antenatal appointments with the expectant mother, regardless of your length of service or hours of work.

You can attend up to 2 appointments at a maximum of 6.5 hours for each appointment. The time-off request should normally be for half a day, but upon request, a longer period may be granted taking into account the location and travel as well as the nature of the appointment.

If you exercise your right to take time off to attend antenatal appointments, you have protection against unfair treatment, discrimination or dismissal.

For adoptions and surrogacy (partner of primary adopter or parental order parent), you are entitled to take **unpaid** **time off** to attend pre-adoption meetings or accompany the birth mother to antenatal appointments. Details of this entitlement can be found within the Adoption Guidance for teachers and those under SNCT conditions, available on the Zone or from your Line Manager.

**Please note, if you exercise your right to take paid time off to attend adoption appointments (as primary adopter) you won’t be entitled to elect to take support/paternity leave rather than adoption leave.**

1. **What do I need to know about support/paternity leave and pay?**

2.1 Am I entitled to support/paternity leave?

Support/paternity leave applies to all teaching and associated professionals under SNCT conditions (except casual and relief workers and short term supply teachers) of the Council. You will be entitled to one week of **maternity and adoption support** **leave** irrespective of hours of work and length of service. You may also qualify for one week of **ordinary paternity leave** (see 2.2 for full details).

You will be entitled to only one period of support/paternity leave irrespective of whether the expectant mother is expecting more than one baby or more than one baby through a surrogacy arrangement or more than one child is being placed for adoption.

Support/paternity leave is available to a baby’s father, or the spouse, partner or nominated carer of an expectant mother at or around the time of the birth or to the adopter’s partner or nominated carer or the surrogacy parent’s spouse who must have or expect to have responsibility for the child’s upbringing.

The baby’s father, or partner or nominated carer of the expectant mother or the adoptive or surrogacy parent must be an employee of the Council and only one of the foregoing may be granted support/paternity leave in relation to any one pregnancy/adoption/surrogacy arrangement.

A partner is someone who lives with the mother/primary adopter/surrogacy parent of the baby in an enduring family relationship but is not an immediate relative.

A nominated carer is a person nominated by the expectant mother or adoptive parent to assist in the care of the child and to provide support to the mother or adoptive parent, at or around the time of the birth or placement (assuming the biological father or mother’s partner is unable to undertake the role).

If you apply for support/paternity leave on the basis of being a ‘nominated carer’ then you require to detail on the request form why you have been chosen by the expectant mother or adoptive parent to fulfil this role including details as to why the father/partner is unable to provide such support.

2.2 What are the qualifying criteria and how long can I be on support/paternity leave?

2.2.1 Maternity and Adoption Support Leave

If you are the baby’s father, spouse, partner or nominated carer of the expectant mother or the adoptive or surrogacy parent at or around the time of birth or placement, you will be granted **one** week **Support Leave**.

2.2.2 Ordinary Paternity Leave

If you have at least 26 weeks’ continuous service\* at the start of the 15th week before the baby is due (for births) or 26 weeks continuous service\* at the start of the notification week (for adoptions) and you are the spouse or partner of the expectant mother or the person taking adoption leave, then you are entitled to **one** further week’s **Ordinary Paternity Leave** (in addition to the Support Leave detailed above).

\* Continuous service means any previous employment with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, shall be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.

2.3 When can my support/paternity leave start?

**Maternity and Adoption** **Support Leave** can be taken from:

* the date of the child’s birth (including surrogacy) or placement for adoption OR
* from another date after the child’s birth (including surrogacy) or placement for adoption.

**Ordinary Paternity Leave** can be taken from:

* the date of the child’s birth (including surrogacy) or placement for adoption OR
* from another date after the child’s birth (including surrogacy) or placement for adoption.

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

There can only be one period of leave. When an employee elects to take 2 weeks’ leave, (ie one week support leave and one week ordinary paternity leave) these must be consecutive. Where an employee elects to take only 1 week’s leave then this will be in a complete week of leave and not individual days.

If you request time off to attend the birth/surrogacy birth, this time off will not be regarded as part of the support/paternity leave period. Instead, time off to attend the birth will be granted for up to a period of 24 hours and will be classed as special leave.

For births/surrogacy births, your support/paternity leave will still be available should a child be stillborn after 24 weeks of pregnancy or has died or where the child’s mother has died within the period of leave.

If the baby is born alive at any point in the pregnancy but dies later, you will be entitled to paid support/paternity leave in the usual way.

You should submit the **Notification of Intention to take Support/Paternity** **Leave** form (see Appendix 1) in writing to your line manager:

**For births**: by the 15th week before the expected week of childbirth (or as soon as reasonably practicable), together with documentary evidence of the expectant mother’s pregnancy e.g. photocopy of MAT B1 Certificate of Pregnancy or a letter from the midwife. This is to enable the Service to plan for your period of leave. Your line manager will arrange for the form to be acknowledged by the HR Service Centre in writing (see letter at Appendix 2).

**For adoptions**: within 7 days of the adopter being notified by their adoption agency that they have been matched with a child, or as soon as reasonably practicable, together with documentary evidence of the adoption e.g. copy of Matching Certificate or other appropriate documentary evidence confirming the match. This is to enable the Service to plan for your period of leave. Your line manager will arrange for the form to be acknowledged by the HR Service Centre in writing (see letter at Appendix 2).

**For surrogacy:** within 7 days of the surrogacy parent being notified of their parental order being granted, unless this is not reasonably practicable, together with documentary evidence of the surrogacy e.g. copy of parental order. If you are applying for a parental order and have not received it then you should submit it to your line manager as soon as you receive it. This is to enable the Service to plan for your period of leave. Your line manager will arrange for the form to be acknowledged by the HR Service Centre in writing (see letter at Appendix 2).

Your completed **Application for Support/Paternity Leave** (Appendix 3) must be submitted to your line manager as early as possible, but at least 28 days prior to the expected date of childbirth, expected date of placement of the child or surrogacy birth unless this is not reasonably practicable. You should bear in mind the operational needs of your Section/Service and give your line manager as much advance notice as is practicable, particularly if you wish to combine this time off with a period of annual leave, to allow for the necessary arrangements to be made to cover your leave period. Your line manager will arrange for the HR Service Centre to write to you to confirm your support/paternity leave (see letter at Appendix 4).

**Note**: You can alter the date on which you want your leave to start, provided you tell your line manager at least 28 days in advance, or as soon as reasonably practicable.

2.4 Can I take any other leave after my support/paternity leave?

In addition to support/paternity leave, under the Shared Parental Leave provisions, if eligible, you can choose to share a period of leave and pay with your partner after the birth, placement of the child or surrogacy birth. The Mother (births) or Primary Adopter (adoptions and surrogacy) would require to end/curtail their maternity/adoption leave and/or pay at a future date and share the untaken balance of leave and pay with their partner or return to work early from maternity/adoption leave and opt into Shared Parental Leave and pay at a later date.

If the father or partner has previously taken a period of Shared Parental Leave in respect of a child will not be entitled to take Ordinary Paternity Leave.

Further information on the Shared Parental Leave can be found in the Council’s Shared Parental Leave Guidance, Maternity Guidance and Adoption Guidance for teachers and those under SNCT conditions which are available on the Zone or from your line manager.

2.5 Am I entitled to support/paternity pay?

Maternity and Adoption Support Leave is paid at normal full pay.

Ordinary Paternity Leave will be paid at the Statutory Paternity Pay rate.

2.6 Does going on support/paternity leave affect my contractual conditions?

During your support/paternity leave all of your contractual conditions of employment will continue.

You will be entitled to return to the same job following your support/paternity leave.

2.7 Do I accrue annual leave during the leave period?

You shall accrue annual leave during the leave period in accordance with Section 5 of the SNCT Handbook. This leave should be taken following your return to work but 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 being arranged in accordance with Part 2, Section 5 (paragraph 5.7) of the SNCT Handbook.

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.

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|  | Aberdeen City Council | Appendix 1 |

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| **NOTIFICATION OF INTENTION TO TAKE SUPPORT/PATERNITY LEAVE** |

**INTRODUCTION**

You are required to give notification to your line manager of your intention to take support/paternity leave by the end of the 15th week before the baby is expected or in the case of adoption within 7 days of an adopter being notified that they have been matched with a child (or parental order in the case of a surrogacy arrangement) or as soon as is reasonably practicable, so that the Service can begin to plan for your period of leave.

Please note that this form does not constitute your application for support/paternity leave, which must be made by completing the appropriate application form, and submitting it to your line manager 28 days before the expected date of childbirth/placement/surrogacy birth.

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| **PERSONAL DETAILS** | |  |
| Name (in full): |  | |
| Employee Ref. No.: |  | |
| Service/Directorate: |  | |
| Location: |  | |
| Job Title: |  | |
| Line Manager: |  | |

**I wish to notify you that I will be applying for support/paternity leave.**

The expected date of childbirth/commencement of adoption placement/surrogacy birth is …...………....……... and I expect to commence my support/paternity leave on ................................

I will be requesting one/two\* weeks support/paternity leave (\*delete as appropriate)

I will inform my line manager of the actual date I wish to start my support/paternity leave 28 days prior to the expected date of childbirth/commencement of adoption placement/surrogacy birth (or as soon as is reasonably practicable), by submission of the appropriate 'Application for Support/Paternity Leave' form.

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| **SIGNED:** |  | **DATE:** |  |

Appendix 2

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| Your Ref.  Our Ref.  Contact  Email  Direct Dial  Direct Fax |  | |  |
| Date  **PERSONAL**  (Employee Name)  (Job Title)  (Service)  (Directorate)  (Location) | |  |
|  |

Dear (Employee Name)

**NOTIFICATION OF YOUR INTENTION TO TAKE SUPPORT/PATERNITY LEAVE**

I acknowledge receipt of your notification of your intention to take support/paternity leave.

Please ensure you complete the application for support/paternity leave form and submit this to your line manager at least 28 days before the expected date of childbirth/placement for adoption/surrogacy birth.

If you have any queries, please contact me on the above number.

Yours sincerely

HR Service Centre

c.c. – Personal File

Payroll Section – for information

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|  | Aberdeen City Council | Appendix 3 |

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| **APPLICATION FOR SUPPORT/PATERNITY LEAVE** |

(Please read the Support/Paternity Guidance before completing this application)

**INTRODUCTION**

You will be entitled to one week of **maternity and adoption support leave** and you may also qualify for one week of **ordinary paternity leave** (see guidance for qualifying criteria),

if you are the baby’s father, or the partner or nominated carer \* of an expectant mother at or around the time of the birth/adoption placement/surrogacy birth (whichever applies).

This application should be submitted to your line manager as soon as it is known what dates will be required and no later than 28 days before the expected date of childbirth/adoption placement/surrogacy birth (whichever applies).

NB \* a nominated carer is a person nominated by the mother to assist in the care of the baby and to provide support to the mother at or around the time of the birth (assuming the biological father or mother’s partner is unable to undertake the role).

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| **1. APPLICATION** | | |
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| I hereby give notice that I wish my support/paternity leave to start on:- |  | (date) |
| I want to be away from work for one/two\* weeks (\*delete as appropriate) | | |

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| **2. PERSONAL DETAILS** | | |
| Please indicate by ticking one option whether you are applying for support/paternity leave as:   |  |  |  |  | | --- | --- | --- | --- | | The baby’s biological father |  | The partner of the expectant mother |  | | The primary adopter’s partner |  | A surrogacy parent |  | | The nominated carer of the expectant mother \* |  | ………………………………………………………………………………………………………………………………  ………………………………………………………………………………………………………………………………  ……………………………………………………………………………………………………………………………… |  | | (\* If you are the nominated carer, provide reasons as to why you have been chosen detailing why the father/partner is unable to provide such support.) | | | | | | | |
| Name (in full): | |  |
| Employee Ref. No. | |  |
| Service/Directorate: | |  |
| Location: | |  |
| Job Title: | |  |
| Line Manager: | |  |
| Name of expectant mother/adoptive parent/surrogacy parent: |  | |
| Expected date of childbirth/adoption placement/surrogacy birth: |  | |

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| **3. DECLARATION AND SIGNATURE** | | | |
| **If applying as the biological father or partner of the expectant mother:-** | | | |
| With reference to the Support/Paternity Guidance, I declare that I am applying for support/paternity leave in accordance with the Guidance, to provide support to the above mentioned mother at or around the time of the birth and to assist in the care of the baby and will have responsibility for the child’s upbringing. I have previously submitted a copy of the MAT B1 Certificate or a letter from the midwife. | | | |
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| **Signed:** |  | **Date:** |  |

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| **If applying as the nominated carer:-** | | | |
| With reference to the Support/Paternity Guidance, I declare that I am applying for support/paternity leave in accordance with the Guidance, to provide support to the above mentioned mother at or around the time of the birth and to assist in the care of the baby and I confirm that I will have sole responsibility for paternity care. I have previously submitted a copy of the MAT B1 Certificate or a letter from the midwife. | | | |
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| **Signed:** |  | **Date:** |  |

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| **If applying as the primary adopter’s partner:-** | | | |
| With reference to the Support/Paternity Guidance, I declare that I am applying for support/paternity leave in accordance with the Guidance, to provide support to the above mentioned adoptive parent at or around the time of the child’s placement to assist in the care of the child and I confirm that I will have sole responsibility for paternity care. I have previously submitted a copy of the matching Certificate. | | | |
|  | | | |
| **Signed:** |  | **Date:** |  |
| **If applying as a surrogacy parent:-** | | | |
| With reference to the Support/Paternity Guidance, I declare that I am applying for support/paternity leave in accordance with the Guidance, to provide support to the above mentioned surrogacy parent at or around the time of the surrogacy birth to assist in the care of the baby and I confirm that I will have sole responsibility for paternity care. I have previously submitted a copy of the parental order. | | | |
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| **Signed:** |  | **Date:** |  |

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| **4. FOR HR SERVICE CENTRE USE** | | | | | | | | | | | | | | | | | |
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| Eligibility for support/paternity leave verified | | | | | | Initials | | |  | | | | Date | |  | | |
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| EWOC | |  | | | |  | | | | | | |  | | | | |
| EW of adoption placement ……………………………………………………………………………………………………………………………………………………………………………………  EW of surrogacy birth ……………………………………………………………………………………………………………………………………………………………………………………………………… | | | | | | | | | | | | | | | | | |
| |  | | --- | | Above LEL for NI |   Continuous Service \* Start Date | | | | YES / NO | | Weekly rate of pay | | | | | | |  | | | | |
| |  | | --- | |  | | | | | | | | | | | | | | | | | | |
| \* Continuous service means any previous employment with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, shall be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.  Tick box below that applies (**for payroll purposes**) | | | | | | | | | | | | | | | | | |
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| a) | Employee qualifies for normal contractual pay for one week of Support Leave. | | | | | | | | | | | | | | |  |  |
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| b) | Employee qualifies for SPP for one week of Ordinary Paternity Leave. | | | | | | | | | | | | | | |  |  |
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| c) | Employee does not qualify for SPP and therefore not eligible for one week’s Ordinary Paternity Leave. | | | | | | | | | | | | | | |  |  |
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| Appropriate letter sent to employee | | | | | | **Initials** | |  | | | | **Date** | |  | | | |
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Appendix 4

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| Our Ref:  Your Ref:  Contact:  Direct Dial:  Direct Fax:  E-Mail: |  |
| Date  **PERSONAL**  (Employee Name)  (Job Title)  (Service)  (Directorate)  (Location) |  |

Dear (Employee Name)

**SUPPORT/PATERNITY LEAVE (FOR BIRTH/ADOPTION/SURROGACY ARRANGEMENT PURPOSES)\* (\*delete as appropriate)**

I acknowledge receipt of your application for support/paternity leave in accordance with the Council’s Support/Paternity Guidance.

I confirm that you are granted one/two consecutive weeks’ (delete as appropriate)support**/**paternity leave from your post of **(job title)** at **(place)** from **(date)**.

You will receive your salary and other conditions of service as normal whilst you are on one week’s Support Leave. You also qualify for Ordinary Paternity Leave and you will receive Statutory Paternity Pay as well as your other conditions of service whilst you are on one week’s Ordinary Paternity Leave **OR** You do not qualify for Ordinary Paternity Leave. **(delete as appropriate**).

Yours sincerely

**HR Service Centre**

c.c. – Personal File

Payroll Section – for information