



0408 Pregnancy Maternity Paternity Adoption SP Provisions Lea

WEST MIDLANDS FIRE SERVICE

04/08 PREGNANCY, MATERNITY, PATERNITY, ADOPTION AND SHARED PARENTAL PROVISIONS, LEAVE AND PAY POLICY

Overview of Amendments 0408

STRATEGY

West Midlands Fire Service (WMFS) strives to support its employees and their wellbeing by providing an environment that supports a good work life balance and sense of wellbeing. This policy covers pregnancy & maternity Leave, paternity leave, adoption leave, and shared parental leave and pay.

AIMS/PURPOSE

The purpose of this policy is to inform and support employees and their line managers when employees require support and time off for;

- Pregnancy & Maternity
- Paternity
- Adoption
- Paternity
- Shared Parental

SCOPE

This policy covers all employees of West Midlands Fire Service

DEFINITIONS

Maternity Leave - A period of absence from work granted to a Mother before and after the birth of her child.

Paternity Leave – A period of absence from work granted to the Father/Partner of the Mother after or shortly before the birth of their child.

Adoption Leave – A period of absence from work granted to Adoptive Parents before during and after the adoption of a child.

Shared Parental Leave – A period of absence from work where Mothers, Fathers, Partners and Adopters choose how to share time off work after their child is born or adopted.

RESPONSIBILITY

Employees – To notify their manager in writing in the legally required time frames of their intention to take Maternity, Paternity, Shared Parental or Adoption leave and to keep their line manager informed as their situation progresses.

Managers – To support employees in their health and wellbeing at work before, during and after any of the aforementioned, and to inform the appropriate sections in regards to leave and pay.

PROCEDURES

[Pregnancy & Maternity Provisions Leave & Pay](#)

The Service has a responsibility to make sure that:

- All pregnancy and maternity related issues, are approached and dealt with in a fair and equitable manner.
- the health and wellbeing of both the unborn child and expectant mother are paramount;
- the expectant and new mother is fully aware of her entitlements;
- no woman receives less favourable treatment on the grounds of being pregnant, during maternity leave or upon return to work.

The Service has a duty under the [Management of Health and Safety at Work Regulations](#) to assess risks at work and to provide a safe and healthy working environment. These regulations place specific duties on the Service in respect of new or expectant mothers (that is, those pregnant, or those who have given birth within the previous 12 months or those who are breast-feeding).

This policy outlines the eligibility conditions and criteria for maternity leave and pay, and the provisions and process to follow before, during and after the period of maternity leave.

Many pregnant employees, including operational based employees will wish to continue working in their normal role, in their normal shift working pattern and environment for as long as they can. As a supportive employer we will work with our employees to achieve this where it is reasonably practicable and safe for them to do so. The working arrangements will be informed by an appropriate risk assessment which should be on the specific activity. Any relevant risks must be removed. Line Managers can seek support from Health, Safety and Wellbeing Team and early referral to Occupational Health is encouraged. Please see [manager's guidance](#) for further information on Occupational Health Referrals and review on returning to work.

The Grey Book Section 4D Paragraph 7 states: 'Pregnant employees will normally remain on their watch, or in their department, unless this is deemed inappropriate following an individual risk assessment'.

The Service cannot support the attendance at operational incidents once pregnancy is confirmed due to the risk factors. Participation in operational training exercises will be considered where there is a risk assessment undertaken.

Information and guidance on the Risk assessment process template forms and [manager's guidance](#) and [Employee Guidance](#) is available on MESH.

Eligibility for Maternity Leave & Pay

You qualify for Statutory Maternity Leave if:

- You are an employee not a 'worker'
- You give your employer the correct notice

There are a number of qualifying conditions, which entitle you to receive statutory maternity pay (SMP). These include;

- length of service, employee must have worked for the Service at least 26 weeks up to the qualifying week – the 15th week before the expected week of childbirth
- average weekly earnings
- keep to rules of notification, i.e. at least 28 days' notice and medical evidence i.e. the MATB1 Certificate from Doctor or Midwife.

Maternity Time off & Leave

All pregnant employees will be given paid time off to attend ante-natal care, including relaxation and parent craft classes as well as medical examinations relating to the pregnancy. Evidence of appointments is required.

All pregnant employees will be entitled to 52 weeks of maternity leave, regardless of the number of hours worked, or how long she has worked for the Service. The amount of leave is detailed below.

Maternity leave is defined as three types:

Compulsory maternity leave

An employee is not permitted to work for at least 2 weeks commencing on the day of childbirth.

Ordinary maternity leave (OML)

An employee is entitled to 26 weeks' ordinary maternity leave which may start up to 11 weeks before the expected date of childbirth. This includes the compulsory maternity leave period.

Additional maternity leave (AML)

A further period of 26 weeks' additional maternity leave is available, commencing on the day following the end of the OML.

It should be noted that some of this leave is unpaid.

Commencement of Maternity Leave

Employees must choose when to start their maternity leave; this can be any date from the beginning of the 11th week before the expected week of childbirth (EWC).

The actual start date will be the earliest of:

- the birth due date as notified on MATB1;
- the first day after the beginning of the 4th week before EWC if you are absent from work wholly or partly because of pregnancy or
- the day of childbirth.

In the latter two cases, the employee must tell their line manager that their absence is due wholly or partly because of pregnancy, or that the employee has given birth. The line manager will pass the information to the People Support Services, Service Support team.

Maternity Pay

The Services occupational maternity provision is more favourable than the statutory provision; employees will receive pay based upon a combination of occupational maternity pay and statutory maternity pay.

The rates of statutory maternity pay and maternity allowance are subject to revision each April. To confirm the current rate please follow link (Link).

If you have 26 weeks' service by the end of the 15th week before EWC:

You will be entitled to any pay but will be able to claim maternity allowance, paid by the Benefits Department.

If you have less than 1-year service but more than 26 weeks:

You will be entitled to:

- 6 weeks at full pay; followed by
- 33 weeks' statutory maternity pay (SMP)

If you have more than 1-year service:

You will be entitled to:

- 6 weeks at full pay; followed by
- 12 weeks at half pay plus SMP (unless this total exceeds full pay);
- and then 21 weeks at half pay or statutory maternity pay (SMP) (whichever is greater) If the employee does not intend to return to work they will only receive the 33 weeks of SMP rate after 6 weeks and not half pay.

If the earnings are below the average earnings limit, that is the employee does not pay National Insurance, they will not be entitled to SMP, and must claim maternity allowance.

In these calculations, allowances plus pay must not exceed full pay entitlement.

If you had indicated that you intended to return to work and fail to do so for a period of at least 3 months, you will be required to reimburse the Service any half pay which you have received.

Breastfeeding

The Health and Safety Regulations place a responsibility on the Service to continue to protect new mothers (that is those who have given birth within the last 6 months) and those who are breast-feeding.

A woman may return to work while they are breast-feeding. However whilst most health and safety implications can be adequately addressed by carrying out a risk assessment and health and safety management procedures, some hazards in the workplace may affect the health and safety of new mothers and the baby.

The Workplace (Health and Safety and Welfare) Regulations requires that suitable rest facilities be provided to any person at work who is pregnant or a nursing mother. The organisation provides fridges at all locations however, if there is a requirement to have a separate fridge, this facility can be supported through Occupational Health. They should be conveniently situated in relation to sanitary facilities and where necessary, include the facility to lie down and allowed adequate time for expressing milk.

Unforeseen Circumstances

In the unfortunate circumstance of a miscarriage occurring before the 24th week of pregnancy then maternity leave will not apply. Normal sickness reporting procedures will apply.

If a pregnancy is lost after 24 weeks, this includes a still birth baby, then maternity leave including pay will apply. Support can be made available through Occupational Health via the line manager should the employee so wish.

If a baby is born prematurely, regardless as to whether 24 weeks has been reached then maternity leave including pay will still apply. Your entitlement will start from the date of birth.

If a baby is born very early and the new mother is not ready to return to work, and the maternity leave is coming to an end, consideration will be given to an extension of maternity leave. This does not, however, apply to maternity pay.

If an adoption placement ends for any reason and the adoption leave has started, entitlement to leave is curtailed, ending 8 weeks after the end of the week in which the adoption is terminated (unless the end of AAL occurs before that date).

Paternity Provisions Leave & Pay

The Service recognises that all eligible employees have an entitlement to paternity leave and pay. There is legislation which states that eligible employees have a right to take Occupational Paternity Leave (OPLS) and receive paternity pay to care for the baby or to support the mother at or around the birth.

Eligibility for Paternity Leave & Pay

To be eligible for OPLS an employee must meet the criteria identified below:

- You must have been continuously employed by the Service
 - for a period of 26 weeks which ends at the 15th week before the baby is due. The date the baby is due is known as the expected week of confinement (EWC). This is stated on the mother's maternity certificate (Form Mat B1) which is issued by a doctor or midwife up to 20 weeks before the baby is due; and
 - you must continue in employment during the 15 weeks until the birth.

This means that you must be continuously employed with the Service for a period of 41 weeks prior to the expected date of birth.

- You must either be:
 - the biological father of the baby; or
 - the mother's husband or partner. (A partner is defined as a person of either sex living with the mother in an enduring family relationship but who is not a blood relative.)
- You must have or expect to have responsibility for the child's upbringing.

You must satisfy a number of qualifying conditions to become entitled to Statutory Paternity Pay – Birth (SPPB), in addition to the qualification for leave you must have:

- average earnings of not less than the lower earnings limit for the payment of NI contributions; and
- complied with the statutory rules on notification and evidence (that is complete PAT1).

Paternity Leave

Where an employee is in a qualifying relationship with the pregnant woman, he/she is entitled to unpaid time off up to six and a half hours on no more than two occasions to accompany the pregnant woman to an ante-natal appointment. Also subject to the exigencies of the Service reasonable unpaid time off will be given to partners to attend relaxation and parent craft classes.

With regard to Paternity Leave, employees are entitled to take up to two complete weeks under the Occupational Paternity leave scheme (OPLS). As the Authority has an OPLS which provides better provision than the statutory scheme the first week of any request will always be granted under the OPLS.

Leave cannot be taken as odd days or as two separate weeks and can start any day of the week.

For multiple births the maximum amount of paternity leave remains at 2 weeks.

Commencement of Paternity Leave

Paternity Leave cannot start until the birth of the baby.

The employee must take their paternity leave entitlement within 56 days of the baby's birth or within 56 days of the start of the EWC if the baby is born earlier than anticipated.

Paternity leave can start:

- on the day the baby is born. This will also entitle you to start leave on the day following birth if, for example, you are at work on that day and the baby is born late in the day;
- from a specified number of days after the birth. It might be more convenient to link the leave to the mother's return home from hospital; or
- on a specified date within the period of 56 days.

Paternity Pay

As the Service provides a more favourable provision for pay under the occupational paternity scheme than the statutory requirement, the first week of paternity leave is paid at full pay.

For the second week most employees will also be entitled to statutory paternity pay (SPP), which will usually be less than normal salary. You will either be paid the rate of SPP or 90% of weekly average earnings whichever is the lower.

Average earnings are calculated by taking the average earnings in the 8 weeks up to and including the last pay-day before the end of the qualifying week.

Taking other employment during your leave period will disqualify you from SPP.

Employees whose average weekly earnings do not reach the minimum earnings for payment of NI contributions do not qualify for SPP.

Adoption Provisions Leave & Pay

The right to adoption leave and pay applies to employees who adopt a child through an approved adoption agency, whether a child is adopted from within the UK or from overseas, provided that they meet the relevant criteria. Where a couple jointly adopts a child, only one of them will be entitled to take adoption leave (the couple can choose which),

For those employees who are not eligible to statutory adoption leave due to their length of service, consideration will be given to allowing unpaid leave for the same amount of time as statutory adoption leave.

Eligibility for Adoption Leave & Pay

To be eligible for adoption leave, you must satisfy the following conditions:

- You must be newly matched with a child for adoption by a UK adoption agency.
- You must have notified the agency that you have agreed that the child will be placed with you and agree the date of placement.
- You must have been continuously employed by the Service for at least 26 weeks ending with the week in which you have been notified that you have been matched with the child.
- You must be the adopter named on the matching certificate. Where two people are named as adopters, only one may take long adoption leave, so you must decide who will take adoption leave.
- You must inform the Service of when you wish to take the adoption leave no more than seven days after you have been notified that you have been matched with the child, or as soon as is reasonably practicable.

To receive statutory adoption pay (SAP) you must satisfy the same conditions as those for adoption leave and additionally:

- have average weekly earnings at or above the lower earnings limit for National Insurance which applied at the end of the matching week; and
- tell the Service when you want to start to receive SAP at least 28 days before the date they want it to begin, or as soon as reasonably practicable.

Statutory adoption pay will be paid at the current rate of SAP or 90% of weekly average earnings whichever is the lowest. The rates of statutory adoption pay are subject to revision each April. ([Link to current rates via payroll](#))

Adoption Leave

The adopter with the main caring responsibilities has the right to paid time off up to six and a half hours on up to 5 occasions to attend appointments such as having contact with the child, meeting with the child's social worker or current carer, up to the date of the placement of the child. This limit applies irrespective of the number of children being adopted as part of the same arrangement. Appointments must be made at the request of the adoption agency.

Eligible employees who are adopting are entitled to 52 weeks' adoption leave. This is made up of:

Ordinary adoption leave (OAL)

An eligible employee is entitled to 26 weeks' ordinary adoption leave

Additional adoption leave (AAL)

A further period of 26 weeks is available, starting on the day following the end of the OAL. It is assumed that you will take your full entitlement unless you tell your line manager otherwise.

For practical reasons, some elements of the detailed operation of the adoption and paternity leave and pay schemes are different for those adopting a child from overseas. The differences relate to eligibility criteria, notice and evidential requirements to take leave and when leave and pay may begin, the People Support Services Team can give further guidance.

Commencement of Adoption Leave

You choose when to start your adoption leave:

- either on the day the child is physically placed for adoption, or
- on a specific date which can be up to 14 days before the expected date of placement.

Adoption Pay

If the employee meets the qualifying criteria they will be eligible for 39 weeks' statutory adoption pay (SAP).

To receive statutory adoption pay (SAP) you must satisfy the same conditions as those for adoption leave and additionally:

- have average weekly earnings at or above the lower earnings limit for National Insurance which applied at the end of the matching week; and tell the Service when you want to start to receive SAP at least 28 days before the date they want it to begin, or as soon as reasonably practicable.
- If a child is being adopted jointly by a couple and therefore both are named on the matching certificate, only one may elect to receive SAP.

- Statutory adoption pay will be paid at the current rate of SAP or 90% of weekly average earnings whichever is the lowest. The rates of statutory adoption pay are

subject to revision each April. To confirm the current rate, follow this link

The amount of pay is based upon length of service:

If you have less than 26 weeks' service by the end of the 15th week before EWC:

You will not be entitled to any pay from the Service.

If you have less than one-year service but more than 26 weeks:

You will be entitled to:

- 6 weeks at full pay followed by
- 33 weeks' statutory maternity pay (SMP)

If you have more than one-year service:

You will be entitled to:

- 6 weeks' full pay followed by
- 12 weeks at half pay plus SMP (unless this total exceeds full pay) and then
- 21 weeks at half pay or statutory maternity pay (whichever is the greater)

[Paternity Adoption Provisions Leave & Pay](#)

An employee may be eligible for paternity leave – adoption and statutory paternity pay

if their partner is an adopter who has decided to claim for adoption leave and pay.

This leave is granted to eligible employees to enable them to assist in the care of the adopted child.

[Eligibility for Adoption Paternity Leave & Pay](#)

To be eligible for statutory paternity leave and pay, you must satisfy the following conditions:

- have been continuously employed by the Service for a period of 26 weeks ending with the week which the adopter is notified of having been matched with the child.
- continue in employment with the authority from the week in which the adopter is notified of having been matched with a child up to the date of placement.
- must be either an adopter of the child, or be married to, in a civil
- partnership with, or be the partner of the adopter.
- must have or expect to have responsibility for the child's upbringing, with the adopter.
- must be taking time off either to support the adopter or to care for the child or both.

[Paternity Adoption Leave](#)

As section Paternity Time off & Leave, but where it reads 'ante-natal care' read 'adoption appointments'.

[Commencement of Paternity Adoption Leave](#)

The earliest that an employee may commence his or her paternity adoption leave is 20 weeks after the date on which the child is placed and it must end no later than 12 months after that date.

[Paternity Adoption Pay](#)

As section Paternity Pay.

[Shared Parental Provisions Leave & Pay](#)

SPL gives parents more flexibility over how they share childcare between them during the first year of their child's life. They will be able to take it in turns to have periods of leave to care for the child, and/or take leave at the same time as each other. For further information, please follow this link, [0404 Parental Leave](#).

Eligibility for Shared Parental Leave & Pay

A mother or adoptive parent who meets the eligibility requirements will be able to bring their maternity or adoption leave to an end and choose to take shared parental leave with their partner, who must also meet the relevant eligibility requirements.

A mother or adoptive parent will be eligible for shared parental leave to care for their child if:

- at least 26 weeks' continuous employment, by the end of the 15th week before EWC or date of placement. They must remain in continuous employment with that employer until the week before any period of shared parental leave they take;
- they are the main carer for the child at the date of the birth or adoption (apart from the responsibility of their partner or the Child's Father);
- Is entitled to statutory maternity or adoption leave in respect of the child;
- Has curtailed their statutory maternity or adoption leave;
- Has complied with the relevant notice and evidence requirements. In addition, their partner must;
- Have been employed or self-employed during at least 26 of the 66 weeks before the EWC or adoption date;
- Have average weekly earnings of at least £30 for any 13 of those 66 weeks
- Have the main responsibility for the child at the date of the birth or adoption (apart from the responsibility of the Mother or adopting partner).

For those employees who do not qualify for the conditions there may be other benefits to which they are entitled.

Shared Parental Leave

Up to 50 weeks' parental leave can be shared between the parents. The amount of shared parental leave that parents can take is 52 weeks minus the amount of maternity/adoption leave taken by the Mother/main carer. Compulsory maternity leave period is reserved for the Mother; therefore, the Mother cannot curtail her maternity leave until two weeks after the birth. The leave does not have to be taken as one continuous block; employees can return to work and then take a further period of shared parental leave

See [SPL application form](#)

Continuous Leave

a period of leave that is taken in one block eg four weeks leave.

Discontinuous

a period of leave that is arranged around weeks where the employee will return to work eg an arrangement where an employee will work every other week for a period of three months.

Commencement of Shared Parental Leave

Before either parent can take shared parental leave the Mother must give her line manager a leave curtailment notice, setting out the date she wishes to bring her maternity leave to an end this must be given no less than eight weeks before the start of the first period of shared parental leave taken by either parents.

The Mother's partner can choose the start date for a continuous period of leave that again is no less than eight weeks from the date of the leave notice.

Adoption leave and paternity adoption leave must both end before shared parental leave can commence.

Shared Parental Pay

The amount of statutory shared parental pay that is available for the parents to share is 39 weeks, minus the amount of statutory maternity pay or maternity allowance received by the Mother (2 weeks). The maximum amount of shared parental pay available is 37 weeks. Statutory shared parental pay will be paid at a flat rate for all 39 weeks.

Keeping in Touch (KIT)

Whilst on maternity, adoption leave and shared parental leave an employee is able to do up to 10 paid days' work without bringing the leave to an end; these days are to be known as 'keeping in touch' (KIT) days. The 10 shared parental leave KIT days are in addition to the Maternity and adoption KIT days and it is 10 days for each parent/partner. Pay will be at the employees' normal pay rate. Regardless of the hours worked the employee will be paid for a full day.

During the first two weeks following birth in regard to maternity leave work will not be able to be carried out.

There is no requirement to work the days and there is no right to insist that the work be provided. The days that are worked will be agreed with the line manager, and the whole 10 days do not have to be worked.

If the 10 'keeping in touch' are worked, this does not mean that maternity, adoption or shared parental leave is extended, it remains at 52 weeks. If the full 10 KIT days have not been taken by the time maternity or adoption leave has ended the remainder days can not be carried over into the shared parental leave KIT entitlement. See appendix for further information

Annual & Public Leave Accrual

Annual Leave

An employee on maternity, paternity, adoption or shared parental leave will continue to accrue annual leave during all of their maternity, paternity, adoption or shared parental leave. They should meet with their line manager to agree how best to take the annual leave, which could be taken before or after the period of maternity or adoption leave.

The employee may be in a position where they have annual leave entitlement that crosses two leave years. In these circumstances the employee should, wherever possible, take annual leave in the leave year that it is accrued (normally this would be taken before maternity, adoption or shared parental leave starts). However, to support pay after statutory maternity leave, employees are able to carry their leave to the end of maternity.

Employees must make sure that they take their leave at regular intervals throughout the year for their own wellbeing and in line with the Working Time Directive. Employees must not save leave to specifically take prior to or following maternity, paternity, and adoption or shared parental leave.

For employees who are on a protected pay and leave period that is due to end during or on returning from Maternity, Adoption or Shared Parental leave, please see [0225 Outside Employment and Secondary Contracts Policy](#)

Public Leave

Public holidays will continue to be accrued that fall within the 26 weeks period of ordinary adoption leave and the 26 weeks period of additional maternity leave and they will be granted a day in lieu of that public holiday. If public holidays are not accrued whilst on maternity or adoption leave other leave can be used to support a phased return to work in agreement with the line manager.

For further information on leave please see [0401 Annual Leave, Public Holiday, TOIL and Flexi Time](#) .

Pension

Whilst on maternity, paternity, adoption or shared parental leave the employee will pay pension contributions on any pay that they receive (including Statutory Pay).

Before commencing maternity, paternity, adoption and shared parental leave, the employee can contact Payroll to discuss pension contributions.

Contributions will be paid as follows:

- During any period of paid maternity, paternity, adoption or shared parental leave contributions will be deducted through the normal payroll system.
- For periods of unpaid maternity, paternity, adoption or shared parental leave there is an option to pay contributions to cover this period upon your return to work. The employee has 30 days following a return to work to decide if they wish to pay these contributions.
- Once contributions are paid, the whole period will be regarded as reckonable for pension purposes.

Terms & Conditions

Your terms and conditions of service will not change during your period of maternity, paternity, adoption or shared parental leave, except for those related to pay or otherwise negotiated nationally and/or locally. However, in the case of paternity leave if you take the second week of paternity leave your normal pay will be suspended and you may receive statutory paternity pay.

You are entitled to return to the same job, on terms and conditions no less favourable than if you had not been away, with pension and similar rights protected (with regard to pension rights it is on the assumption that the appropriate contributions have been paid). If, due to redundancy, it is not possible for you to return to your job, a suitable alternative vacancy, if one exists, will be offered. If, due to other reasons (e.g. Service/department/team reorganisation or the role no longer exists) it is not possible to return to your job, again a suitable alternative vacancy, if one exists, will be offered and adequate notice will be given to put any arrangements needed in place.

Maternity, paternity, adoption and shared parental leave will be regarded as a continuous periods of employment for the purpose of calculating annual and long service leave.

ADDITIONAL INFORMATION

Flexible Working

Employees have a statutory right to apply for flexible working and it is the employers' duty to consider the application.

There is no automatic right to work flexibly as there may be circumstances when it is not possible for a desired work pattern to be accommodated and the needs of the Service have to be taken into account. [0227 Flexible Working](#) .

Childcare Vouchers

The Service has a salary sacrifice scheme in place for the purchase of childcare vouchers. Information is available from the DPM People Support Team.

Essential Car User Allowance

Essential car user allowance, if applicable, will continue to be paid for the 26 weeks' ordinary maternity and adoption leave and for paternity leave. It will also continue to be paid for 26 weeks' additional maternity, paternity, adoption and shared parental leave.

Requirement for Further Leave

If you require further leave following your maternity, paternity, adoption or shared parental leave, you may be entitled to unpaid parental leave (this is different to shared parental leave). For details of who is eligible to apply for this leave, refer to [0404 Parental Leave](#) .

Special Guardianship

Statutory adoption leave or pay is not available to special guardians, although they may take parental leave. A person becomes a special guardian for a child when a court makes a Special Guardianship Order (SGO). This gives them parental responsibility for the child and allows them to make all the day-to-day decisions in caring for the child or young person and for taking any other decisions about their upbringing, for example their education. A special guardian may exercise parental responsibility to the exclusion of others with parental responsibility, such as the birth parents, and without needing to consult them in all but a few circumstances.

Unlike adoption, under a SGO the parents remain the child's parents and retain parental responsibility, though their ability to exercise their parental responsibility is extremely limited.

Surrogacy

If an employee becomes pregnant as a surrogate she is the legal mother of the baby. She is entitled to all the provisions, leave and pay as detailed in this policy for pregnancy and maternity provisions. The baby's legal Father or 'second parent' are the surrogates' husband or civil partner and he will be entitled to paternity leave.

New parents who are using a surrogate will be entitled to the same rights as those who are adopting.

Fostering

The right to adoption leave does not apply where a child is not being newly adopted for instance where a step parent decides to adopt a child or for foster parents who adopt the child they are fostering.

CROSS REFERENCES

Grey and Green Book Scheme of Condition of Employment

HSE 'New and Expectant Mothers: A Guide for Employers'

Management of Health and Safety at Work Regulations 1999, Regulations 16, 17 and 18

Equality Act 2010

Workplace (Health, Safety and Workplace) Regulations

[0401 Annual Leave, Public Holiday, TOIL and Flexi Time](#)

[0403 Special Leave](#)

[0404 Parental Leave](#)

[0227 Flexible Working](#)

The Statutory Paternity Pay and Statutory Adoption Pay Regulations 2002

The Additional Paternity Leave Regulations 2010 (SI 2010/1055)

Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)

Employment Act 2008

Children and Families ACT 2014

<http://www.bis.gov.uk/>

KEY STAKEHOLDERS

Fire Brigades' Union

Unison

Fire Officers' Association

Strategic Enabling Team

Diversity Inclusion Cohesion & Equality Team

People Support Services

Occupational Health

Safety Health & Environment Team

EQUALITY IMPACT ASSESSMENT

In reviewing this policy a full Equality Impact Assessment was carried out.

RESPONSIBILITY AND REVIEW/AMENDMENT DETAILS

Strategic Enabler/Department

Strategic Enabler - People.

Created/fully reviewed/amended

This policy was amended by the People Support Services Business Partner April 2016 to reflect change in Maternity pay.

This policy was reviewed and amended by the People Support Services Business Partner April 2015.

This policy was reviewed and amended by the Safety, Health and Environmental Team, Occupational Health and HR Business Partner July 2019.

A Maternity Review was undertaken in 2012. This policy was created and fully reviewed in regards to that review. It has been amalgamated with Policy 19/23 (New and Expectant Mothers at Work), by the HR Business Partner July 2019.

If you have followed any of the processes included in this Policy please complete the following debrief form by clicking [here](#)