



Becoming a Parent?

Maternity, Paternity and Adoption Policy

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1. Introduction

- 1.1 This document sets out to explain your entitlements. It is a general guide and cannot cover all eventualities. For confirmation of your entitlement and further guidance, please contact the Human Resources Section who will be pleased to help.
- 1.2 Employee's entitlements to adoption leave and associated procedures are mainly the same as those for maternity leave however for ease of reference it has been kept separate within this document.

2. Glossary of Terms

- 2.1 The following terms are used frequently throughout this policy:

EWC (Expected Week of Childbirth): This is the week in which your baby is due. A week runs from Sunday to Saturday so, if your baby is due on a Wednesday, your EWC starts on the Sunday before.

MPP (Maternity Pay Period): The 39 week period for which Statutory Maternity Pay (SMP) is payable.

OML (Ordinary Maternity Leave): The first 26 weeks of maternity leave, available to all employees, regardless of length of service, who comply with the notification requirements.

AML (Additional Maternity Leave): The Additional Maternity Leave follows on immediately after the 26 weeks Ordinary Maternity Leave period and lasts for 26 weeks. This is also available to all employees and we will assume that you are taking this leave unless you notify us to the contrary.

OPL (Ordinary Paternity Leave): Up to two weeks leave taken consecutively within eight weeks of the birth of the child.

SPL (Shared Parental Leave): Mothers will be able to end their maternity leave early and share up to 50 weeks' untaken leave and 37 weeks' unclaimed pay with their partner. **QW (Qualifying Week):** The 15th week before the expected week of childbirth

MAT B1 maternity certificate: This gives the date the baby is due. It is signed by a doctor or midwife and issued after the 20th week of pregnancy.

SMP (Statutory Maternity Pay): This is how much you are entitled to be paid during the Maternity Pay Period (MPP). This payment is subject to qualifying criteria - see section 5.

SPP (Statutory Paternity Pay): This is how much you are entitled to be paid during the Paternity Pay Period. This payment is subject to qualifying criteria - see section 8.

OAL (Ordinary Adoption Leave): The first 26 weeks of adoption leave, available to all employees, regardless of length of service, who comply with the notification requirements.

AAL (Additional Adoption Leave): The Additional Adoption Leave follows on immediately after the 26 weeks Ordinary Adoption Leave period and lasts for 26 weeks. This is also available to all employees and we will assume that you are taking this leave unless you notify us to the contrary.

SAP (Statutory Adoption Pay): This is how much you are entitled to be paid during the adoption leave period. This payment is subject to qualifying criteria - see section 11.

Week's Pay: Is the normal amount payable under the Contract of Employment for working the normal hours per week. Where there are no normal working hours it is the average earnings over the previous 12 weeks.

3. Notification of Pregnancy

3.1 It is important that you advise your manager as soon as possible that you are pregnant as there are health and safety considerations for the council.

3.2 Your Health and Safety at work

The council wishes to provide a healthy working environment for all its employees and want you to take care of yourself and your baby. Advising your manager as soon as possible that you are pregnant will enable him/her to can carry out a risk assessment and ensure that your health and that of your unborn child is not at risk.

Risks may include physical conditions of work such as handling loads, extremes of cold or heat, travelling, excessive use of visual display equipment etc. In the event of a pandemic any increased risks of infection to mother and baby will also be taken into consideration.

If you do have any concerns about your health at work during your pregnancy, please contact your manager who in liaison with Human Resources will arrange a referral to Occupational Health.

3.3 Ante-Natal Care

You are entitled to take reasonable paid time off work to attend appointments resulting from your pregnancy. This includes relaxation, exercise and parent-craft classes where the appointment has been made on the advice of your doctor, registered midwife or registered health visitor.

You may be required to provide evidence of appointments as well as the advice regarding the need to attend.

You should give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day.

Prospective fathers also have the right to time off (unpaid) to attend up to 2 antenatal appointments (see 8.1).

3.4 Sickness absence

If you are absent from work during pregnancy owing to sickness, you will receive normal statutory or contractual sick pay in the same manner as you would during any

other sickness absence provided that you have not yet begun OML. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before the EWC, your maternity leave will start automatically.

4. Maternity Leave

4.1 Notification of Maternity Leave

You will need to give formal notice of your intention to take maternity leave no later than the end of the 15th week before the EWC.

The '**Maternity Leave Notification Form**' (available on the intranet or from Human Resources) has been designed to assist you with applying for maternity leave. The completed form should be sent to the Human Resource Section with the original form MAT B1.

We will write to you within 28 days of receipt of the initial notification to inform you of when your maternity payments (subject to entitlement - see section 5) will come to an end and the date that you are expected to return if you intend to take your full 52 weeks entitlement to maternity leave.

If it is not possible for you to give notice by the end of the QW, for example, if your baby is born before this date, please give as much notice as possible.

4.2 Maternity Leave

Providing that you have complied with the notification procedures you will be entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. Additional maternity leave begins on the day after ordinary maternity leave ends.

Maternity leave will start on the day you have chosen, provided it is not before the 11th week before the EWC. However if either of the following events occur, your maternity leave and MPP will start automatically:

- Your baby is born before you have started your maternity leave. In this case, your maternity leave and MPP will start the day after the birth of your child;
- You are absent from work for a pregnancy related reason in the four weeks before your EWC (and you have not already started your maternity leave). In this case, your maternity leave and MPP will start the day after your pregnancy-related absence began.

You are entitled to change the date you want to start your maternity leave and MPP provided you give notice of the new date in writing. Notice must be given at least 28 days before the date you were originally going to start your maternity leave or the new date, whichever is earlier.

4.3 Terms and Conditions during Maternity Leave

During both ordinary and additional maternity leave you are entitled to the benefit of – and are bound by - all the terms and conditions of employment that would have applied but for your absence, with the exception of salary and other remuneration.

Although not entitled to normal salary during your maternity leave you may qualify for Maternity Pay which will be determined by your length of service and level of earnings.

You will continue to accrue annual holiday and bank holiday entitlement throughout the period of your maternity leave.

4.4 Compulsory Maternity Leave

You will not be able to return to work for a period of two weeks commencing on the date of childbirth; It is a criminal offence for an employer to permit or require a woman to do so.

5. Entitlement to Maternity Pay

5.1 Your entitlement to Maternity Pay is dependent on your length of service, and for ease of reference the remainder of part 5 is divided into sections.

These qualifying periods can be confusing – please contact Human Resources if you require further clarification.

5.2 Employees with less than 26 weeks local government service from the commencement of employment date up to and including the qualifying week (the 15th week before the EWC)

Maternity Payments: To get Statutory Maternity Pay (SMP) you must have been employed in Local Government continuously for at least 26 weeks continuing into the 15th week before the expected week of child birth. Because of your length of service, you will not qualify for SMP. You will however be given a SMP1 by the Human Resources team so that you can claim Maternity Allowance from Jobcentre Plus. You can find more information about Maternity Allowance in Leaflet NI17A - A guide to Maternity Benefits at www.gov.uk/government/publications/maternitybenefits-technical-guidance.

5.3 Employees with more than 26 weeks service by the end of the 15th week before the EWC but less than one year continuous service by the beginning of the 11th week before the EWC.

Maternity Payments:

Weeks 1 to 6 - provided that your average earnings in the 8 weeks ending with the 15th week before the EWC were equal to the lower earnings limit for national insurance, you will be entitled to SMP, which will be 6 weeks at 9/10 pay.

Weeks 7 to 39 – for the remaining 33 weeks you will receive SMP at the prescribed rate, (or 9/10 if this is less), please contact Human Resources for details of the current rate.

5.4 Employees with 1 year's continuous local government service at the 11th week before the EWC.

Maternity Payments:

Weeks 1 to 6 - provided that your average earnings in the 8 weeks ending with the 15th week before the EWC were equal to the lower earnings limit for national insurance you will be entitled to SMP, which will be: 6 weeks at 9/10 pay.

Weeks 7 to 18 - if you have declared in writing that you intend to return to work in local government (not just your current authority) employment for at least 3 months after the

end of your maternity leave you will receive half of a week's pay plus SMP at the prescribed rate (contact Human Resources for details of the current rate). **NB** if this combined payment exceeds your normal pay then the payment will be restricted to full pay. If you are not intending to return, payment will be restricted to your SMP entitlement as described in section 5.2.

Weeks 19 to 39 - for the remaining 21 weeks you will receive your SMP entitlement at the prescribed rate.

Please note: You may be required to refund any salary paid to you by Wyre Council if you fail without good cause to return to local authority employment for a period of at least three months after the end of the maternity leave period.

5.5 Your entitlement to SMP ceases if **after** the baby is born:

- you start work during your MPP for an employer who did not employ you in the qualifying week **or**
- you are taken into legal custody at any time during the MPP.

You will need to inform Human Resources immediately if you cease to become eligible for SMP.

If you come back to work at any time when you are receiving SMP you will lose that whole week's SMP.

5.6 The NJC for Local Government Services terms and conditions detail the Occupational Maternity Scheme, which is reflected in this guide.

5.7 Local Government Pension Scheme: - Your position under the Local Government Pension Scheme is explained in Appendix 1.

6. Contact during Maternity Leave

6.1 We may make reasonable contact with you (and you with us) while you are on maternity leave, as you may wish to know about any changes at work, job vacancies, training, and other work or social events that you may wish to attend.

6.2 Keeping in Touch Days (KIT days)

During maternity leave you can do up to 10 days' work under your contract of employment, this is to allow you to "keep in touch" with the workplace. This may include staff meetings, training or any activity aimed at keeping in touch. Any work carried out on a day constitutes one day's work. This means that if you come in for a one-hour management meeting, this will count as one of the 10 days available.

The Council cannot insist that you carry out any work and you are protected from suffering a detriment for refusing to do so. Equally, you cannot insist on being given any work to do.

A keeping-in-touch day under this provision must not take place during the two-week period of compulsory maternity leave.

You will be paid for any hours work undertaken on KIT day in line with your contracted rate of pay. The combined entitlement to pay and maternity payment must not exceed the contracted rate of pay for that day.

7. Returning to Work

7.1 It will be assumed that you will be returning to work at the end of your additional maternity leave. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply.

If you wish to return earlier than the expected return date you must give the Council at least 8 weeks' notice of your date of return, in writing.

If you decide not to return to work after your maternity leave you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment.

7.2 Rights On and After Return to Work

If you take ordinary maternity leave, you are entitled to return to the same job. If you take longer than the ordinary maternity leave and it is not reasonably practicable for you to return to the same job, you will be offered an alternative position on no less favourable terms and conditions.

If you worked full-time prior to your maternity leave there is no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council. If you would like this option to be considered, you should write to your line manager setting out your proposals as soon as possible before your return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the Council's policy on flexible working.

7.3 Return to work interview

All line managers will be required to conduct a return to work interview on the officer's return so as to ensure that they are up to date with all changes, understand their entitlements and are clear on what is expected of them.

8. Paternity Leave

8.1 Time off for Antenatal Appointments

Prospective fathers or a mother's partner is entitled to take unpaid time off to attend up to 2 antenatal appointments.

8.2 Ordinary Paternity Leave (OPL)

To qualify for OPL you must:

- Have 26 weeks continuous service by the end of the 15th week before the EWC;
- Be the father, or married to or the partner or civil partner of the child's mother;
- Expect to have responsibility for the upbringing of the child; and

- Take the leave for the specific purpose of caring for a newborn-child and supporting the mother (or for the purpose of caring for a child newly-placed for adoption and supporting the adoptive parent).

8.2.1 Entitlement

Qualifying employees are entitled to take up to two weeks leave. Paternity leave must be taken within eight weeks of the birth (or adoption) of the child as either a one or two week block, odd days and weeks that are not consecutive cannot be taken.

If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Only one period of leave is provided per pregnancy. Therefore, if your partner gives birth to twins the entitlement will still only be two weeks' leave.

8.2.2 Paternity Payments

Paternity leave will be paid as follows:

- Week 1: a week's full pay offset against payments made by way of Statutory Paternity Pay (SPP)
- Week 2: you will receive your SPP entitlement, provided that your average earnings in the 8 weeks ending with the 15th week before the EWC were equal to the lower earnings limit for national insurance. Please contact Human Resources for details of the current rate.

See section 9 - Maternity Support Leave if you think you may not qualify for Paternity Payment.

8.2.3 Notification

Wyre Council will require the following information:

- The EWC and, (or if the baby is born early), the date of the child's birth.
- The length of the leave requested.
- The date the leave is intended to start.
- A declaration that you are in an enduring relationship with the mother, will be responsible for the child's upbringing and will be taking time off to support the child's mother or care for the child.

At the very least you must give the following information to Wyre Council by the end of the 15th week before the EWC:

- The EWC.
- The length of the leave requested.
- The date the leave will start.

The '**Paternity/Maternity Support Leave Form**' (available on the intranet or from Human Resources) has been designed to assist you with applying for leave. The

completed form should be sent to the Human Resource team with a copy of the mother's form MAT B1.

You may change your mind provided 28 days' notice is given.

9. Maternity Support Leave

9.1 Entitlement

If your wife or partner is pregnant or you are the nominated carer of an expectant mother, under the Local Government Conditions, you are entitled to 5 days paid leave at or around the time of the birth. This is irrespective of length of service.

A nominated carer is the person nominated by the mother as their primary provider of support.

The '**Paternity / Maternity Support Leave Form**' (available on the intranet or from Human Resources) has been designed to assist you with applying for leave. The completed form should be sent to the Human Resource team with a copy of the mother's form MAT B1.

NB - It is not intended to pay maternity support leave in addition to the paid paternity leave nor is there a facility for there to be more than one nominated carer.

e.g. If a father and a grandparent were employed by the authority and the father intends to claim paternity / maternity support leave there is no requirement for an additional nominated carer and the grandparent would have no entitlement.

10. Shared Parental Leave

Full details of shared parental leave including eligibility and the notification process are set out in a separate document – the "Shared Parental Leave and Notification Procedures" available from Human Resources or the Intranet.

10.1 Main elements of shared parental leave

- Under the new provisions mothers are able to switch part of their statutory maternity leave and pay into shared parental leave and shared parental pay provided both parents satisfy the eligibility requirements.
- In the 52 week period there will be two weeks' compulsory maternity leave which the mother must take and then eligible parents are able to share the remaining maternity leave and pay between themselves.
- Fathers are still entitled to two weeks basic paternity leave.
- Employees who have taken shared parental leave have the right to return to the same job if the total leave taken is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks.
- Any subsequent leave will attract the right to return to the same job, or if that is not reasonably practicable, a similar job.
- It is up to the parents how they share the parental leave – they could take it in turns or take time off together, provided they take no more than 52 weeks of this leave, combined in total.

10.2 Qualifying for shared parental leave

Shared parental leave applies only to employees with a working partner (employed or self-employed) as long as both of them both meet the qualifying conditions. If the mother does not qualify for maternity leave or maternity allowance, her partner will not be eligible for shared parental leave and pay. Details of the eligibility criteria are set out in the “Shared Parental Leave and Notification Procedures”.

10.3 Notification requirements

The notification procedures are quite complex as the mother has to give written notice to end her maternity leave before starting the shared parental leave.

The mother must give at least eight weeks written notice to end her maternity leave (in order to start shared parental leave). The notice is binding and can be given before or after the birth.

Please see the “Shared Parental Leave and Notification Procedures” and contact Human Resources if you have any queries.

10.4 Keeping in touch (KIT) days

Each parent has the right to have up to 20 Keeping in touch (KIT) days during shared parental leave. This is in addition to the ten days allowed during maternity leave.

10.5 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 taken by the mother. The mother cannot curtail her maternity leave and pay until the end of the compulsory maternity leave period (two weeks), so the maximum amount of shared parental pay available is 37 weeks. Similar provisions apply for parents taking shared parental leave in an adoption situation.

For example, if the mother takes maternity leave for 30 weeks, then the father takes a period of shared parental leave of 12 weeks, then the mother takes a period of shared parental leave of 10 weeks; the mother would be paid statutory maternity pay for 30 weeks and the father would be paid statutory shared parental pay for the first nine weeks of his leave period (provided that they meet all the relevant eligibility requirements).

Statutory shared parental pay will be paid at a flat rate for all 39 weeks.

Fathers will still be entitled to two weeks basic paternity pay.

10.6 Possible shared parental leave arrangements

Examples of how parents could share the parental leave are as follows:

- The mother could take the first eight months, with the father taking the remaining eight months.
- The mother could return to work for a period in the middle of the year with the father looking after the child for that time.
- The parents could both stay at home together with the child for up to six months.

11. Adoption Leave and Pay

11.1 Introduction

Prospective adoptive parents are entitled to take time off for the purpose of having contact with the child or for any other purpose connected with the adoption.

If you adopt a child through an approved adoption agency you are entitled to up to 52 weeks' adoption leave. Your entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave (OAL) or additional adoption leave (AAL) subject to their following the correct notification procedures as set out below.

Adoption leave entitlement applies to one adoptive parent the other adoptive parent will be entitled to take paternity leave as set out in section 9 of this document.

11.2 Entitlement to Adoption Pay

If you have at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency you will qualify for statutory adoption pay (SAP) provided that your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay is in line with Statutory Maternity Pay and is at 9/10 of your average weekly earnings for the first six weeks followed by the a further 33 weeks at the prescribed rate set by the Government for the relevant tax year, or at 9/10 of your average weekly earnings if this is less.

11.3 If you have at least 1 year's continuous service as at the week in which notification of matching is given are entitled to adoption payments as follows:

Weeks 1-6 - 9/10 of a weeks' pay

Weeks 7-18 – if you have declared in writing that you intend to return to work in local government employment for at least 3 months after the end of your adoption leave you will receive half a week's pay plus SAP at the prescribed rate. **NB** if this combined payment exceeds your normal pay then the payment will be restricted to full pay. If you are not intending to return, payment will be restricted to your SAP entitlement as described in 12.2.

Weeks 19-39 – for the remaining 21 weeks you will receive your SAP entitlement at the prescribed rate.

Please note you will be required to refund any salary paid to you by Wyre Council if you fail without good cause to return to local authority employment for a period of at least three months after the end of the maternity leave period.

11.4 You will lose your right to Statutory Adoption Pay if at any time during the Adoption Pay Period:

- You start working for another employer, or
- You are taken into legal custody.

11.5 Local Government Pension Scheme – your position under the Local Government Pension Scheme is explained in Appendix 1.

11.6 Timing and Notification of Adoption Leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

You are encouraged to discuss the timing of your adoption leave as early as possible with your line manager.

11.7 Notice Requirements

In order to be entitled to take adoption leave and receive statutory adoption pay, you are required to give the Council written notification of your intention to take adoption leave no later than 7 days after the date on which notification of the match with the child was provided by the adoption agency. Notification of leave must be made in writing using the Adoption Leave Notification Form available on the intranet and must include the date the child is expected to be placed with you for adoption and the date you intend your leave to start.

The completed form should be sent to the Human Resources section with a copy of the matching certificate from the adoption agency.

Human Resources will write to you within 28 days of receipt of your notification to confirm the date you are expected to return to work if you intend to take your full 52 weeks' entitlement.

You are entitled to change the date you want to start your adoption leave provided you give notice of at least 28 days before the date you were originally going to start your leave or the new date whichever is earlier.

11.8 Rights during Adoption Leave

During your adoption leave all terms and conditions of employment will continue with the exception of salary and other remuneration.

You will continue to accrue annual holiday and bank holiday entitlement throughout the period.

11.9 Contact during Adoption Leave

Provisions regarding contact and Keeping in Touch Days (KIT) for employees on adoption leave are the same as for those on maternity leave and are set out in section 5 of this document.

11.10 Returning to Work after Adoption Leave

Provisions regarding returning to work after adoption leave are the same as for those returning to work after maternity leave and are set out in section 6 of this document.

11.11 Transfer of Adoption Leave

Provisions regarding the transfer of any untaken adoption leave if you propose to return to work early without using your full 52 week entitlement are the same as for those on maternity leave and are set out in section 10 of this document.

12. Fertility Treatment

- 12.1** Employees undergoing fertility treatment will be allowed time off for consultants' appointments and actual treatment. Partners of those undergoing treatment are allowed the time if they are undergoing treatment themselves and/or it is essential for the success of the treatment that they attend. Appointments where they are attending as support for their partner will need to be taken as flexi or annual leave.

If employees are not fit to attend work following treatment this would be treated as sickness absence and therefore counts towards sickness absence triggers.

In situations where treatment is unsuccessful and employees elect to undergo repeated treatment, this arrangement would need to be reviewed.

13. Equality Impact Assessment and Monitoring

- 13.1** The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

14. Data Protection

- 14.1** In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

Local Government Pension Scheme

What happens if I am on maternity, adoption or paternity leave or shared parental leave?

During any period of relevant child related leave the pensionable pay figure used to work out your pension is your assumed pensionable pay. Using your assumed pensionable pay (where this is higher than your actual pensionable pay received), rather than the amount of pensionable pay you actually receive when on relevant child related leave, means that you will continue to build up a pension in the section of the LGPS you are in, as if you were working normally and receiving pay.

You will continue to pay your basic LGPS contributions on any pay that you receive while you are off on relevant child related leave.

If you are in the 50/50 section and go onto no pay during ordinary maternity, paternity or adoption leave you will automatically be moved to the main section of the scheme from the beginning of the next pay period. This means from that point forward you will build up full pension benefits in the LGPS even though you are not paying pension contributions. However, any period of unpaid additional maternity or adoption leave or unpaid shared parental leave will not count for pension purposes unless you elect to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

The amount of pension lost is calculated as the appropriate fraction of your lost pensionable pay for that period of absence (i.e. 1/49th of your lost pensionable pay if you were in the main section of the scheme or 1/98th if you were in the 50/50 section).

If you wish to purchase the amount of lost pension and make the election within 30 days of returning to work (or such longer period as your employer allows) then the cost of the APC is split between you and your employer. You will pay one-third of the cost and your employer will pay the rest. This is known as a Shared Cost Additional Pension Contract (SCAPC). You can pay these additional contributions in a one-off lump sum or through regular payments from your wages.

The maximum period of absence you can elect to buy back by a SCAPC is a period of 3 years.

You can obtain a quote and print off an application form to buy lost pension at www.lgpsmember.org

If you have membership of the LGPS before 1 April 2014 you will have built up benefits in the final salary scheme. If you choose to pay for the lost pension in the scheme the amount you pay will go towards covering the protections associated with the pre 1 April 2014 membership.

If you have Keep in Touch (KIT) day(s) or Shared Parental Leave in Touch (SPLIT) day(s) during a period of unpaid additional maternity or adoption leave or unpaid shared parental leave

you will build up a pension (based on the section of the scheme you are in) for the day(s) you are paid.

You can contact Your Pension Service for further information on paying Additional Pension Contributions.

Please use the 'Local Government Superannuation Regulations-Notification of Maternity Leave' form available on the Intranet or from the Human Resources Section.

The Human Resources Section will give you further details.