

Local Negotiating Committee for Teachers – Agreement No.9

Guidance for Head Teachers on Surrogacy Leave in relation to Teaching Staff

Agreed at LNCT - 18 September 2012

1. Introduction

- 1.1 This document sets out the procedure to be followed when considering an application for Surrogacy Leave for teaching staff.
- 1.2 These procedures are in line with SNCT Circular 12/34, 'Surrogacy Leave' and clarify the use of Surrogacy Leave within West Dunbartonshire Council.

2. Key Facts

- 2.1 The SNCT has agreed that leave should be provided in the cases of surrogacy and should be treated in accordance with Family Leave provisions.

3. Eligibility

- 3.1 Parents who receive a child following a surrogacy arrangement apply to the Sheriff Court for a Parental Order. A copy of the Parental Order should be provided to confirm Parenthood.

4. Guidance on Related Procedure

Notice

- 4.1 The intended parent should provide the Council with a copy of the MatB1 which the birth mother obtains from their GP or midwife at around 26 weeks before the baby is due. This will provide the Council with notice of the impending birth and date the family leave will commence. Notice to take Family Leave should be no less than 28 days' written notice.
- 4.2 The couple must choose one person to take the Family Leave.

Duration

- 4.3 The leave may begin:
 - From the date of the child's placement, or
 - From a fixed date up to 14 days before the expected date of placement.
- 4.4 An employee is entitled to 52 weeks Family leave regardless of service.

Payment during Surrogacy Leave

- 4.5 An employee, who has less than 26 weeks continuous contractual service, prior to the week in which he/she received the child, is entitled to 52 weeks' family leave without pay.
- 4.6 An employee who has 26 weeks continuous service prior to the weeks in which he/she received the child will be entitled to be paid:
- 13 weeks at normal salary and
 - 26 weeks at a sum equivalent to Statutory Adoption pay.

Annual Leave and Public Holidays

- 4.7 With regard to annual leave and public holidays:
- Where possible employees should take proportionate annual leave, for that year, prior to their Surrogacy Leave commencing.
 - Employees on Surrogacy Leave retain their entitlement to accrue contractual annual leave throughout. Where an employee returns from Surrogacy Leave with accrued annual leave, they should endeavour to take these holidays before 31st March in any year. However where this is not practical employees may in consultation with their Director/Head of Service or nominated officer take their annual leave after 31st March.
 - On return from Surrogacy leave an employee will be entitled to a day in lieu for each Public Holiday that coincided with the period of Adoption Leave (i.e. during ordinary and maternity leave).

Continuous Service and Reckonable Service

- 4.8 All periods of Surrogacy Leave count towards continuous service.

Keeping in Touch Days

- 4.9 During Surrogacy Leave the employee is allowed up to 10 days at work with normal pay as 'Keeping in Touch Days', without bringing the Surrogacy Leave period to an end.
- Normal pay will be an amount inclusive of any sum equivalent to Statutory Adoption pay.
 - These days do not have to be consecutive and can be used for training or any other activity which enables the employee to keep in touch with the place of employment.
 - These days can only be taken following agreement between the employer and the employee to both the activity and timing.