

RULE F2A

Maternity, paternity and adoption leave

Rule F2A explains what periods of maternity, paternity and adoption leave will count automatically as pensionable service and which periods may count if voluntary contributions are paid under Rule G2A.

Background

Once, there was no requirement that occupational pension schemes should apply special provisions for the treatment of maternity leave. Then Schedule 5 to the Social Security Act 1989 made the maternity leave requirements of EC Directive 86/378 mandatory. Under the Social Security Act 1989 (Commencement No. 5) Order 1994 special treatment of maternity leave became a requirement with effect from 23 June 1994.

These special provisions were overriding. Consequently, when the FPS was amended to take account of them on 13 September 2004, the effective operative date was 23 June 1994.

Between 1994 and the amendment of the FPS in 2004, there had been 3 different maternity leave "regimes". The first regime simply offered "maternity leave" which could be paid or unpaid. The second and third regimes divide the leave into "ordinary maternity leave" and "additional maternity leave" which can be paid or unpaid depending upon length of employment. The current regime applies to those whose expected week of childbirth began on or after 6 April 2003.

Adoption leave applies to employees whose children are placed with them on or after 6 April 2003. At the date of the amendment to the FPS there had been only one "regime" for adoption leave which mirrored the principles of the third "regime" for maternity leave. The treatment of pension rights during adoption leave is similar to that which applies for maternity leave.

Paternity leave applies to employees whose children were expected to be born, or were born, on or after 6 April 2003. In spite of its official title, paternity leave can be taken by a male or a female. Eligible employees are allowed to take up to 2 weeks' paid leave to care for a new baby or adopted child and support the mother or adoptive parent. Again, pension rights during paternity leave are protected but reflect the limited period of this type of leave.

Pension rights reflect the statutory requirements set out above. If national or local conditions of service are more generous, the provisions based on statutory requirements would still apply.

On pages F2A-Chart 1 there are flow-charts which explain the effect on pension rights of maternity leave (current "regime")

On pages F2A-Chart 2 there are flow-charts which explain the effect on pension rights of adoption leave

On page F2A-Chart 3 there is a flowchart which explains the effect on pension rights of paternity leave.

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Rule F2A (continued)

**Maternity leave
that counts as
pensionable
service**

Rule F2A(1) allows a regular firefighter to count the following as pensionable service –

- (a) paid maternity leave
- (b) unpaid ordinary maternity leave
- (c) unpaid maternity leave in respect of which contributions have been paid in accordance with Rule G2A.

Paid maternity leave under all 3 "regimes" is covered by (a). Under the second and third regimes (a) would cover periods of both ordinary and additional maternity leave which are paid.

Employees with limited service may be entitled to ordinary maternity leave but without pay under the second and third "regimes". Nevertheless they have the right to count it as pensionable service. This is reflected in (b).

Unpaid maternity leave (other than that covered by (b)) can reckon as pensionable service subject to the payment of contributions under Rule G2A. This is reflected in (c).

**Adoption leave
that counts as
pensionable
service**

Rule F2A(2) allows a regular firefighter to count the following as pensionable service –

- (a) ordinary adoption leave
- (b) paid adoption leave
- (c) unpaid additional adoption leave in respect of which contributions have been paid in accordance with Rule G2A.

The pension rights that apply for adoption leave mirror the principles that apply for the third maternity "regime".

Ordinary adoption leave will count as pensionable service in all cases whether paid or unpaid – this is reflected in (a).

Paid adoption leave will count as pensionable service in all cases – this is reflected in (b).

Unpaid additional adoption leave can reckon as pensionable service subject to the payment of contributions under Rule G2A. This is reflected in (c).

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Rule F2A (continued)

Paternity leave that counts as pensionable service

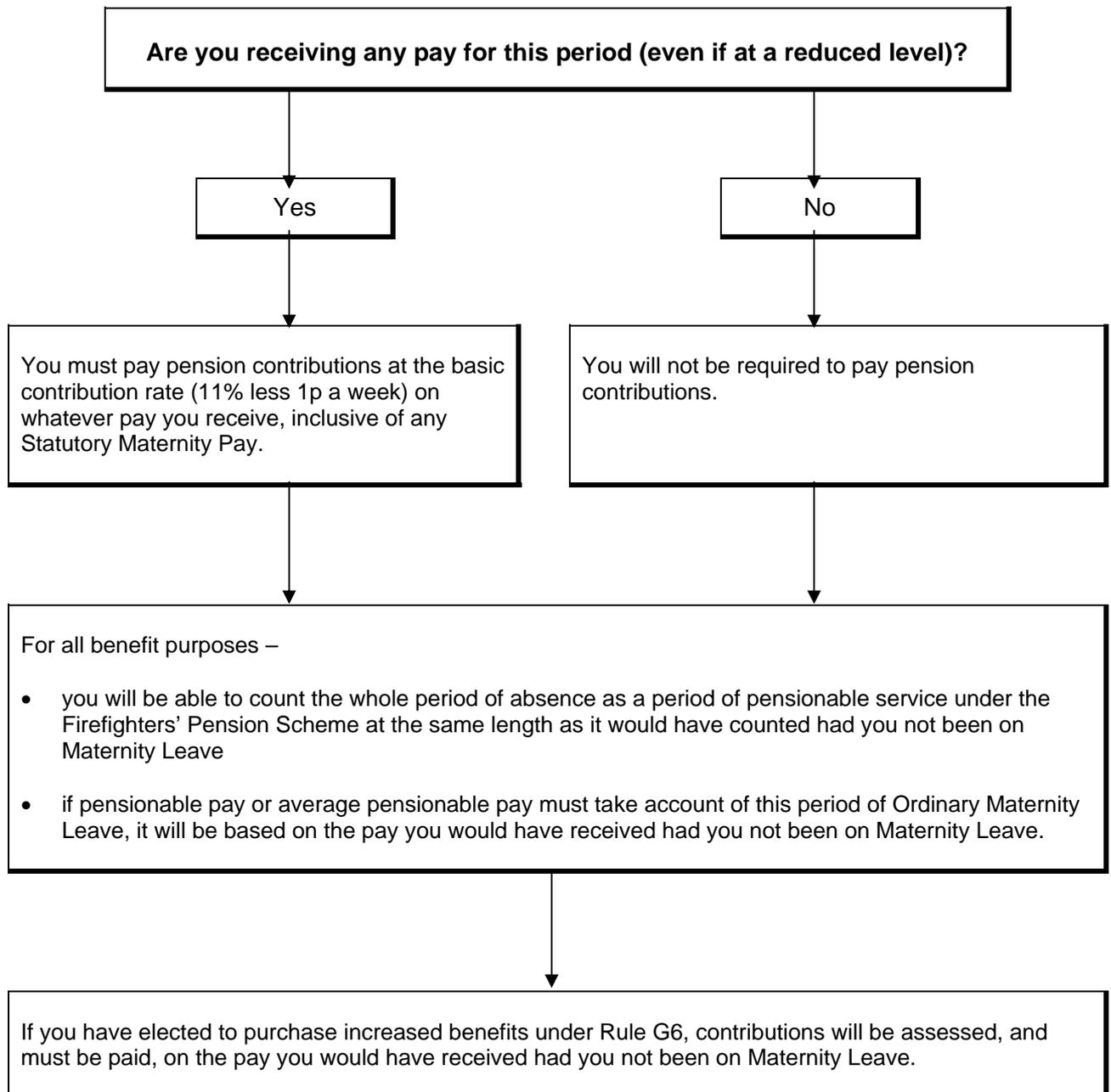
Rule F2A(2) allows a regular firefighter to count any period of paternity leave, whether paid or unpaid, as pensionable service. This mirrors the treatment of ordinary maternity and adoption leave. However, while ordinary maternity and adoption leave normally extend to 26 weeks (currently), statutory paternity leave is for a period of up to 2 weeks only. Any period of leave beyond this which is allowed by the fire and rescue authority and which is unpaid would only be treated as pensionable service if you elect that it should and pay contributions in accordance with Rule F2(3) to (6).

Useful reference source

FSC 30/2004: introduction of maternity, paternity and adoption leave provisions into the Firefighters' Pension Scheme

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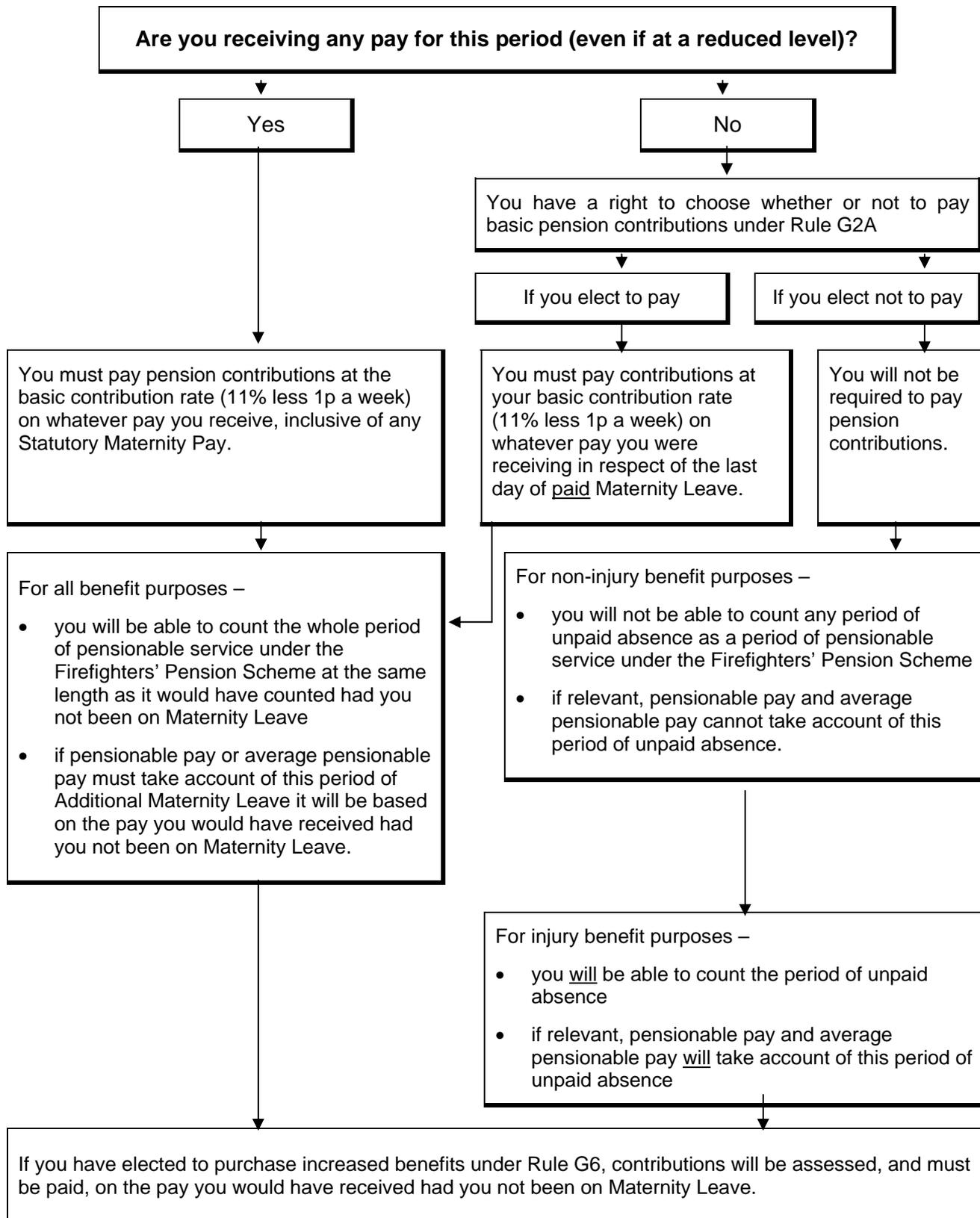
Ordinary Maternity Leave: Effect on benefits



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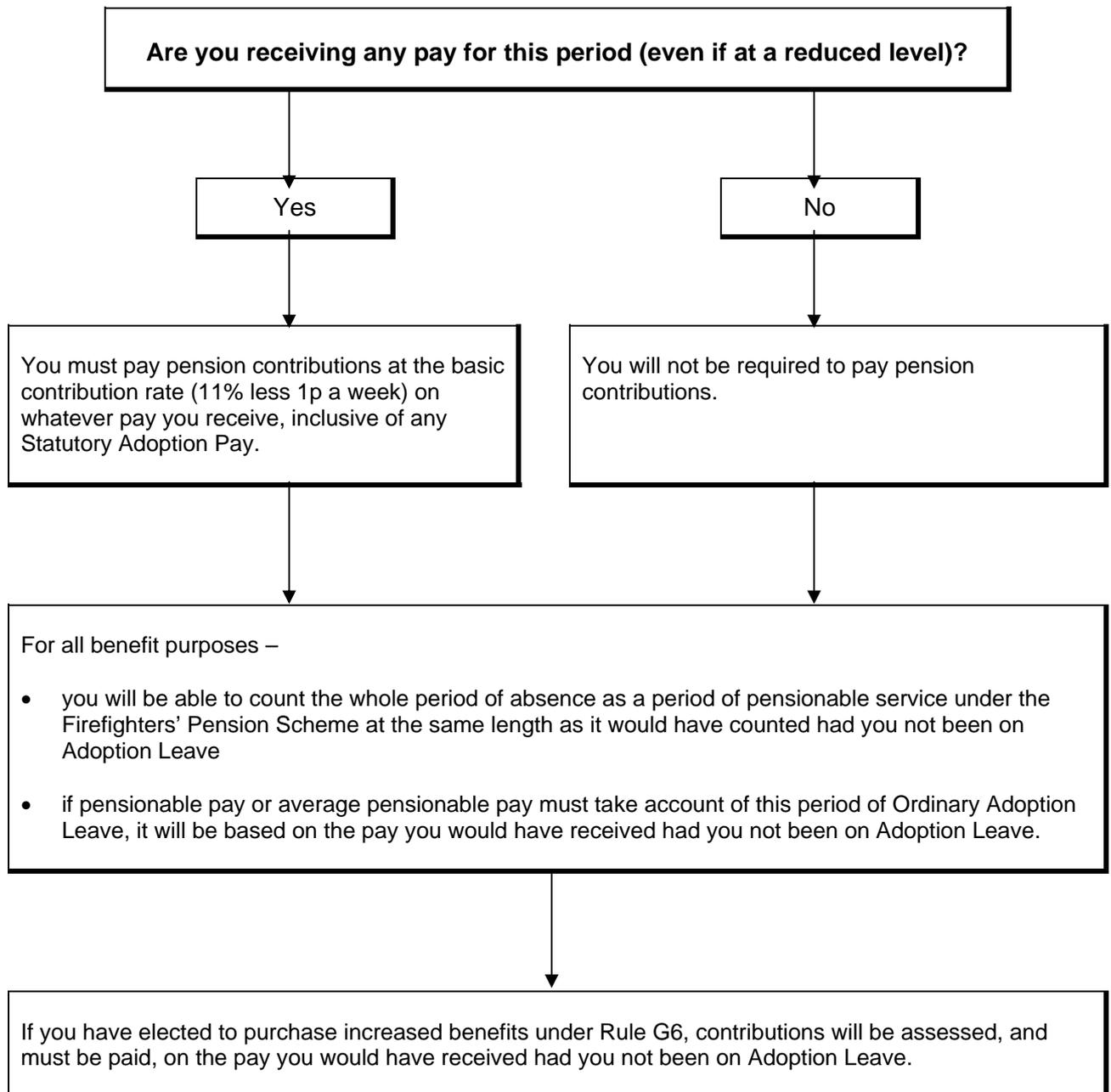
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Additional Maternity Leave: Effect on benefits



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Ordinary Adoption Leave: Effect on benefits



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Maternity, paternity and adoption leave

Additional Adoption Leave: Effect on benefits

