

PARENTAL POLICY

Incorporating leave and pay guidance for the following:

- Maternity
- Paternity
- Fertility
- Shared Parental
- Adoption
- Surrogacy

Version:	7
Ratified by:	Senior Management Team
Date ratified:	February 2017
Title of originator/author:	HR Business Partner
Title of responsible committee/group:	Regulation Governance Group
Date issued:	February 2017
Review date:	February 2020
Relevant Staff Group/s:	All Trust Staff

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DOCUMENT CONTROL

Reference JPS/Dec16/PP	Version 7	Status Final	Author HR Business Partner
Amendments	December 2016: Revised A4C Terms & Conditions entitle Employees on paid and unpaid maternity leave to retain their right to annual leave and public holidays		
Document objectives: Ensuring all staff have the opportunity to integrate the development of a career with family responsibilities and are informed of their rights regarding maternity, paternity, shared parental leave, adoption and fertility leave and pay.			
Intended recipients: All Trust Staff, particularly Line Managers.			
Committee/Group Consulted: JMSSC, Regulation Governance Group			
Monitoring arrangements and indicators: see section 45			
Training/resource implications: see section 55			
Approving body and date	Regulation Governance Group		Date: December 2013
Formal Impact Assessment	Impact Part 1		Date: November 2013
Ratification Body and date	Senior Management Team		Date: February 2014 January 2015 April 2015 January 2017 February 2017
Date of issue	February 2017		
Review date	February 2020		
Contact for review	HR Business Partner		
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1. INTRODUCTION

- 1.1 Somerset Partnership NHS Foundation Trust (hereinafter referred to as 'the Trust or 'we') have produced this policy to ensure all employees are aware of their entitlements in relation to all parental rights.
- 1.2 The Trust aims to provide a fair, consistent and effective application of its parental provisions by ensuring that staff have the opportunity to integrate the development of a career with family responsibilities and are informed of their rights regarding maternity, paternity, adoption, parental and fertility leave and pay.
- 1.3 This policy sets out the provisions covered by the following legislation to which employees are entitled, Employment Relations Act 1999, Employment Act 2002, Agenda for Change Terms and Conditions of Service 2004, The Work and Families Act 2006, Children & Families Act 2014 and the Equality Act 2010 and seeks to meet the Trust's objectives within this legal framework.
- 1.4 The aim of this legislation is to ensure there are policies in place for Fertility Treatment, Adoption/Surrogacy Leave, Shared Parental Leave, Paternity/Partners Leave and Maternity Leave, which enables all employees to properly balance their work and home lives.

2. PURPOSE & SCOPE

- 2.1 This policy applies to all Trust staff and establishes a framework for the effective implementation of all parental rights in relation to leave and pay.
- 2.2 This policy and legislation outlined above in 1.3 protects all staff from unfair treatment including discrimination against protected characteristics such as: Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and maternity, Race / Ethnicity, Religion or belief, Sex and Sexual orientation. The right of equal opportunity is also enshrined within legislation covering Part-time Workers, Fixed-term Employees and workers with a particular Political affiliation or trade union membership and as such this policy applies to all employees.
- 2.3 This policy provides guidance for managers and staff, the options available and the calculation of individual entitlements relating to the different types of leave as listed in 1.4.
- 2.4 It outlines the procedures to be followed when a member of staff is pregnant or requires time away from work for parental reasons, informing them of how and when to apply, together with their rights to return to work.

3. EXPLANATIONS OF TERMS USED

- 3.1 **APL – Additional Paternity Leave**
- 3.2 **ASPP – Additional Statutory Paternity Pay**

- 3.3 Continuous NHS service - applies if you have not had a break in NHS service with one or more NHS employer, of more than three months. However, a break in service shall be disregarded (although it will not count towards the period of employment) if you were on a Career Break Scheme approved by the Trust or absent for a period of up to 52 weeks under maternity leave regulations.
- 3.4 DWP – Department for Work and Pensions
- 3.5 ESR – Electronic Staff Record
- 3.6 EWC - Expected week of confinement, means the week in which the baby is predicted to arrive, the week commences on the Sunday.
- 3.7 IVF - In Vitro Fertilisation
- 3.8 Lower Earnings Limit – where average weekly earnings for an 8-week period prior to the 11th week before your EWC are not less than the lower earnings limit for national insurance contributions. Thus if basic NI contributions are not paid over the 8 week period there is no entitlement to receive SMP.
- 3.9 MAT B1 Form – Medical evidence of the expected date of confinement issued to expectant mothers at 20 weeks.
- 3.10 Maternity Allowance – a benefit claimable from the Department of Work and Pensions
- 3.11 Maternity provision refers to the leave and pay to which you may be entitled.
- 3.12 OMP – Occupational Maternity Pay – NHS Maternity Pay and Leave provisions
- 3.13 QW - Qualifying week – this is the 15th week before the EWC
- 3.14 SAP – Statutory Adoption/Surrogacy Pay
- 3.15 SMP – Statutory Maternity Pay
- 3.16 SPP – Statutory Paternity Pay
- 3.17 SPL – Shared Parental Leave
- 3.18 ShPP - Statutory Shared Parental Pay
- 3.19 TFC – Tax-free childcare

4. DUTIES AND RESPONSIBILITIES

4.1 Employee

- To be aware of, and follow the Parental Policy, available on the Internet and meet with your manager to discuss options available for Fertility Leave, Adoption/Surrogacy Leave, Shared Parental Leave, Paternity/Partners Leave and Maternity Leave.
- Complete the application form (Appendix 4) for Adoption/Surrogacy Leave

and give to your manager along with either a certificate from an approved adoption agency or a copy of the MAT B1 form issued to the surrogate mother.

- Complete the application form (Appendix 5) for Paternity/Partners Leave and give to your manager at least 28 days before you plan to take your leave
- Meet with your manager to discuss eligibility for Fertility Treatment Leave and complete the application form (Appendix 6)
- Where possible, arrange for fertility/antenatal/postnatal appointments or meetings associated with adoption and fertility treatment to be arranged outside of core hours of work
- To notify your manager that you are pregnant, as soon as possible, and by no later than 15 weeks before your baby is due.
- Discuss with your manager when you would like to commence maternity leave and give 28 days notice of this date
- Submit an application for Maternity Leave (Appendix 3) to the Trust's Payroll Department with a copy sent to Human Resources no later than 15 weeks before your baby is due.
- To comply with health and safety and risk assessment requirements requirements throughout your pregnancy and on return to work if breastfeeding
- To provide a MAT B1 form at 20 weeks gestation
- To inform your manager of the date you gave birth
- To inform your manager of your intention to return to work
- To inform your manager of your eligibility and intention to take Shared Parental Leave within the required timescales.
- Submit your application for Shared Parental Leave (appendix 7) a minimum of 8 weeks prior to when you want SPL to begin

4.2 Line Managers

- To ensure your member of staff has a copy of the Parental Policy and understands it and, if necessary, seeks further advice from the Human Resources Department on any of the issues mentioned in the policy
- Treat the matter with sensitivity and with the appropriate level of confidentiality at all times
- To meet with the member of staff and discuss paid leave options for the leave they are applying for
- To complete and authorise the appropriate application Appendix attached within this Policy and send to the Human Resources and Payroll Departments
- To ensure a pregnant employee is aware of her rights and obligations under this policy and is afforded the necessary time off for antenatal and postnatal healthcare appointments
- On notification of an employee's pregnancy you should perform a risk assessment and do what is reasonably practicable to control any risk to the health of the mother and unborn child, a copy should be forwarded to the Human Resources Department
- On return to work an employee who is breastfeeding, should have an agreed plan for doing so, with reasonable time allowed and a copy should be forwarded to the Human Resources Department
- To agree with the employee the method for keeping in touch during maternity leave and confirm in writing the 10 keeping in touch days
- To agree with the employee the method for keeping in touch during Shared

- Parental Leave and confirm in writing the 20 SPLIT days
- To complete the necessary changes forms at the start and end of any paid leave and if necessary, a leavers form, if the employee is not returning to work
- To inform the Human Resources Department of the date of birth
- To respond to requests for Shared Parental Leave accordingly

4.3 Trust Human Resources Department

- To provide support and advice to managers and staff about how to use this policy
- To write to the employee, after notification that they are pregnant and issue them with an Information Pack
- To maintain records of employees on maternity/paternity/Shared Parental/fertility/adoption/ surrogacy leave
- To forward the MAT B1 form and application for maternity benefits forms to the Payroll Department

4.4 Trust Payroll & Finance Department

- Will write to the employee to confirm the relevant Maternity option details and specific payments applicable
- Will ensure that the employee has the necessary service entitlement to receive access to the Trust's OMP scheme
- To ensure that payments are made in line with both current Occupational and Statutory regulations
- To ensure that the necessary proof of pregnancy has been received to satisfy the Department for Work & Pensions regulations for maternity, Paternity/Partners and adoption/surrogacy leave
- If the employee is a member of the Lease Car Scheme an invoice will be issued to the employee to collect payments during any unpaid period of maternity leave
- To ensure that payments are made in a timely manner in line with normal salary crediting
- To ensure that the employee's membership of the NHS Pension Scheme is protected during the full period of maternity leave both paid and unpaid

SECTION ONE

5. FERTILITY TREATMENT LEAVE

- 5.1 We recognise the emotional pressure of undergoing IVF or other fertility treatment and understand the potential anxiety and distress which individuals may suffer during the process. We wish to support staff who commence fertility treatment, or whose partner is undergoing the treatment.

The Trust is empathetic to staff who decide to undertake fertility treatment and this policy will ensure provision for special leave for this purpose, where there is documentary evidence from the employee's GP or Specialist that such treatment is required.

6. ENTITLEMENT TO FERTILITY LEAVE

- 6.1 If you have 12 months continuous NHS service at the time of applying and you are undergoing fertility treatment you may be granted fertility treatment leave.
- 6.2 You are asked, wherever possible, to arrange appointments outside of work. Where this is not possible, you may be granted up to five working days of paid fertility leave in any 12 month period in order to undertake fertility treatment and attend appointments specifically associated with the 'end part' of the IVF process. (i.e. pre- booked interventions for consultant appointments, collection and delivery of eggs etc.)
- 6.3 The leave can be taken to suit your needs, i.e. five days in one block or taken on separate days or ½ days as required.
- 6.4 If you require any additional time off, then alternative leave arrangements should be agreed with your line manager; this can include annual leave, time owing or unpaid leave.

7. PARTNERS ELIGIBILITY

- 7.1 If your partner is undergoing treatment and it is essential for you to attend a specific appointment, we will allow you up to ½ day of fertility treatment leave in any 12 month period to undertake fertility treatment. Further leave maybe agreed at your line manager's discretion.
- 7.2 If, as a partner, you are not required to take part in the treatment but would still like to attend appointments, we would be expect you to take annual leave, time owing or unpaid leave for this purpose.
- 7.3 Managers should allow flexibility wherever possible to enable employees to take leave at short notice.

8. APPLYING FOR FERTILITY TREATMENT LEAVE

- 8.1 You should advise your manager as soon as possible that you are undergoing treatment and wish to apply for Fertility Treatment Leave under the Parental Policy.
- 8.2 To apply for Fertility Treatment Leave you must complete the application form attached at Appendix 6 and give this to your manager.
- 8.3 We acknowledge that fertility treatment can be lengthy and we would encourage you to discuss with your manager the amount of leave required to undertake a course of treatment. You should support this with documentary evidence from your GP/Specialist (i.e. letter or appointment card).
- 8.4 Should you require time off because of side effects from the treatment, this will be recorded as sickness absence, and the normal reporting and recording provisions will apply.

SECTION TWO

9. ADOPTION/SURROGACY ENTITLEMENT

- 9.1 Adoption Leave is available to employees who are adopting a baby or child through an approved adoption agency or to someone having a baby via surrogacy.
- 9.2 When a couple adopt a child or have a baby via surrogacy only one partner can take Adoption/Surrogacy Leave. The partner who wishes to take Adoption/Surrogacy Leave is known as the Primary Partner.
- 9.3 As the primary partner you have the right to 52 weeks leave, irrespective of how long you have worked for the Trust provided that you continue to be employed until the date of adoption or placement of the child.
- 9.4 Adoption Leave is not available to those adopting step-children.
- 9.5 Adoption Leave can only apply until the baby or child's 18th birthday.
- 9.6 If you are the secondary partner then may qualify for paternity/partner's leave (as per section 3). This includes same-sex couples.

To qualify for **paternity/partners leave for an adoption**, you must:-

- be employed for at least 26 weeks by the time you are matched with your child for adoption. (You will not be entitled to paternity/partners leave or pay if you already know the child, for example, if it's your stepchild)
 - not be taking adoption leave. (Where you and a partner are adopting a child, one of you can take adoption leave and one paternity/partners leave)
 - have some responsibility for the child's upbringing
 - have given your employer the correct notice to take paternity/partners leave.
- 9.7 The primary adopter of a child born through a surrogacy arrangement will be entitled to take adoption leave and pay provided they have applied for a 'parental order'.

10. APPLYING FOR ADOPTION/SURROGACY LEAVE

- 10.1 You must complete the application form attached at Appendix 4 and meet with your Manager to discuss the application. The form must be accompanied by either a 'matching certificate' from an approved adoption agency or a copy of the Mat B1 form issued to the surrogate mother.
- 10.2 You must give notice to your manager of your intention to take Adoption Leave within seven days of the adoption agency telling you that a baby or child will be placed with you. 28 days notice is required for payment of SAP.
- 10.3 You have a right to return to work after your adoption/surrogacy leave providing that your application has been made in accordance with this policy. You must give your manager 28 days notice of your intention to return to work

10.4 You must also complete appendix 7 (as per section 5) of the policy if you are eligible and you intend to use Shared Parental Leave instead or after a period of adoption leave.

11. STATUTORY ADOPTION/SURROGACY PAY

11.1 You will be eligible for SAP provided that:

- you have been employed continuously by the Trust for 26 weeks at the date of placement of the child

and

- you have average earnings of not less than the Lower Earnings Limit during this period.

11.2

SAP is paid as follows:

First 6 weeks	90% of average weekly earnings with no upper limit
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Remaining 33 weeks	Standard rate or a rate equal to 90% of average weekly earnings, whichever is the lower. Current SAP rates can be found by
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[clicking here](#)

12. ADOPTION/SURROGACY SCHEMES AVAILABLE

12.1 If you **wish to return to work** after your child is placed with you the following schemes apply:

- **Option A**

Applies if you have less than 12 months' continuous NHS service at the qualifying week;

Entitles you to 52 weeks Adoption Leave and you may be entitled to SAP if you have been employed with us for 26 weeks by the week the employee is matched with the child by the adoption agency.

- **Option B**

Applies if you have more than 12 months continuous NHS service ending with the week in which you are notified of being matched with the child for adoption;

Entitles you to 52 weeks Adoption Leave

If you are **entitled** to SAP your pay will be as follows:

First 8 weeks : Full pay less any SAP receivable

Next 18 weeks : ½ pay plus SAP

Next 13 weeks : SAP (or 90% of their average weekly earnings, whichever is lower)

Next 13 weeks : Unpaid

If you are **not entitled** to SAP your pay will be as follows:

First 8 weeks : Full pay

Next 18 weeks : ½ pay

Next 26 weeks : Unpaid

- **Option B (Deferred Option)**

If you have more than 12 months' continuous NHS service ending with the week in which you are notified of being matched with the child for adoption and would rather defer any payments so that you do not have to repay any money if you decide not to come back to work, you should apply for Option B (Deferred Option)

You will receive SAP, if you are entitled to it, during your Adoption Leave period. You will receive a lump sum payment three months after you return to work which is calculated in the same way as the payments in Option B.

If you **do not wish to return to work** after your child is placed with you the following schemes apply:

- **Option C**

Is applicable if you have more than 12 months continuous NHS service at the qualifying week;

If you are entitled to Standard Rate SAP you will receive 90% of your pay (less certain deductions) for the first six weeks followed by SAP for the next 33 weeks.

- **Option D**

Is applicable if you have less than 12 months continuous NHS service at the qualifying week.

You will not be entitled to SMP, but may be eligible for support from your Local Council.

13. TIMING OF ADOPTION/SURROGACY LEAVE

13.1 You can commence Adoption/Surrogacy Leave on the date that the baby or child is placed or up to two weeks in advance.

13.2 If you commence Adoption/Surrogacy Leave on any day other than a Sunday, SAP will only be paid from the Sunday of the following week.

13.3 SAP will end after 39 weeks or at the end of the week in which the child becomes 18 (if sooner).

14. YOUR RIGHT TO RETURN TO WORK

14.1 You have a right to return to work after your Adoption/Surrogacy Leave providing that your application has been made in accordance with this policy

14.2 You should meet with your Manager to discuss your intention to return to

work, particularly if you wish to return on different hours or to a different post. At this time your Manager should explain the Flexible Working Policy and the process involved, including the timing and notice necessary for the procedure to be followed correctly.

SECTION THREE

15. ENTITLEMENT TO PATERNITY/PARTNERS LEAVE

15.1 To qualify for **paternity/partners leave for a birth**, you must:-

- have been employed by the same employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth; and
- be the biological father of the child, or be married to or be the partner of the baby's mother (this includes same-sex partners, whether or not they are registered civil partners); and
- have some responsibility for the child's upbringing; and
- have given your employer the correct notice to take paternity/partners leave.
- You intend at the start of the Paternity Pay Period (PPP) to care for the child or support the mother

You will not be entitled to paternity/partners Leave to adopt step-children.

15.2 To apply for paternity/partners Leave you must complete the application form attached at Appendix 5 and give this to your manager. You must give at least 28 days notice of when you expect your leave to begin.

15.3 You must discuss with your manager the flexibility of dates if the date of birth is unknown.

15.4 Paternity/partners leave may be taken in one week or two weeks blocks, not odd days.

15.5 Please note that whilst Fathers and Partners do not have a legal right to paid time off from work to accompany their spouse/partner to antenatal appointments, we do wish to support you at this important time. You are entitled to take unpaid leave to attend two antenatal appointments but you must discuss your request for such leave with your Manager at the earliest opportunity.

16. HOW MUCH PATERNITY/PARTNERS LEAVE AM I ENTITLED TO?

16.1 If you have at least 26 week's continuous NHS service

- You may take up to two weeks paid paternity/partners Leave, you will receive full pay for both weeks (excluding enhancements)
- The Trust will reclaim the Statutory Paternity Pay for both weeks.

16.2 If you have less than 26 weeks' continuous NHS service you may take up to two weeks unpaid paternity/partners Leave (subject to approval by your line manager)

16.3 If your child is due on or before 4 April 2015, you may be entitled to take up to six months' APL if

- You are the father of the child and the mother agrees to forgo an equivalent period of maternity leave.

- For you to take APL the mother must have ended her maternity leave.
- You and your partner receive notification that you are matched with a child for adoption
- our spouse, civil partner or partner is adopting a child from overseas and the child enters Great Britain

16.4 All periods of service referred to above are determined as follows:

- If your wife/partner is pregnant - you must have the relevant service at the QW i.e. 15 weeks before the EWC of the child
- If you are adopting a child - you must have the relevant service at the date of adoption/placement of the child.

16.5 ASPP is paid at the same rate as SPP. [Click here](#) or visit www.gov.uk/browse/working/time-off for current rates.

16.6 If your child is due on or after 5 April 2014 you may be entitled to Shared Parental Leave as per section 5 of this Policy.

17. PATERNITY PAY (PP)

17.1 You will be eligible for SPP provided that:

- you have been employed continuously by the Trust for 26 weeks at the QW
- and**
- you have average earnings of not less than the Lower Earnings Limit during this period.

17.2 The rate of SPP is changed annually. [Click here](#) or visit www.gov.uk/browse/working/time-off for current rates.. Employees are entitled to receive the current weekly SPP rate or 90% of average weekly earnings (before tax) if lower.

17.3 If you do not return to work for a minimum of three months following paternity/partners Leave you will only be eligible to receive two weeks SPP and the Trust would deduct any overpayment from your salary if necessary.

18. WHAT IF MY PARTNER HAS TWINS?

18.1 Only one period of paternity/partners Leave, Additional Paternity Leave and Paternity Pay is available even if there are multiple births.

19. TIMING OF PATERNITY/PARTNERS LEAVE

19.1 You can commence paternity/partners leave on the date that the baby is born or is placed. It cannot be taken before this time and must be taken within 56 days of the baby's birth

19.2 Statutory paternity/partners leave may not be taken in single days and must be taken in whole weeks, your two weeks paternity/partners leave must be consecutive.

19.3 APL is in addition to the two weeks' paternity/partners leave taken around the time of birth/adoption and can be taken anytime between 20 weeks after the date on which the child was born and the child's first birthday but cannot be taken whilst the Mother is on Maternity Leave.

20. PARENTAL LEAVE

20.1 Eligibility

To be eligible, you will have continuous service with the Trust of at least 12 months at the date of birth of your child. The provision will cover you if you are the natural father or the established common law father, mother, stepparent or adoptive parent. If you are eligible you will be required to give 21 days notice of your intention to take Parental Leave.

20.2 Should you be a new employee of the Trust you must declare any Parental Leave you have taken with a previous employer and the outstanding balance will transfer to the Trust.

20.3 Factors for consideration

The following are factors for considering when time off work should be taken as Parental Leave;

- Approximate date and time of birth
- Childcare facilities / arrangements
- Health of mother and child

20.4 Entitlements

Your entitlement will be 18 weeks unpaid leave 'per birth' to be taken between the date of birth of your child and his/her eighteenth birthday. (or is adopted or the 18th anniversary of the adoption whichever comes first) Leave is taken in blocks of 'one normal working week' at a time and up to 4 weeks of leave may be granted in any one leave year.

Each parent can take Parental Leave and the entitlement applies to each child, for example, if twins are born then each parent can take up to 36 weeks (18 weeks x 2). You will have the right to return to the post in which you are employed. Parental Leave will not affect your length of entitlement to annual leave, and will count as continuous service for all contractual and statutory provisions including salary and incremental credit.

20.5 Employee obligations

You should make your application for Parental Leave using the form found at **Appendix 5** and forward to your Manager at the earliest opportunity and within three months of the expected date of birth.

You may be asked to produce evidence to confirm the pregnancy / birth of your child (MATB1 or Birth Certificate), or, to show that you are legally responsible for the child, or evidence of the child's disability.

Information on the possible effect of unpaid Parental Leave on your Pension or your entitlement to make special contributions can be obtained from the Trust's Pension Advisor on 01935 385290.

20.6 Postponement of Parental Leave

Your application for Parental Leave can be postponed by your Manager for up to 6 months if there would be serious disruption to service provision, unless your application is for leave immediately after the birth of your child or you adopting a child. If your leave is refused, it will be discussed with you and the reason for postponement given. This will be confirmed to you in writing indicating the dates when leave of an equivalent period may be taken.

20.7 General Advice for Managers

It is essential that the Payroll Team is notified if Parental Leave is agreed in order that the necessary adjustments to your pay can be made. Parental Leave entitlement is allocated for each eligible child, and you are not entitled to more than 18 weeks in total regardless of any employment moves you might make in your career. If you have taken a period of Parental Leave and then transfer to another department/team/ward, you and your previous manager should advise your new manager of the balance of your outstanding Parental Leave allowance.

SECTION FOUR

21. ENTITLEMENT TO MATERNITY LEAVE

21.1 Employees have the right to 52 weeks maternity leave, irrespective of how long they have worked for the Trust, provided that they continue to be employed until the beginning of the eleventh week before the EWC.

21.2 Employees who take Maternity Leave have the right to return to work after their baby is born

22. MATERNITY SCHEMES AVAILABLE

22.1 Maternity leave can commence any time on or after the 11th week before expected date of birth provided the required notice has been given.

22.2 If you **wish to return to work** after your baby is born, two schemes are available to you as follows:

- **Option A**

Applies if you have less than 12 months' continuous NHS service at the qualifying week;

Entitles you to 52 weeks Maternity Leave and you may be entitled to SMP if you have been employed with us for 26 weeks at the QW and your average earnings are above the Lower Earnings Limit. If you are not entitled to SMP you may be able to claim Maternity Allowance from the Department for Work & Pensions.

- **Option B**

Applies if you have more than 12 months continuous NHS service at the 11th week before the EWC;

Entitles you to 52 weeks Maternity Leave

- If you are **entitled** to SMP your pay will be as follows:
First 8 weeks : Full pay including SMP
Next 18 weeks : ½ pay plus SMP
Next 13 weeks : SMP
Next 13 weeks : Unpaid

- If you are **not entitled** to SMP your pay will be as follows:
First 8 weeks : Full pay less value of Maternity Allowance**
Next 18 weeks : ½ pay plus Maternity Allowance**
Next 26 weeks : Unpaid**

** You may be entitled to Maternity Allowance direct from the DWP. The Payroll Department will supply you with Form SMP1 to help you apply for these benefits direct from DWP.

- **Option B (Deferred Option)**

If you have more than 12 months' continuous NHS service at the 11th week before the EWC and would rather defer any payments so that you do not have to repay any money if you decide not to come back to work, you should apply for Option B (Deferred Option)

You will receive SMP, if you are entitled to it, during your Maternity Leave period. You will receive a lump sum payment three months after you return to work which is calculated in the same way as the payments in Option B.

22.3 If you **do not wish to return to work** after your baby is born the following schemes apply:

- **Option C**

Is applicable if you have more than 12 months continuous NHS service at the qualifying week;

If you are entitled to Standard Rate SMP you will receive 90% of your pay (less certain deductions) for the first six weeks followed by SMP for the next 33 weeks.

- **Option D**

Is applicable if you have less than 12 months continuous NHS service at the qualifying week.

You will not be entitled to SMP, but may be eligible for Maternity Allowance.

22.4 If you are on a Bank contract of employment with the Trust you are not entitled to OMP. Providing certain pay conditions are met you may be entitled to SMP or Maternity Allowance and you should apply for Option A or D.

22.5 If your child is due on or after 5 April 2014 you may be entitled to Shared Parental Leave as per section 5 of this Policy.

23. STATUTORY MATERNITY PAY

23.1 You may be entitled to SMP if you have continuous service with the Trust for at least 26 weeks at the Qualifying Week (QW) and have average earnings of not less than the Lower Earnings Limit during this period.

23.2 You will remain entitled to SMP if you leave the Trust after the start of the QW but before the 11th week before the EWC, provided that the earnings test is satisfied.

23.3 SMP is paid as follows:

First 6 weeks	90% of average weekly earnings with no upper limit
Remaining 33 weeks	Standard rate or a rate equal to 90% of average weekly earnings, whichever is the lower.

Current SMP rates can be found by [clicking here](#)

23.4 If you are on unpaid/half pay sick leave during all or part of the period used to calculate average earnings for SMP, then average earnings will be based on notional full sick pay.

24. NOTIFICATION

24.1 You must inform your manager and the Trust's Human Resources Department of your pregnancy by the 15th week before the EWC and give 28 days notice of your intention to commence Maternity Leave.

24.2 For the health and wellbeing of you and your baby, it is in your interest to notify your manager, in confidence, of your pregnancy as soon as possible. This can be given verbally in the first instance but must be followed up in writing as soon as possible together with an indication of the expected date of birth. Your Manager will then be able to do a risk assessment with you as early as possible.

24.3 After notification is received the Human Resources Department you will be issued with an Information Pack. Once Human Resources have received a copy of your application they will write to you and inform your manager of the need to carry out a risk assessment, if this has not already been done.

24.4 The Payroll Department will write to you after your maternity application is received confirming the details of the option you have applied for and the specific payments applicable.

24.5 In order that your pay and Maternity Leave arrangements are correct when you commence Maternity Leave, you must complete a changes and/or leaver form with your Manager and forward to the Payroll Department.

25. APPLYING FOR MATERNITY LEAVE

25.1 You must complete the application form attached at Appendix 3 and send to the Human Resources Department before the end of your 15th week before your EWC and meet with your Manager to discuss and authorise. At this time you must also confirm the following:

- That you intend to take maternity leave
- The expected week of confinement
- The date you wish maternity leave to start

25.2 When you are 20 weeks pregnant your GP or midwife will issue you with a MAT B1 form. Your MAT B1 should be forwarded to Payroll with a copy sent to Human Resources at this time. You should not wait until a MAT B1 form is issued before submitting your application.

25.3 If you wish to change the date you are due to commence Maternity Leave, you must speak to your Manager and give a minimum 28 days notice of your intention to start Maternity Leave.

26. TIMING OF MATERNITY LEAVE

- 26.1 You can commence Maternity Leave at any time after the 11th week before your EWC up until the expected date of confinement itself.
- 26.2 You must take a minimum of two weeks maternity leave immediately following the birth.
- 26.3 If you continue to work after the 11th week before the week the baby is due you can choose when to start SMP. SMP can start from any day, but must start from the first day of Maternity Leave.
- 26.4 If your baby arrives before your planned maternity leave start date, SMP and maternity pay will start on the day following the birth. However, if you are off work with a pregnancy-related illness in the last four weeks before your EWC, Maternity Leave will commence from the beginning of that week.
- 26.5 In the unfortunate event of a miscarriage or still birth, if this takes place after 24 weeks of pregnancy, your entitlement to Maternity Leave and pay will be the same as if the birth had been live.

27. KEEPING IN TOUCH

You should discuss and agree with your manager arrangements for keeping in touch during maternity leave, including

- Voluntary arrangements for keeping in touch with developments at work and nearer the time of return to help facilitate a smooth return to work
- Discussing your entitlement to “Keeping in Touch” (KIT) days. You are entitled to 10 paid days work in your substantive role without it affecting your statutory maternity entitlement. By mutual agreement you could attend team meetings, training or other specific work event that will be helpful to both you and your department/team.
- Any work you do on a KIT day, even as little as half an hour, will be counted as a whole day for KIT purposes but you will only be paid for the hours you worked. You can take KIT days as single days, in blocks of two or more days or they can be taken consecutively without affecting your SMP. Details of any KIT days worked should be recorded on a changes form and sent to payrollforms@sompar.nhs.uk
- Advising your manager of anything that might affect your intended date of return from maternity leave

28. PREMATURE BIRTH

- 28.1 If your baby is born before the 11th week before your EWC, your maternity leave will start on the first day of absence.

28.2 If the baby is born before the 11th week before your EWC and you have been absent from work on certified sick leave during the actual week of childbirth, your maternity leave will start at the beginning of the actual week of childbirth.

28.3 If your baby is born before the 11th week before the EWC and stays in hospital, it is possible to split your maternity leave. You must take a minimum period of two weeks leave immediately after the birth and then return to work, you may then take the rest of your leave following the baby's discharge from hospital. You must advise your manager immediately if you are planning to do this.

29. SICKNESS & MATERNITY LEAVE

29.1 Any absence because of sickness will be treated as sick leave in accordance with sick leave provisions. However, we would take into consideration maternity related sickness absence occurring during a period of sickness monitoring.

29.2 If you continue to be absent on sick leave due to a pregnancy related illness at the beginning of the fourth week before the EWC your maternity leave will commence from the beginning of that week.

29.3 If you are absent after the fourth week before the EWC with a pregnancy related illness, then your maternity leave will commence from the beginning of the fourth week before the EWC or the beginning of the next week after you last worked, whichever is the later.

29.4 If you are absent after the fourth week before your EWC and have a certificate which states that the sickness is unrelated to pregnancy, then normal sick leave provisions apply until you return to work or the date previously agreed with your manager as the start of maternity leave.

29.5 If you become sick at the time you intend to return to work you must produce a medical certificate to be entitled to sick leave in accordance with normal sick leave entitlements.

30. RIGHT TO RETURN TO WORK

30.1 You have the right to return to work after your baby is born providing that you have complied with Sections 9 and 16.

30.2 You should meet with your Manager to discuss your intention to return to work, particularly if you wish to return on different hours.

30.3 At this time your Manager should explain the Flexible Working Policy and the process including the timing and notice necessary for the procedure to be followed correctly.

Option A

You must return to work no later than 52 weeks after commencement of maternity leave;

Option B

You must return no later than 52 weeks after commencement of maternity leave for a minimum of three months. A return to a bank contract will not be sufficient to meet the requirements of Option B.

Note: If you do not return to work for the Trust or to a post elsewhere in the NHS within 15 months of the start of Maternity Leave, for a minimum of three months, you will have been overpaid. This overpayment will be pursued by the Finance Department through their normal invoicing arrangements.

30.4 If whilst on maternity leave your circumstances change, please contact your Manager at the earliest opportunity to discuss your request for any alternative arrangements to be agreed.

31. DEFERRING YOUR DECISION TO RETURN TO WORK

31.1 You may wish to defer making the final decision about returning to work until after the birth, in which case you should choose Option B (deferred option) and indicate this on the Application for Maternity Leave attached as Appendix 3.

31.2 If you decide to defer, you will initially receive SMP based on the length of your continuous service. Following the birth if you subsequently decide that you wish to return to work, any additional pay/benefits for which you are eligible will be paid following your return to work after a minimum of 12 weeks.

32. NOTIFICATION OF THE BIRTH

32.1 If you are intending to return to work you must notify your manager of the actual date of birth and confirmation of your intention to return. Your manager should notify the Human Resources Department when they are advised of the date of birth.

32.2 You must notify your manager in writing giving at least 8 weeks notice of your confirmed return to work date.

33. NOT INTENDING TO RETURN TO WORK

33.1 Even if you are not intending to return to work after maternity leave you must still complete a maternity leave application form 28 days before commencing maternity leave and you are required to produce a MAT B1 form from your GP or midwife at 20 week gestation.

33.2 You must complete a Leavers Form with your Manager. Your leaving date will be the last day of your paid maternity leave plus any outstanding entitlement to annual leave and public holidays.

SECTION FIVE

34. OVERVIEW OF SHARED PARENTAL LEAVE

- 34.1. Shared Parental Leave (SPL) is a new right to enable eligible mothers, fathers/partners and adopters to choose how to share time for the care of their child during the first year of birth or adoption.
- 34.2. SPL will enable the mother or adopter to share some of their leave with their partner.
- 34.3. SPL may be taken at any time within the period which begins on the date the child is born or date of the placement.
- 34.4. Employees may be entitled to SPL and Statutory Shared Parental Pay (ShPP) if:
- Their baby is due on or after 5 April 2015 as per the MATB1 form
 - They adopt a child on or after 5 April 2015
- 34.5. SPL will still apply to babies who were due on or after 5 April 2015 but arrive prior to this date.

35. ELIGIBILITY TO SHARED PARENTAL LEAVE

- 35.1. SPL can only be used by two people:
- The mother/adopter **and**
 - One of the following:
 - a. The father of the child (in the case of birth) or
 - b. The spouse, civil partner or the partner of the child's mother/adopter.
- 35.2. You and your partner must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 35.3. Additionally to take SPL you must satisfy each of the following criteria:
- you (or the mother/adopter of the child if you are the mother/adopters partner) must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
 - you must still be working for the Trust at the start of each period of SPL;
 - you must have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
 - your partner must meet the 'employment and earnings test' which requires them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks. This can be employed, self-employed or as an agency worker;

- you must correctly notify the Trust of your entitlement and provide evidence as required.

36. ELIGIBILITY TO SHARED PARENTAL PAY

36.1 In addition to meeting the eligibility requirements for SPL, in order to claim ShPP you must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- you must intend to care for the child during the week in which ShPP is payable;
- you must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- you must remain in continuous employment until the first week of ShPP has begun;
- you must give proper notification in accordance with the rules set out below.

36.2 Where you are entitled to receive ShPP, using appendix 7 you must, at least eight weeks before receiving any ShPP, give your line manager written notice advising of your entitlement to ShPP.

36.3 Any ShPP due will be paid at a rate set by the Government for the relevant tax year. Further information can be found on www.gov.uk

37 ENTITLEMENT TO SHARED PARENTAL LEAVE

37.1 If you are eligible then you may be entitled to take up to 50 weeks SPL during the child's first year.

37.2 The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

37.3 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

37.4 SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave

- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity/partners leave entitlements (as the father/partner cannot take paternity leave/partners or pay once they have taken any SPL or ShPP).

37.5 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

37.6 SPL will generally commence on your chosen start date specified on your Application to Shared Parental Leave form (appendix 7).

37.7 If you are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see Shared Parental Pay below).

37.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

38 ENTITLEMENT TO STATUTORY SHARED PARENTAL PAY (ShPP)

38.1 If eligible you may be entitled to take up to 37 weeks ShPP while taking SPL. The rate of ShPP is changed annually. [Click here](#) or visit www.gov.uk/browse/working/time-off for current rates.

38.2 The amount of weeks ShPP available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

39 HOW SHARED PARENTAL LEAVE CAN BE TAKEN

39.1 You have the right to submit three notifications specifying the leave periods you intend to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.

39.2 SPL can only be taken in complete weeks but may begin on any day of the week.

39.3 Where you return to work between periods of SPL, the next period of SPL can start on any day of the week.

39.4 You can take SPL at different times to your partner or share the leave between the two of you. If you choose to take your leave at the same time then during the eligible weeks you would both received ShPP.

39.5 Continuous leave notifications

- A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL

available to you and the employer has been given at least eight weeks' notice.

- You may submit up to three separate notifications for continuous periods of leave.

39.6 Discontinuous leave notifications

- A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work
- Where there is concern over accommodating the notification, your line manager will arrange a meeting with you to discuss the notification with a view to agreeing an arrangement that meets both the needs of the Trust and yourself.
- Your Line Manager will consider a request for discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

40 REQUESTING SHARED PARENTAL LEAVE

40.1 To request SPL you will need to complete all section on the Application for Shared Parental Leave (appendix 7). This must be submitted to your Line Manager a minimum of 8 weeks prior to the date that you wish for the SPL to begin.

40.2 Once your Line Manager receives your application, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

40.3 Your line manager may arrange an informal meeting with you as early as possible to discuss your request.

40.4 Where your request is for a single period of continuous leave, or where a request for discontinuous leave can be approved, without further discussion and in agreement with the terms stated in your application, a meeting may not be necessary.

40.5 The purpose of the meeting is to discuss in detail the leave proposed and what will happen whilst you are away from work. Where your request is for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to you and the Trust, and what the outcome may be if no agreement is reached.

40.6 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the business.

40.7 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

- 40.8 You will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.
- 40.9 If a request for discontinuous leave cannot be approved then your Line Manager should provide to you:
- 40.9.1 Proposed alternative dates (wherever an option is viable) for you to consider;
 - 40.9.2 Confirmation of their refusal;
 - 40.9.3 Clear information on what options are now available to you.
- 40.10 If a discontinuous leave pattern is refused then you may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If you choose to take the leave in a single continuous block, you have until the 19th day from the date the original notification was given to choose when you want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date then the leave will begin on the first leave date requested in the original notification.
- 40.11 Once your application is agreed a copy of the form should be sent to the Payroll Department by your Line Manager and a copy sent to the Human Resources department.
- 40.12 Your Line Manager will need to complete a changes form at the start and end of each period of SPL. This will need to be emailed to Payrollforms@sompar.nhs.uk
- 40.13 Once agreed, any requests to change the start / end date of a block of SPL should be done through your line manager with a minimum of 8 weeks' notice.

41 **STARTING YOUR SHARED PARENTAL LEAVE**

- 41.1 For SPL to start, you / the mother or adopter must do one of the following:
- end the maternity or adoption leave by returning to work or starting SLP
 - give notice (a decision that can't normally be changed) of the date when the maternity or adoption leave will end
 - end maternity pay or Maternity Allowance
- 41.2 You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.
- 41.3 Where applicable, you must notify your Line Manager and Payroll of the date that you wish to end your maternity leave and pay by completing section 2 of appendix 7.

42 VARIATIONS TO ARRANGED SHARED PARENTAL LEAVE

- 42.1 You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise your line manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 42.2. Any variation or cancellation notification made, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one.
- 42.3 However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by your line manager.

43. SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS

- 43.1 You should discuss and agree with your manager arrangements for keeping in touch during maternity / shared parental leave, including:
- Voluntary arrangements for keeping in touch with developments at work and nearer the time of return to help facilitate a smooth return to work
 - Discussing your entitlement to “shared parental leave in touch’ (or SPLIT)” days. You are entitled to 20 paid days work in your substantive role without it affecting your statutory entitlement. By mutual agreement you could attend team meetings, training or other specific work event that will be helpful to both you and your department/team.
 - Any work you do on a SPLIT day, even as little as half an hour, will be counted as a whole day for SPLIT purposes but you will only be paid for the hours you worked. You can take SPLIT days as single days, in blocks of two or more days or they can be taken consecutively without affecting your ShPP. Details of any KIT days worked should be recorded on a changes form and sent to payrollforms@sompar.nhs.uk
 - Advising your manager of anything that might affect your intended date of return from maternity leave

44. CANCELLING THE DECISION TO END MATERNITY OR ADOPTION LEAVE

- 44.1 The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:
- the planned end date hasn’t passed
 - they haven’t already returned to work
- One** of the following must also apply:
- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP

- the mother or adopter's partner has died
- the mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

45. RIGHT TO RETURN TO WORK

45.1 If you wish to return to work earlier than the expected return date as agreed, you will need to provide a written notice to vary the leave and must give the Trust at least eight weeks notice of the date of early return. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

45.2 You should meet with your Manager to discuss your intention to return to work, particularly if you wish to return on different hours.

SECTION SIX

46. ANNUAL LEAVE DURING MATERNITY/ADOPTION/ SURROGACY/ PATERNITY/PARTNERS LEAVE

- 46.1 Annual leave and entitlement to public holidays will be accrued during both the paid and unpaid periods of maternity/adoption/shared parental/surrogacy/paternity/partners leave.
- 46.2 You must discuss with your manager, at the earliest opportunity, how you intend to take your annual leave. You should take all annual and public holiday entitlement to leave accrued **before** commencing maternity/adoption/shared parental/surrogacy/paternity/partners leave and leave which is accrued during the period you are away from work should be taken **immediately before** actually returning to work.
- 46.3 If your maternity/adoption/shared parental/surrogacy/paternity/partners leave spans two leave years, all leave accrued may be carried forward to the next leave year.
- 46.4 If you return to work after your leave on different contracted hours, you will accrue leave from the date of return based on your new contract. If you return part-way through a month, the recalculation will take effect at the beginning of the following month.

47 INCREMENTAL CREDIT

- 47.1 Incremental dates will not be deferred during either paid or unpaid maternity/adoption/shared parental/surrogacy/paternity/partners leave. During leave, service is considered to be continuous, therefore staff whose maternity/adoption/shared parental/surrogacy leave coincides with pay Gateways under the KSF will not be penalised.
- 47.2 If you take maternity/adoption/shared partenal/surrogacy leave which coincides with your Foundation Gateway under KSF, when you return to work you will have the same amount of time remaining to achieve your Gateway. E.g. if you commenced maternity/adoption/shared parental/surrogacy leave 6 months into the post you would have a remaining 6 months to achieve your Gateway. However your pay would be uplifted to the next increment to coincide with your annual incremental date.
- 47.3 If your leave spans your final Gateway your pay will be uplifted as if your Gateway had been achieved. A retrospective KSF review would take place upon your return to work.
- 47.4 If you are being performance managed at the time of your maternity/adoption/shared parental/surrogacy leave commencing, it may be possible to withhold your pay increment until you return to work. Further guidance on this matter is covered under the Disciplinary Policy.

48 NHS PENSION CONTRIBUTIONS

- 48.1 If you contribute to the NHS Pension Scheme, you are required to maintain your contributions during both paid and unpaid periods of maternity/adoption/shared parental/surrogacy/paternity/partners leave. During paid leave, contributions will be deducted from pay in the normal way. In the period of unpaid leave, contributions will be accrued and recovered on your return to work.
- 48.2 If you have two or more years' continuous NHS service, either full or part-time, and you choose not to return to work, you may extend your pensionable service up to the 39th week maternity pay period by paying the appropriate contributions.

49 LEASE CARS

- 49.1 If you have a lease car you will need to discuss with your Manager and the Lease Car Administrator (*who will provide standard advice / guidance*), the financial implications on the terms of the leasing arrangement after the period of paid maternity/adoption/surrogacy leave has finished. It is expected that lease car charges will remain the same during the paid leave period and employees will be invoiced for the charges accrued during the period of unpaid leave.

50 CHILDCARE VOUCHERS / TAX-FREE CHILDCARE

- 50.1 Employees who are in receipt of childcare vouchers are advised to withdraw from the scheme by the seventeenth week of their pregnancy, giving a months' notice prior to this date. Any type of salary sacrifice scheme has the effect of reducing your basic pay and therefore your Income Tax and National Insurance contributions which affects the level of maternity pay that is received.
- 50.2 A review of the current national Childcare Voucher Scheme benefit expected in Autumn 2015 to be replaced with Tax-Free Childcare (TFC) has been postponed.

51 TIME OFF FOR ANTENATAL CARE / ADOPTION APPOINTMENTS

- 51.1 You will be allowed reasonable time off with pay to attend for antenatal care which has been arranged by a registered medical practitioner, registered midwife or registered health visitor. Antenatal care includes time off to attend relaxation and parent craft classes and you will be required to produce evidence of your appointment to your manager.
- 51.2 This right is restricted to those employees whose pregnancy has been confirmed. It does not give the right to paid time off to attend appointments for pregnancy tests.
- 51.3 If you are the main adopter then you will be allowed reasonable paid time off to attend up to five adoption appointments.
- 51.4 The husband, Civil Partner, the partner of a pregnant women or secondary adopter will also be allowed reasonable time off without pay to attend up to two ante-natal care / adoption appointments.
- 51.5 Where possible antenatal care / adoption appointments should be arranged outside of working hours.

52 POST-NATAL CARE AND BREASTFEEDING MOTHERS

- 52.1 You will be allowed time off to attend postnatal care which has been arranged by a registered medical practitioner, registered midwife or registered health visitor. Where possible appointments should be arranged outside of working hours.
- 52.2 If you are still breastfeeding on your return to work you will need to discuss your requirements with your Manager.
- 52.3 The Trust is concerned to protect the health and safety of all its employees. If you are pregnant or breastfeeding or who have recently given birth have the right to be supported and protected against any risks to their health or safety.
- 52.4 The Trust is dedicated to providing all possible support and facilities to employees who have returned to work after a period of maternity leave, in order to assist their transition back to work. With this in mind, the Trust aims to provide suitable facilities for new mothers. These facilities may be particularly useful for employees whose babies are at a nursery nearby or where the employee's home is close to the workplace. Employees should be able to use this room to:
- 52.4.1 rest when they feel tired
 - 52.4.2 breastfeed or bottle-feed their babies
 - 52.4.3 express milk; and
 - 52.4.4 change their babies - suitable facilities including a supply of fresh hot and cold running water, soap and paper towels are provided.
- 52.5 You should also let the Trust know of any recommendation that their doctor has made in relation to their health and wellbeing during pregnancy or during the period following the birth of the baby.
- 52.6 The Trust will ensure (while also taking the needs of the service into account) that pregnant employees and new mothers are allowed reasonable flexibility in their working hours and rest breaks to allow them to make use of facilities as appropriate. An employee who wishes to request flexibility to, for example, go home to feed her baby (if she lives close to the workplace), should speak to their manager in the first instance. While the Trust cannot guarantee that it will be able to agree to every request for flexibility, it will give favourable consideration to requests and endeavour, within reason, to accommodate employees' wishes.
- 52.7 The Trust is committed to providing all reasonable support to employees who are pregnant or new mothers. Colleagues should be sensitive to this issue and should also adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are pregnant or who have recently given birth. It is a requirement of this policy that all employees of the Trust respect this principle.

53 RISK ASSESSMENT AND HEALTH & SAFETY

53.1 Your Manager should discuss with you all aspects of risks throughout your pregnancy in relation to your job and in line with guidance attached at Appendix 1 which should be documented on the risk assessment form attached at Appendix 2. It is essential that you are aware of the potential risks to yourself and your unborn child within your working environment and take all appropriate steps to reduce such risks.

53.2 In the period up to the fourth week before the EWC:

53.2.1 If your medical practitioner advises that you are incapable of carrying out all or part of your normal duties of work because of their pregnancy

OR

53.2.2 following a risk assessment undertaken by your manager, it is considered that either you or your unborn child may be at risk from continuing in their normal duties

Your manager will try to find you alternative work for which you will receive your normal rate of pay. Where it is not possible to offer alternative work, you may be suspended on full pay until maternity leave commences or you are considered fit to return to work.

54 FIXED TERM OR TRAINING CONTRACTS

54.1 If you qualify for Option B, and have a fixed term contract which expires after the 11th week before your EWC your contract may be extended in order to receive 39 weeks paid maternity leave. In these circumstances, even though you have no right to return, you will not be required to refund any Maternity Pay received.

54.2 If you do not qualify for Option B, you may be entitled to Statutory Maternity Pay or Maternity Allowance, provided your fixed term contract lasts until 15 weeks before the EWC.

54.3 If you are participating in a planned rotation of posts as part of an agreed programme of training, you have the right to return to work in the same post or in the next planned post in the rotation in this Trust or in another Trust. In these circumstances your contract will be extended to allow the agreed programme of training to be completed.

55 TRAINING REQUIREMENTS

We will ensure that all Managers implementing organisational change in line with this policy will receive the necessary support and training

56 EQUALITY IMPACT ASSESSMENT

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. In addition, the Trust has identified Learning Disabilities as an additional tenth protected characteristic. If you, or any other groups, believe you are disadvantaged by anything contained

in this document please contact the Equality and Diversity Lead who will then actively respond to the enquiry.

57 MONITORING COMPLIANCE AND EFFECTIVENESS

57.1 Monitoring arrangements for compliance and effectiveness

Overall monitoring will be by the Workforce Governance Group who will receive a report of an annual basis of any issues

58 COUNTER FRAUD

58.1 The Trust is committed to NHS Protect Counter Fraud Strategy – to reduce fraud in the NHS to a minimum, keep it at that level and put funds stolen by fraud back into patient care. Therefore, consideration has been given to the inclusion of guidance with regard to the potential for fraud and corruption to occur and what action should be taken in such circumstances during the development of this procedural document.

59 RELEVANT CARE QUALITY COMMISSION (CQC) REGISTRATION STANDARDS

59.1 Under the **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3)**, the fundamental standards which inform this procedural document, are set out in the following regulations:

Regulation 17:	Good governance
Regulation 18:	Staffing
Regulation 19:	Fit and proper persons employed
Regulation 20:	Duty of candour
Regulation 20A:	Requirement as to display of performance assessments.

59.2 Under the **CQC (Registration) Regulations 2009 (Part 4)** the requirements which inform this procedural document are set out in the following regulations:

Regulation 18:	Notification of other incidents
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59.3 Detailed guidance on meeting the requirements can be found at <http://www.cqc.org.uk/sites/default/files/20150311%20Guidance%20for%20providers%20on%20meeting%20the%20regulations%20FINAL%20FOR%20PUBLISHING.pdf>

Relevant National Requirements

Legislation & Guidance: Equality Act 2010

Department for Work and Pensions

60. REFERENCES, ACKNOWLEDGEMENTS AND ASSOCIATED DOCUMENTS

Other policies which should be read in conjunction with this policy are:

- Annual Leave & Special Leave Policy
- Disciplinary Policy
- Equality and Diversity Policy
- Flexible Working Policy
- Risk Management Policy
- Single Equality Strategy

- Untoward Events Reporting Policy

All current policies and procedures are accessible in the policy section of the public website (on the home page, click on 'Policies and Procedures'). Trust Guidance is accessible to staff on the Trust Intranet.

61. APPENDICES

These appendices support the Parental process and may be subject to amendment and/ or addition at any time.

Appendix 1	-	Maternity Health & Safety Risk Assessment
Appendix 2	-	Maternity Risk Assessment Form
Appendix 3	-	Application for Maternity Benefits
Appendix 4	-	Application for Adoption/Surrogacy Benefits
Appendix 5	-	Application for Paternity/Parental Benefits
Appendix 6	-	Application for Fertility Treatment Leave
Appendix 7	-	Application for Shared Parental Leave

MATERNITY HEALTH AND SAFETY RISK ASSESSMENT

GENERIC HAZARDS & ASSOCIATED SITUATIONS

Aspects of pregnancy	Factors in work
Morning sickness	<ul style="list-style-type: none"> • Early shift work • Exposure to strong or nauseating smells/poor ventilation • Travel / transport • Frequent breaks • Regular snacks
Backache	<ul style="list-style-type: none"> • Standing / manual handling/ posture • Manual handling co-ordinators
Varicose veins/other circulatory problems/haemorrhoids	<ul style="list-style-type: none"> • Prolonged standing / sitting
Rest and Welfare Frequent /urgent visits to toilet Comfort	<ul style="list-style-type: none"> • Regular nutrition • Proximity /availability of rest/washing/eating/ drinking facilities • Hygiene • Difficulty in leaving job/work site
Increasing size Dexterity, agility, co-ordination, speed of movement, reach may be impaired because of increasing size	<ul style="list-style-type: none"> • Use of protective clothing/work equipment - discuss uniforms available • Work in confined areas/ at heights • Postural demands e.g. bending over, reaching • Utilise Manual Handling Co-ordinators • Problems of working in restricted spaces
Fatigue / Stress	<ul style="list-style-type: none"> • Overtime • Evening / night work • Lack of rest breaks • Excessive hours • Pace / intensity of work • Emotional changes
Balance (also relevant for breastfeeding mothers.)	<ul style="list-style-type: none"> • Problems or working on slippery / wet surfaces • Centre of gravity

MATERNITY HEALTH AND SAFETY RISK ASSESSMENT

SPECIFIC HAZARDS

Hazard	Factors in work
Physical agents: Ionising radiation	<ul style="list-style-type: none"> • Avoid accompanying patients undergoing x-ray procedures
Biological agents e.g. Hep B; Hep C HIV Herpes Chicken Pox Toxoplasmosis Cytomeglaovins TB Syphilis Typhoid Parvovirus Rubella	<ul style="list-style-type: none"> • Discuss control of infection measures e.g. hand washing, laundry, PPE • Immunity awareness – Occupational Health Service • Avoid contact with known infected patients
Chemical agents e.g. Gases Drugs Mercury Cytotoxic drugs	Discuss COSHH assessments <ul style="list-style-type: none"> • Awareness of policies/guidelines applicable to own area • Avoid contact with spilt mercury • Scavenging systems • Strongly recommend removal from activity involving cytotoxic drugs or patients receiving such • PPE • Avoid contact with anaesthetic gases including exhaled air from post operative patients

MATERNITY HEALTH AND SAFETY RISK ASSESSMENT

WORKING CONDITIONS

Hazard	Factors in work
Manual handling of loads Pregnancy Post delivery -Caesarean sections -breastfeeding	<ul style="list-style-type: none"> • Trust minimal handling policy • Avoid, assess, action • Use handling aids • Discuss temporary limitations • Facility available
Movements and posture	Awareness of hormonal influences on ligaments Avoid long periods of static posture Avoid heights e.g. step ladders Awareness of need for more workspace or need to adapt work style
Travelling Fatigue Vibration Stress Static posture Discomfort Accidents	<ul style="list-style-type: none"> • Discuss and advise self assessment
Working with display screen equipment (VDUs) Risk is negligible to mother and baby.	<ul style="list-style-type: none"> • Discuss awareness of policy and personal responsibility for checking and monitoring equipment, reporting faults

MATERNITY RISK ASSESSMENT FORM

Name:

Date:

Workplace:

Name of Risk Assessor:

Aspects of Pregnancy <i>Refer to Guidelines in Appendix 1</i>	Factors and Situations Identified	What Action is to be taken	Is the Issue adequately controlled? YES*	*If NO What further action to be taken to reduce risk

Signed Employee

Signed Line Manager

Date

APPLICATION FOR MATERNITY BENEFITS

Name in Full _____

Employee Number _____

Post held _____

Ward/Team/Department _____

Base _____

My expected date of confinement is (ref to Mat.B1) _____

My maternity leave start date will be _____

My contracted hours of duty per week are _____

My date of commencement with Somerset Partnership Trust was _____

My date of continuous NHS service is _____

I apply for Maternity Benefits in accordance with

Option A / Option B / Option B (deferred) / Option C / Option D*

**Please circle which scheme you are applying for*

I am planning to return to work on ** _____

*** This date is given as a guide only*

Options C and D only

I wish / do not wish* to extend my pensionable service by payment of contributions for a period of 39 weeks after commencing maternity leave.

I understand that I must:

- 1 Provide a Certificate of Expected Confinement (form Mat B1) certified by a midwife or my GP, not later than 28 days before I intend to commence maternity leave.
- 2 Give below the address to which I require payslips to be despatched. Payment will be paid on the normal pay day. (Details of payment due will be sent by the Payroll Office)

Home and Mobile Phone Numbers _____

- 3 Start my maternity leave not earlier than **eleven weeks** before the expected date of confinement, and at the date agreed in writing with my Manager.
- 4 Notify the actual date of confinement **in writing** to my Manager, at the earliest opportunity.

I also understand that:

- 1 I may remain absent on maternity leave for a total period of 52 weeks from the date of starting Maternity Leave. Or for Option B I will produce evidence of having obtained and commenced other employment in the NHS within 15 months of starting maternity leave.
- 2 If I contribute to the NHS Pension Scheme, contributions will be deducted from my pay in the normal way during my paid absence. Total contributions for my period of unpaid absence will be collected as a lump sum payment or deducted from my salary/wages following my return to duty.

NOTES

- 1 If you intend to commence Maternity Leave later than 4 weeks before your expected week of confinement, and you are unable to work because of absence which is pregnancy related, then your maternity leave will be deemed to commence automatically on the first day of absence.
- 2 If you are applying for Options C or D, you must give at least your contractual period of notice.
- 3 If, after receiving payments of the full entitlement under Option B, you decide to resign, **YOU WILL BE REQUIRED TO REPAY THE TOTAL OCCUPATIONAL MATERNITY PAYMENTS MADE**, N.B. not those made to you under the Statutory Maternity Pay provisions.

Signed _____ Date _____

====

Please give this form to your manager to sign and then forward to the Human Resources Department

Manager's signature _____ Date _____

Manager's Name (Block capitals) _____

Manager's Job Title _____

====

Application received in HR by _____ Date _____

====

For Payroll use only

Application received _____ Date _____

Documentation completed _____ Date _____

* **Delete as appropriate**

APPLICATION FOR ADOPTION/SURROGACY BENEFITS

Name In Full _____

Employee Number _____

Post held _____

Ward/Team/Department _____

Base _____

I apply for Adoption Benefits in accordance with

Option A / Option B / Option B (deferred) / Option C / Option D*

**Please circle which scheme you are applying for*

I am planning to return to work on ** _____

*** This date is given as a guide only*

Options C and D only

I wish / do not wish* to extend my pensionable service by payment of contributions for a period of 39 weeks after commencing adoption leave.

I enclose the matching certificate from an approved adoption agency * / a copy of the MATB1 for the surrogate mother * (* Delete as appropriate)

Date From Date To

Date on which child will be placed.....

Employee Signature Date

To be completed by Line Manager

Name(printed).....

Signature Date

Form to now be sent to the Payroll Department

APPLICATION FOR PATERNITY/PARENTAL BENEFITS

Name in Full _____

Employee Number _____

Post held _____

Ward/Team/Department _____

Base _____

Home Address _____

Home/Mobile Telephone Numbers _____

Date of Continuous NHS Service _____

Expected Date of Childbirth/ Date of Adoption or Placement _____

I hereby apply for Paternity/Parental Leave as follows: _____

Full Pay Leave From To.....

Statutory Paternity Pay From To.....

Unpaid Leave From To

Additional Paternity Leave From To

Parental Leave From To

I declare that

- I am in an enduring family relationship with the mother of the child
- I will be responsible for the child's upbringing
- I will be taking time off to support the mother or care for the child
- I understand that I will forfeit the right to retain payment of full pay made to me under this policy if I should not return to work for the Trust for the minimum three month period. My entitlement will then be to receive Statutory Paternity Pay for two weeks and I hereby authorise the Trust to deduct any overpayment from my salary.

Employee Signature Date

Line Manager Date

Form must now be sent to the Payroll department

APPLICATION FOR FERTILITY TREATMENT LEAVE

Name in Full _____

Employee Number _____

Post held _____

Ward/Team/Department _____

Base _____

My date of commencement with Somerset Partnership Trust was _____

My date of continuous NHS service is _____

I wish to apply for a maximum of 5 days paid fertility leave under the Parental Policy

First Day of Absence _____

Last Day of Absence _____

Total Days Absent _____

Amount of Total Allowance remaining _____

I also understand that I must provide evidence of my treatment in order to qualify for leave under this Policy.

Signed _____ Date _____

====

Please give this form to your manager to sign and then forward to the Human Resources Department

Manager's signature _____ Date _____

Manager's Name (Block capitals) _____

Manager's Job Title _____

====

Please ensure a copy of this form is sent to the Human Resources and Payroll Departments.

APPLICATION FOR SHARED PARENTAL LEAVE

Please note that this form must be submitted to your line manager a minimum of 8 weeks before you can start any period of SPL

SECTION 1

A. Your details:

Name in Full _____

Employee Number _____

Post held _____

Ward/Team/Department _____

Base _____

I am (delete as appropriate):

The mother/adopter

The father of the child (in the case of birth) or

The spouse, civil partner or the partner of the child's mother/adopter

B. Your partners details:

Name in Full _____

Address _____

National Insurance Number _____

They are (delete as appropriate):

The mother/adopter

The father of the child (in the case of birth) or

The spouse, civil partner or the partner of the child's mother/adopter

C. Your intentions:

My/my partners maternity leave started/is expected to start on: _____

My/my partners maternity leave ended/is expected to end on: _____

My child's expected week of confinement is/child was born on: _____

The total of shared parental leave weeks my partner and I have available is: _____

I intend to take the following number of weeks' shared parental leave: _____

My partner intends to take the following number of weeks' shared parental leave: _____

The total amount of shared parental pay (if applicable) my partner and I have available is: _____

I intend to take the following number of weeks' shared parental pay: _____

My partner intends to take the following number of weeks' shared parental pay: _____

D. Your Requests:

Notification 1 :

Date of request: _____

My request is for a continuous block of leave / discontinuous blocks of leave

I am requesting the following date(s) as SPL: _____

I am requesting to take these dates as ShPP: Y/N

Request approved by Line Manager Y/N If not approved, reasons why: _____

Manager's signature: _____ **Date:** _____

Notification 2 :

Date of request: _____

My request is for a continuous block of leave / discontinuous blocks of leave

I am requesting the following date(s) as SPL: _____

I am requesting to take these dates as ShPP: Y/N

Request approved by Line Manager Y/N If no, reasons why: _____

Manager's signature: _____ **Date:** _____

Notification 3:

Date of request: _____

My request is for a continuous block of leave / discontinuous blocks of leave

I am requesting the following date(s) as SPL: _____

I am requesting to take these dates as ShPP: Y/N

Request approved by Line Manager Y/N If no, reasons why: _____

Manager's signature: _____ **Date:** _____

E. Declaration:

Declaration to be signed and dated by you:

I can confirm:

- That I meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information I have given on this form is accurate;
- that *(if you are not the mother/adopter)* I am either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should I cease to be eligible then I will immediately inform the Trust.

Signed: _____ **Date:** _____

Declaration to be signed and dated by your partner:

I can confirm:

- that I am the mother/adopter of the child or I am the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that I satisfy the 'employment and earnings test' and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that I consent to the amount of SPL that the employee intends to take;
- that I consent to the organisation processing the information contained in the declaration form; and
- *(If you are the mother/adopter)* that I will immediately inform my partner should they cease to satisfy the eligibility conditions.

Signed: _____ **Date:** _____

Manager's signature: _____ **Date:** _____

Manager's Name (Block capitals): _____

Manager's Job Title: _____

====

SECTION 2 – MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE (To be completed if you are the child's mother):

Declaration: I wish to bring my maternity leave (and statutory maternity pay) to an end to be able to take shared parental leave. I have also completed a [form providing a notice of entitlement and intention to take shared parental leave/declaration that my partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer and that I consent to the amount of leave that he/she intends to take]

I wish to end my [ordinary/additional] maternity leave on: _____

I wish my statutory maternity pay period (if applicable) to end on: _____

Signed: _____ **Dated:** _____