

**TRUST CORPORATE POLICY  
LEAVE FOR NEW AND EXPECTANT PARENTS**

<b>APPROVING COMMITTEE(S)</b>	Trust Policies Committee	Date approved:	21/05/15
<b>EFFECTIVE FROM</b>	Date of Approval		
<b>DISTRIBUTION</b>	All Managers in CAGs and Directorates via Trust Bulletin and all staff via Trust intranet		
<b>RELATED DOCUMENTS</b>	Leave for Special Circumstances, Management of Risks to Pregnant Workers Policy		
<b>OWNER</b>	(Designate) Director of HR and (Designate) CEO		
<b>AUTHOR/FURTHER INFORMATION</b>	Author: Employee Relations Team		
<b>EXTERNAL REFERENCES</b>			
<b>SUPERSEDED DOCUMENTS</b>	Guide for Employees: Maternity Leave and Pay, Parental Leave Policy (both Barts and The London NHS Trust), Maternity Leave Policy and Procedure (BLT CHS), Maternity and Adoption Leave Policy and Procedure (Newham University Hospitals NHS Trust), Maternity Policy and Procedure, Special Purposes Leave Policy and Procedure, Paternity Policy and Procedure (all Whipps Cross University Hospitals NHS Trust)		
<b>REVIEW DUE</b>	3 years from the date of approval shown or earlier subject to legislative or national policy changes or organisational need.		
<b>KEYWORDS</b>	Policy, leave, maternity, adoption, paternity, parental, child, baby, birth, ante-natal, placement, match, IVF		
<b>INTRANET LOCATION(S)</b>	<a href="http://bartshealthintranet/Policies/Policies.aspx">http://bartshealthintranet/Policies/Policies.aspx</a>		
<b>CONSULTATION</b>	<i>Barts Health Policy Working Group</i>	Supersedes the Merger Governance Policy Development Working Group.	
	External Partners		
<b>SCOPE</b>	<i>For the groups listed below, failure to comply with this policy may result in investigation and management action; this may include formal action in line with the Trust's disciplinary or capability procedures for Trust employees; and other action in relation to organisations contracted to the Trust, which may result in the termination of a contract, assignment, placement, secondment or honorary arrangement.</i>		
	All individuals working in the Trust, in whatever capacity, including those employed by the Trust's private sector partners providing Facilities Management services and including those who have been seconded to work for its private sector partners under Retention of Employment (RoE) arrangements. CHL and its Service Providers are therefore expected to comply with this policy.		
	Exclusions: e.g. students, agency workers, Bank (only) staff, honorary contracts and contractors working within the Trust		

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION AND AIMS OF POLICY</b>	<b>3</b>
<b>2</b>	<b>DEFINITIONS</b>	<b>3</b>
<b>3</b>	<b>DUTIES AND RESPONSIBILITIES</b>	<b>7</b>
	<b>SPECIFIC DUTIES IN REGARDS TO SHARED PARENTAL LEAVE</b>	<b>8</b>
<b>4</b>	<b>LEAVE AND PAY ELIGIBILITY CRITERIA</b>	<b>10</b>
	Maternity Leave and Pay Eligibility criteria	10
	Adoption Leave and Pay Eligibility criteria	10
	<b>PATERNITY LEAVE AND PAY ELIGIBILITY CRITERIA</b>	<b>12</b>
	<b>PAY ENTITLEMENT</b>	<b>18</b>
	<i>Maternity / Adoption Leave Pay Entitlements</i>	18
	<b>PATERNITY LEAVE PAY ENTITLEMENT</b>	<b>19</b>
	<b>HEALTH AND SAFETY PRE AND POST BIRTH</b>	<b>21</b>
	<b>TIME OFF FOR ANTE-NATAL OR ADOPTION APPOINTMENTS</b>	<b>21</b>
	<b>SICKNESS ABSENCE WHILST PREGNANT</b>	<b>22</b>
	<b>PREMATURE BIRTH AND EARLY PLACEMENT</b>	<b>22</b>
	<b>MATERNITY AND PATERNITY RIGHTS IN THE EVENT OF THE HOSPITALISATION OF A BABY</b>	<b>22</b>
	<b>MATERNITY AND PATERNITY RIGHTS IN THE EVENT OF A STILLBIRTH OR MISCARRIAGE</b>	<b>22</b>
	<b>RETURNING TO WORK AND FAILURE TO RETURN TO WORK</b>	<b>23</b>
	<b>OTHER TERMS AND CONDITIONS</b>	<b>23</b>
	<i>Right to return</i>	23
	<i>Continuity of service</i>	23
	<i>Annual leave</i>	23
	<i>Pension contributions</i>	24
	<b>IMPACT AND EQUALITIES ASSESSMENTS</b>	<b>24</b>
	<b>MONITORING THE EFFECTIVENESS OF THIS POLICY</b>	<b>24</b>
	<b>APPENDIX 1: GLOSSARY OF TERMS</b>	<b>25</b>
	<b>APPENDIX 2: OTHER LINKED TRUST POLICIES AND GUIDELINES</b>	<b>26</b>
	<b>APPENDIX 3: EXTRA SOURCES OF INFORMATION AND SUPPORT</b>	<b>27</b>
	<b>NHS EMPLOYERS</b>	<b>27</b>
	<b>APPENDIX 4: APPLICATION FORMS FOR LEAVE</b>	<b>28</b>
	<b>APPENDIX 5: EMPLOYEE MATERNITY LEAVE CHECKLIST</b>	<b>29</b>
	<b>APPENDIX 6: EMPLOYEE ADOPTION LEAVE CHECKLIST</b>	<b>30</b>
	<b>APPENDIX 7: EMPLOYEE PATERNITY LEAVE CHECKLIST</b>	<b>31</b>
	<b>APPENDIX 8: SHARED PARENTAL LEAVE CHECKLIST</b>	<b>32</b>

## 1 INTRODUCTION AND AIMS OF POLICY

- 1.1 Barts Health (“The Trust”) is committed to supporting the health and wellbeing of its employees, which in turn allows the Trust to provide a consistently high standard of care to its patients and service users.
- 1.2 The Trust recognises that supporting its employees to balance the demands and responsibilities of life outside work in order to have a full and rewarding family life supports their health and wellbeing.
- 1.3 The aim of this policy is:
- to ensure that there is a consistent approach to requesting and authorising maternity/adoption/paternity and shared parental leave across the Trust
  - to ensure this approach is fair and consistent and without discrimination in relation to any of the [\[protected characteristics\]](#)
  - to ensure that this policy is applied in line with the Equality Act 2010
  - to ensure there is compliance with the Health and Safety requirements
  - to ensure employees are aware of the types of leave available to them
  - to ensure efficient and high quality care for our patients
  - to ensure effectiveness of implementation is monitored

## 2 DEFINITIONS

- 2.1 The following definitions are used in this policy:

<b>Adoption Allowance</b>	A weekly benefit paid by the Department of Work and Pensions to women who are not entitled to Statutory Adoption Pay (SAP). Adoption Allowance can be paid for up to 39 weeks.
<b>Adoption Leave</b>	An entitlement to take up to 52 weeks leave from up to 14 days before the date of placement (date the child starts living with their adoptive parents).
<b>Additional Paternity Leave</b>	A period of Paternity Leave that can be taken if the employee’s partner chooses to end their Maternity or Adoption leave early (This is only applicable to the parents/adoptive parents of children due to be born or adopted before 5th April 2015 – after this date Shared Parental Leave provisions will apply)
<b>Contractual Continuity of Service and Reckonable Service</b>	An employee’s continuous previous service with any other NHS employer counts as reckonable service in respect of NHS agreements on maternity/adoption/ (ordinary or additional) paternity and shared parental leave.
<b>Employee</b>	An employee is someone working in or on behalf of the Trust under a contract of employment. This does not include agency, Staff bank, contractors and those working for the Trust through another employer.
<b>Expected Week of Confinement/ Childbirth (EWC)</b>	This is the week that the expectant parent is due to give birth. It is detailed on the ‘MATB1’ certificate that is provided by the employee’s midwife. The week runs from Sunday to Saturday.

<b>Keeping In Touch Days (KIT Days)</b>	<p>Employees who are on maternity/adoption/additional paternity leave may take up to 10 KIT Days without it affecting their leave or counting as a 'return to work' which would affect their pay.</p> <p>KIT days should be agreed with an employee's line manager. This means that neither party can insist on a KIT day taking place. These can be used for attending training, to facilitate keeping up to date with events in the work place or to allow for an element of phased return.</p> <p>The employee will be paid at their basic daily rate for the hours worked, less any other payments received by the employee arising from their maternity/adoption/additional paternity leave, for KIT days worked.</p> <p>Working for part of any day will count as one KIT day. KIT days worked will not extend the period of leave.</p>
<b>Lower earnings limit</b>	<p>In order to receive <a href="#">[statutory pay]</a> employees need to earn a minimum rate of pay, known as the lower earnings limit.</p>
<b>Maternity Allowance</b>	<p>Is a state benefit for pregnant working people who are unable to get statutory maternity pay (SMP). Maternity Allowance is paid for up to 39 weeks and is not subject to the usual deductions of tax and national insurance contributions.</p> <p>Employees can apply for Maternity Allowance through Job Centre Plus or <a href="#">[online]</a> once they have received SMP1 form from the Payroll department.</p>
<b>MAT B1</b>	<p>This is a certificate that the GP/Midwife/Obstetrician issues confirming the due date (normally issued between 20th and 25th week of pregnancy). The original certificate must accompany any application for maternity pay or leave.</p>
<b>Matching</b>	<p>This is the process of identifying a suitable family to adopt a particular child. When a match is made the prospective parents will be notified and given an <a href="#">[Expected Week of Placement]</a>. They will be provided with a 'Matching Certificate' from the adoption agency which sets out the adoption agency's name and address, the date that they were notified of the match and the Expected Week of Placement.</p>
<b>Matching Week and Expected Week of Placement (EWP)</b>	<p>The Matching Week is the week in which the employee is notified of having been matched with a child.</p> <p>The week runs from Sunday to Saturday.</p> <p>The Expected Week of Placement (EWP) is the week in which the child is actually placed with their adoptive parents.</p>
<b>Maternity Leave</b>	<p>A <a href="#">period</a> of approved absence from work for a female <a href="#">employee granted</a> for the purpose of giving birth and taking <a href="#">care of infant children</a>. Statutory Maternity Leave is 52 weeks. It's made up of:</p> <ul style="list-style-type: none"> <li>• 'Ordinary Maternity Leave' - first 26 weeks</li> <li>• 'Additional Maternity Leave' - last 26 weeks</li> </ul> <p>Pregnant employees do not have to take 52 weeks but they must take 2 weeks' leave after their baby is born.</p>

<p><b>Occupational pay (OMP/OAP/OPP)</b></p>	<p>This is the pay that is described in Agenda for Change, the Consultant Contract (pre- and post-2003) and Junior Doctor Terms and Conditions of Service and that one receives due to working in the NHS. This is normally greater than the Statutory Pay allowances. Types of occupational pay include: Occupational Maternity Pay (OMP), Occupational Adoption Pay and Occupational Paternity Pay (OPP).</p>
<p><b>Ordinary Paternity Leave</b></p>	<p>A period of approved absence from work of between one and two weeks following the birth or adoption of a child. Paternity leave applies to the biological father of the child, the mother's husband or partner (including a same sex partner) and the husband or partner of someone who is adopting a child. It must be taken within 56 days of the child's birth.</p>
<p><b>Partner</b></p>	<p>Someone who lives with the birthing parent/main adopter of the child in an enduring family relationship but not an immediate relative. They may be of a different sex or the same sex.</p>
<p><b>Pregnancy and IVF</b></p>	<p>For the purposes of employees undergoing In Vitro Fertilisation (IVF), a person is considered "pregnant" from the point of the implantation of fertilised ova.</p>
<p><b>Primary adopter</b></p>	<p>Individual with primary carer responsibilities for the adopted child.</p>
<p><b>Qualifying Week</b></p>	<p>This is used to calculate the employee's eligibility for <a href="#">[statutory pay]</a> and always starts on a Sunday.</p>
<p><b>Reference Period</b></p>	<p>This is a period of 8 weeks which ends on the 15<sup>th</sup> week before <a href="#">[EWC]</a> for maternity leave/ (ordinary or additional) paternity leave or the period of 8 weeks ending on the <a href="#">[matching week]</a> for adoption leave. Earnings during this time are used to calculate pay during the period of maternity/adoption/ (ordinary or additional) paternity leave.</p>
<p><b>Shared Parental Leave</b></p>	<p>Shared parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. Shared Parental Leave enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption.</p> <p>It is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.</p>
<p><b>Shared-parental-leave-in-touch" (SPLIT) days.</b></p>	<p>An employee can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.</p> <p>The 20 SPLIT days available during shared parental leave are in addition to the 10 KIT days available during maternity/ adoption and additional paternity leave.</p> <p>The employee will be paid at their basic daily rate for the hours worked, less any other payments received by the employee arising from their maternity/adoption/additional paternity leave, for SPLIT days worked. Working for part of any day will count as one SPLIT day. SPLIT days worked will not extend the period of leave.</p>

<b>Statutory Pay (SMP/SAP/SPP/ASPP) Shpp</b>	<p>This is the legal minimum payment as set by government. This is paid to the employee via payroll but is funded from the government based on National Insurance Contributions that the employee has made.</p> <p>For the first 6 weeks of maternity and adoption leave, the employee will receive either statutory maternity pay (SMP) or statutory adoption pay (SAP) at 90% of their average gross weekly earnings during the <a href="#">[reference period]</a>.</p> <p>For the remaining 33 weeks of maternity/adoption leave, the employee will be paid at the statutory rate set by HMRC or 90% of their average gross weekly earnings during the <a href="#">[reference period]</a>, whichever is the lower. Employees who are not entitled to SMP or SAP may be eligible for <a href="#">[Maternity Allowance]</a> or <a href="#">[Adoption Allowance]</a> .</p> <p>See also section 5 <a href="#">[Pay Entitlement]</a>.</p> <p>Statutory paternity pay (SPP) is paid at the statutory rate set by HMRC or 90% of their average gross weekly earnings during the <a href="#">[reference period]</a>; whichever is the lower, for the 2 week period of ordinary paternity leave.</p> <p>Additional statutory paternity pay (ASPP) is paid at the statutory rate set by HMRC or 90% of their average gross weekly earnings during the <a href="#">[reference period]</a>, whichever is the lower, for any period of additional paternity leave which qualifies for a statutory payment to be made.</p> <p>The right to additional paternity leave is set to be abolished and is available only to fathers and partners of mothers of children due on or before 4 April 2015, or adoptive parents of children placed for adoption (or in the case of overseas adoptions whose child enters Great Britain) on or before 4 April 2015.</p> <p>Statutory shared parental pay (Shpp) is available for eligible parents of a child expected to be born/adopted on or after 5 April 2015 to take between them whilst on shared parental leave.</p> <p>Shpp is paid at the statutory rate set by HMRC or 90% of their average gross weekly earnings during the <a href="#">[reference period]</a>, whichever is the lower.</p> <p>A maximum of 39 weeks' Shpp is payable, and this will be reduced by the number of weeks' statutory maternity/adoption pay or maternity allowance already taken by the mother or main adopter.</p> <p>Each April, the amount paid to employees in receipt of SMP, SAP SPP, ASPP and Shpp is recalculated by HMRC. The current rate of pay for this year can be found on this <a href="#">[link]</a>.</p>
<b>Who can authorise leave</b>	<p>For non-medical/dental employee this will normally be the employee's line manager.</p> <p>Medical and dental employees should follow the locally agreed arrangements. The Lead Clinician/Clinical Director and General Manager must be notified once approval has been received.</p>
<b>Exclusions from the policy</b>	<p>Special Leave e.g. carer's leave, compassionate leave, unpaid parental leave etc. Please see the <a href="#">[Leave for Special Circumstances Policy]</a>.</p>

### 3 DUTIES AND RESPONSIBILITIES

<b>Employee</b>	<ul style="list-style-type: none"> <li>• Notify their line manager as soon as possible and no later than the 15<sup>th</sup> week prior to EWC of their pregnancy for maternity and ordinary paternity leave, within 7 calendar days from notification of the match of the child for adoption leave or 8 weeks before additional paternity leave is requested to start. Where notification is later than this, HR advice should be sought.</li> <li>• Give their line manager as much notice as possible and a minimum of 28 days' notice where they wish to change their leave start date and eight weeks' notice if they wish to change their return date</li> <li>• Use Trust forms (see <a href="#">[Appendix 3]</a>) and follow Trust process for applying for leave</li> <li>• Notify the Trust if they intend to return after their leave or not prior to going on leave</li> <li>• Engage in the risk assessment process for pregnant and breastfeeding employees and take responsibility for managing risks to themselves whilst at work</li> <li>• Attend appointments with Occupational Health where it is felt necessary by the Line Manager</li> <li>• Give reasonable notice of antenatal appointments or adoption meetings to the Line Manager and provide evidence of the appointment/meeting (e.g. show Line Manager the appointment card)</li> <li>• Where possible, arrange antenatal appointments/placement meetings for the beginning or end of the shift/work day</li> <li>• Request and agree any KIT days with their manager giving reasonable notice</li> <li>• Contact the pensions team in Payroll to discuss plans for continued, delayed or cancelled contributions to their pension (see <a href="#">[section 16]</a>)</li> <li>• Understand that they are not permitted to work whilst on maternity/adoption/additional paternity leave outside of the 10 KIT days. This includes working through Bank partners and agencies</li> <li>• Liaise with their manager in order to make arrangements for annual leave before commencing their maternity/adoption/(ordinary or additional) paternity leave and when to take leave accrued during maternity/adoption/ paternity leave (ordinary or additional) paternity leave (see <a href="#">[section 14]</a>)</li> </ul>
<b>Line manager/ Clinical Lead/ Clinical Director</b>	<ul style="list-style-type: none"> <li>• To understand the policy and their responsibilities including the arrangements for requesting leave (this may include supporting employees by providing <a href="#">[reasonable adjustment]</a> e.g. providing the Policy in Braille/large print/Easy-Read or in a language other than English, or reading it to them)</li> <li>• Carry out risk assessments for pregnant employees as soon as possible and at least within 1 week of being notified of the pregnancy and at regular intervals as appropriate until they go on leave, upon their return and whilst breastfeeding</li> <li>• Consider any requests for KIT days in a fair and consistent way</li> <li>• Consider any requests from employees and their partners for time off for antenatal/adoption meetings in a fair and consistent way</li> <li>• Agree preferred way of communicating with employee whilst they are on leave about significant changes at work</li> <li>• Keep absent employees informed of any organisational changes that may directly or indirectly affect them</li> </ul>

	<ul style="list-style-type: none"> <li>• Refer employees to Occupational Health where concerns about the employee's health or wellbeing arise and in particular in relation to pregnant employees</li> <li>• Manage employees with compassion and sensitivity, in particular in relation to premature and still births, miscarriages and adoption placements that fall through</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Provide advice and support to managers about the application of this policy</li> <li>• Explain the application of the policy to employees where needed</li> <li>• Process applications for maternity/adoption/(ordinary or additional) paternity leave in line with Service Level Agreement</li> <li>• Process applications for leave in a timely manner</li> <li>• Provide advice about calculating entitlements to leave and pay</li> </ul>
<b>Occupational Health (OH)</b>	<ul style="list-style-type: none"> <li>• Provide confidential appointments to employees to discuss their health needs</li> <li>• Provide appropriately detailed advice to managers about support for expectant employees and those undergoing the adoption process with detailed recommendations (where employee consent given)</li> <li>• Consider GP/specialist advice before making recommendations where available</li> <li>• Advise Line Managers on reasonable adjustments for pregnant employees</li> </ul>

#### **SPECIFIC DUTIES IN REGARDS TO SHARED PARENTAL LEAVE**

<b>Employees</b>	<ul style="list-style-type: none"> <li>• The mother/adopter must indicate that they will bring their maternity/adoption leave to an end early and specify the date when they want the statutory maternity/adoption leave to end. They can do this by completing a maternity leave curtailment form - see appendix 4.</li> <li>• Comply with the relevant notifications (a notice of entitlement and intention to take leave, and a request for leave) ensuring that at least eight weeks' notice is given before the start of the period of leave.</li> <li>• Provide a declaration of eligibility and their partner must also provide a declaration about their eligibility to take leave and the accuracy of the information provided.</li> <li>• Provide any evidence required by the Trust.</li> <li>• Complete and sign the shared parental leave application form (for continuous and/or discontinuous leave) in order to comply with the relevant notifications, declaration requirement - see appendix 4.</li> </ul>
------------------	--

<b>Line manager /Clinical Lead/Clinical Director</b>	<ul style="list-style-type: none"> <li>• Be aware of the procedures for dealing with shared parental leave and be equipped to take a proactive and supportive role.</li> <li>• Try to arrange an informal discussion with the employee regarding their plans to take shared parental leave once they receive a shared parental leave application form.</li> <li>• Authorise leave from eligible employees who have requested (in line with the notification requirements) to have continuous blocks of leave and decide how the leave period will be covered.</li> <li>• Meet with employees within 14 calendar days of receiving a request for discontinuous leave to discuss the proposal with the employee and consider how and whether the request, or a modified version of it, can be agreed.</li> <li>• Allow the employee to be accompanied by a union representative or workplace colleague.</li> <li>• Write to the employee within 14 calendar days of receiving, considering and discussing the shared parental leave application form with the employee and do one of the following:  Unconditionally accept the dates requested for continuous leave Confirm any date modifications agreed with the employee Refuse discontinuous leave and propose alternative dates, or clearly Outline the options available to the employee.</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Provide advice and support to managers in regards to Shared Parental Leave</li> <li>• Explain the process and procedure for applying for Shared Parental Leave to employees where needed.</li> <li>• Liaise with payroll to process applications for Shared parental leave.</li> <li>• Process applications for leave in a timely manner.</li> <li>• Provide advice about calculating entitlements to Shared parental leave and pay.</li> </ul>

#### 4 LEAVE AND PAY ELIGIBILITY CRITERIA

<p><b>Maternity Leave and Pay Eligibility criteria</b></p>	<p>All pregnant employees (i.e. those working under a contract of employment) are entitled to up to 52 weeks' statutory maternity leave (26 weeks' ordinary leave and 26 weeks' additional leave).</p> <p>A pregnant employee qualifies for statutory maternity pay if:</p> <ul style="list-style-type: none"> <li>• They have 26 weeks' continuous service with the Trust at the end of the <a href="#">[qualifying week]</a> and they are still employed by the Trust during that week;</li> <li>• They are still pregnant at the 11<sup>th</sup> week before <a href="#">[EWC]</a> or have already given birth;</li> <li>• They provide the Trust with a MATB1 from either their midwife or doctor by the 15<sup>th</sup> week before <a href="#">[EWC]</a>;</li> <li>• They have given at least 28 days' notice of their intention to take maternity leave;</li> <li>• They have made the minimum National Insurance contributions to be eligible for pay; and</li> <li>• They stop working in order to take maternity leave</li> </ul> <p>A pregnant employee qualifies for occupational maternity pay if:</p> <ul style="list-style-type: none"> <li>• They have 12 months' continuous service with one or more NHS employers at the beginning of the 11<sup>th</sup> week before <a href="#">[EWC]</a>; and</li> <li>• They notify the Trust and their manager in writing before the end of the 15<sup>th</sup> week before <a href="#">[EWC]</a> of: <ul style="list-style-type: none"> <li>○ Their intention to take maternity leave;</li> <li>○ The date they wish to start their maternity leave (no earlier than 11 weeks before <a href="#">[EWC]</a>);</li> <li>○ Their intention to return to work with the same or another NHS employer for a minimum of 3 months after maternity leave has ended (see also <a href="#">[section 5]</a>); and</li> <li>○ They have provided the Trust with a MATB1 certificate from either their midwife or doctor.</li> </ul> </li> </ul>
<p><b>Adoption Leave and Pay Eligibility criteria</b></p>	<p>All of the Trust's employees (i.e. those working under a contract of employment) are entitled to up to 52 weeks adoption leave (26 weeks ordinary leave and 26 weeks additional leave).</p> <p>Where a Trust employee becomes the legal parents of a child under a surrogacy arrangement, they will be entitled to statutory adoption leave if the child's expected week of birth begins on or after 5 April 2015. If an employee is a Local authority foster parent and prospective adopter ("foster to adopt"), they are entitled to take ordinary adoption leave in relation to children matched for adoption on or after 5 April 2015.</p> <p>An employee qualifies for statutory adoption pay if:</p> <ul style="list-style-type: none"> <li>• They are matched with a child for adoption by an adoption agency and provide the Trust with written confirmation in the form of a copy of the <a href="#">Matching Certificate</a> at least 28 days before their intended start date of adoption leave</li> <li>• They have 26 weeks' continuous service with the Trust up to and including the <a href="#">[matching week]</a></li> <li>• They have made the minimum National Insurance contributions to be eligible for pay</li> </ul>

- They notify the Trust of their intention to take adoption leave in writing within 7 days of the [\[matching week\]](#) and they inform the Trust of the [\[EWP\]](#) and the date they intend to start the adoption leave
- They confirm their intention to take adoption leave and not paternity leave
- They stop working in order to take adoption leave

An employee qualifies for occupational adoption pay if:

- They have been newly matched with a child to be placed with them by a UK adoption agency/they have received official notification from the relevant authority of their eligibility to adopt a child from abroad and provide a matching certificate
- They have notified the agency that they agree that the child should be placed with them and agree with the date of placement
- They have 12 months' continuous service with one or more NHS employers ending with the [\[matching week\]](#);
- They notify the Trust and their manager in writing as soon as possible after the [\[matching week\]](#) of:
  - Their intention to take adoption leave;
  - The date they wish to start their adoption leave;
  - Their intention to return to work with the same or another NHS employer for a minimum of 3 months after adoption leave has ended (see also [\[section 5\]](#)); and
  - They provide the Trust with a copy of the Matching Certificate.

<b>Paternity Leave and pay eligibility criteria</b>	<p>All employees are entitled to 2 weeks of ordinary paternity leave.</p> <p>In addition, employees may be entitled to take up to 26 weeks of additional paternity leave if the parent taking maternity/adoption leave has returned to work, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• The employee has at least 26 weeks' continuous employment with the Trust ending with the <a href="#">[qualifying week]</a></li> <li>• The employee remains employed by the Trust until the week before the first week of additional paternity leave</li> </ul> <p>An employee qualifies for ordinary and/or additional statutory paternity pay if:</p> <ul style="list-style-type: none"> <li>• They have continued to work for the same employer without a break for at least 26 weeks by the <a href="#">[qualifying week]</a></li> <li>• They continue to work for the Trust without a break up to the date the child is born or placed for adoption</li> <li>• They have made the minimum National Insurance contributions to be eligible for pay</li> <li>• In the case of additional statutory paternity pay, the parent taking maternity/adoption leave has returned to work with at least 2 weeks of their maternity allowance, maternity pay or adoption pay period remaining.</li> </ul> <p>An employee qualifies for occupational ordinary paternity pay for 2 weeks if:</p> <ul style="list-style-type: none"> <li>• They have 12 months' continuous service with one or more NHS employers at the beginning of the <a href="#">[EWC]</a>/<a href="#">[EWP]</a></li> </ul>
<b>Shared Parental Leave entitlement</b>	<p>Eligible employees may be entitled to take up to 50 weeks shared parental leave during the child's first year in their family. The number of weeks available is calculated using the mother's/adoption's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave.</p> <p>If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the shared parental leave system and take any remaining weeks as shared parental leave.</p> <p>A mother/adoption 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 (end) their leave at a specified future date.</p> <p>Circumstances or scenarios in which shared parental leave can be taken:</p> <ul style="list-style-type: none"> <li>• The mother can take shared parental leave after she has taken the legally required two weeks of maternity leave immediately following the birth of the child</li> <li>• The adopter can take shared parental leave after taking at least two weeks of adoption leave</li> <li>• The father/partner/spouse can take shared parental immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any shared parental leave or shared parental pay).</li> <li>• Where a mother/adoption gives notice to curtail (or end) their maternity/adoption entitlement then the mother/adoption's partner can take</li> </ul>

	<p>leave while the mother/adopter is still using their maternity/adoption entitlements.</p> <ul style="list-style-type: none"> <li>• Shared parental leave will generally commence on the employee's chosen start date specified in their continuous or discontinuous shared parental leave application form, or in any subsequent variation notice (see sections on "Notice to take a specific period of Shared Parental Leave" and "Varying a period of leave").</li> <li>• If the employee is eligible to receive it, shared parental pay (Shpp) may be paid for some, or all, of the shared parental leave period ( see section below on eligibility for pay criteria)</li> </ul> <p>Shared parental leave may be taken by two parents concurrently and must end no later than one year after the birth/placement of the child. Any shared parental leave not taken by the first birthday or first anniversary of placement for adoption is lost.</p>
<p><b>Eligibility criteria for Shared Parental Leave</b></p>	<p>Shared parental leave can only be used by two people:</p> <ul style="list-style-type: none"> <li>• The mother/primary adopter and</li> <li>• One of the following: <ul style="list-style-type: none"> <li>• the father of the child (in the case of birth); or</li> <li>• The spouse, civil partner or partner of the child's mother/primary adopter.</li> </ul> </li> </ul> <p>Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.</p> <p>The child must be due to be born or be adopted on or after 5th April 2015.</p> <p>Additionally an employee seeking to take shared parental leave must satisfy each of the following criteria:</p> <ul style="list-style-type: none"> <li>• the mother/primary adopter of the child must be entitled to statutory maternity/adoption leave or they must be entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;</li> <li>• The employee must still be working for the Trust at the start of each period of shared parental leave.</li> <li>• the employee must have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;</li> <li>• the employee's partner must meet the 'employment and earnings test' requiring 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;</li> <li>• the employee must correctly notify the Trust of their entitlement by completing the shared parental leave (continuous and or discontinuous) application form and provide evidence as required.</li> </ul> <p>Eligible employees may be entitled to take up to 37 weeks Shared parental pay while taking shared parental leave. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay</p>

**Eligibility  
 criteria for  
 Shared Parental  
 pay**

period or maternity allowance period.

Shared parental pay may be payable during some or all of shared parental leave depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for shared parental leave, an employee seeking to claim shared parental pay 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;
- the employee must intend to care for the child during the week in which Shpp is payable;
- the employee 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;
- the employee must remain in continuous employment until the first week of shared parental pay has begun;
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive shared parental pay they must, at least eight weeks before receiving any shared parental pay, give their line manager written notice advising of their entitlement to shared parental pay.

In addition to what must be included in the notice of entitlement to take shared parental leave, any notice that advises of an entitlement for shared parental leave must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of shared parental pay available, the amount of shared parental pay the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim shared parental pay
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for shared parental pay and that they will immediately inform the Trust should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming Shpp and for the Trust to process any Shpp payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case where the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

	<p>A shared parental leave application form (for continuous/discontinuous leave) signed by the employee and their partner will constitute a declaration and written notice of entitlement to shared parental leave and pay – see appendix 4.</p> <p>Any shared parental pay due will be paid at a rate set by the Government for the relevant Tax year. The current rate of pay for this year can be found on this <a href="#">[link]</a>.</p>
<p><b>Notification and information requirements for shared parental leave and shared parental pay</b></p>	<p>An employee entitled and intending to take shared parental leave must give their line manager notification of their entitlement and intention to take to shared parental leave, at least eight weeks before they can take any period of shared parental leave.</p> <p>Part of the eligibility criteria requires the employee to provide the trust with correct notification. Notification must be in writing and requires each of the following:</p> <ul style="list-style-type: none"> <li>• the name of the employee;</li> <li>• the name of the other parent;</li> <li>• the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of shared parental leave available;</li> <li>• the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;</li> <li>• the amount of shared parental leave the employee and their partner each intend to take</li> <li>• A non-binding indication of when the employee expects to take the leave.</li> </ul> <p>The employee must provide the trust with a signed declaration stating:</p> <ul style="list-style-type: none"> <li>• that they meet, or will meet, the eligibility conditions and are entitled to take shared parental leave</li> <li>• that the information they have given is accurate;</li> <li>• if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;</li> <li>• That should they cease to be eligible they will immediately inform the Trust.</li> </ul> <p>The employee must provide the Trust with a signed declaration from their partner confirming:</p> <ul style="list-style-type: none"> <li>• their name, address and national insurance number (or a declaration that they do not have a national insurance number);</li> <li>• that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;</li> <li>• that they satisfy the ‘employment and earnings test’ (see “Who is eligible for Shared Parental Leave?” above), and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee;</li> <li>• that they consent to the amount of shared parental leave that the employee intends to take;</li> <li>• that they consent to the trust processing the information contained in the declaration form; and</li> <li>• In the case whether the partner is the mother/adopter), that they will</li> </ul>

	<p>immediately inform their partner should they cease to satisfy the eligibility conditions.</p> <p>Completion of the shared parental leave application form (for continuous and/ or discontinuous leave) will satisfy the employee declaration, notification and information requirements for shared parental leave and pay - see appendix 4</p>
--	---

### **Notice to take a specific period of Shared parental leave and shared parental pay**

- 4.1 The first period of shared parental leave is the initial notice of entitlement and intention to take shared parental leave. Employees who meet the eligibility and notice criteria for shared parental leave are entitled to submit a maximum of a further two 'period of leave' notices using the continuous and/or discontinuous shared parental leave application form – see appendix 4. Each notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which Shpp will be claimed, if applicable.
- 4.2 If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

### **Confirmation of shared parental leave and shared parental pay**

- 4.3 If a continuous period of leave is requested in each period of leave notice, the employee will be entitled to take that period of leave and this will be confirmed in writing by Human Resources.
- 4.4 If more than one period of leave is requested in a period of leave notice, the employee's line manager will seek to accommodate the request but this cannot be guaranteed. The line manager will discuss the request with the employee to determine if it can be accommodated. If it cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The manager's decision will be confirmed in writing.
- 4.5 If no agreement is reached within two weeks of the period of leave notice being submitted the employee can either
- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
  - take the continuous block starting on a new date, as long as the new date is later than the original start date, and provided the employee notifies the Trust of the new date within five days of the two week period referred to above
  - withdraw the request at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of the employee's three requests.

### **Varying a period of leave**

- 4.6 The employee is permitted to vary or cancel an agreed and booked period of shared parental leave, provided that they advise the Trust 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.
- 4.7 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Trust requesting it be changed, and the employee being

agreeable to the change, will not count as further notification. Any variation will be confirmed in by Human Resources. See appendix 4 for the variation of shared parental leave request form.

#### **Evidence requirements**

- 4.8 The trust may, within 14 days of the shared parental leave entitlement notification being given, request:
- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
  - In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
  - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to SPL, the employee must produce this information within 14 day of the employer's request.

#### **Keeping in touch during Shared Parental Leave**

- 4.9 The Trust reserves the right to ask an employee to attend work on occasional days during their shared parental leave period. These days could be for training, to attend department meetings, or just for keeping in touch (KIT). An employee may work for up to 20 days without bringing the shared parental leave to an end, but work during shared parental leave will not have the effect of extending the shared parental leave period. The employee will be paid at their basic daily rate for the hours worked, less any other payments received by the employee arising from their maternity/adoption/additional paternity leave, for KIT days worked.
- 4.10 Employees are under no obligation to work during shared parental leave , and the Trust is under no obligation to offer work.
- 4.11 The 20 SPLIT days available during shared parental leave are in addition to the 10 KIT days available during maternity and adoption leave.

#### **Returning to work after Shared Parental Leave**

- 4.12 The employee will have been formally advised in writing of the end date of any period of shared parental leave. The employee is expected to return on the next working day after this date, unless they notify otherwise. If they are unable to attend work due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 4.13 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then it is at the discretion of the Trust whether to accept the notice to return early.

**PAY ENTITLEMENT**
**Maternity / Adoption Leave Pay Entitlements**

5.1 New and expectant parents taking maternity or adoption leave will be entitled to the following rates of pay, subject to meeting the eligibility and length of service criteria:

Type of leave	Service with the Trust/NHS	Entitlement to Pay
Maternity Leave and Adoption Leave	Less than 26 weeks continuous service with the Trust by the [qualifying week]; and Less than 1 year continuous service in the NHS.	No entitlement to SMP/SAP No entitlement to OMP/OAP Employees taking maternity leave may be entitled to Maternity Allowance
	26 or more weeks continuous service with the Trust by the [qualifying week]; and Less than 1 year continuous service in the NHS	Maternity: Entitled to SMP: <ul style="list-style-type: none"> <li>• Weeks 1 - 6 = 90% of average earnings during the [reference period];</li> <li>• Weeks 7 - 39 = the current SMP or 90% of average earnings during the [reference period] whichever is the lower pay; and</li> <li>• Weeks 40 - 52 = unpaid maternity leave</li> </ul> Adoption: Entitled to SAP: <ul style="list-style-type: none"> <li>• Weeks 1-6 =90% of average earnings during the reference period</li> <li>• Weeks 7-39 =current SAP or 90% of average earnings during the reference period whatever is the lower pay and weeks 40-52 unpaid adoption leave</li> <li>• No entitlement to OMP/OAP</li> </ul>
	26 or more weeks continuous service with the Trust by the [qualifying week]; and 1 year or more continuous service in the NHS	Entitled to SMP/SAP and OMP/OAP: <ul style="list-style-type: none"> <li>• Weeks 1 - 8 = full pay (any SMP/SAP or Maternity Allowance payable will be deducted from the employee's OMP/AOP but paid to them as SMP/SAP)</li> <li>• Weeks 9 - 26 = half of full pay, plus any SMP/SAP/Maternity Allowance, providing the total does not exceed full pay</li> <li>• Weeks 27 - 39 = SMP/SAP/Maternity Allowance only</li> <li>• Remaining weeks = unpaid maternity/adoption leave</li> </ul>
	Less than 26 weeks continuous service with the Trust by the [qualifying week]; and 1+ years continuous service in the NHS	No entitlement to SMP/SAP Entitled to OMP/OAP: <ul style="list-style-type: none"> <li>• Weeks 1 - 8 = full pay; and</li> <li>• Weeks 9 - 26 = half of full pay</li> </ul> Remaining weeks = unpaid maternity leave Employees taking maternity leave may be entitled to Maternity Allowance

5.2 Employees wishing to take maternity or adoption leave must notify the Trust in writing by the 15<sup>th</sup> week before [EWC] or within 7 calendar days of notification of placement (see [matching week]) (or if this is not possible, as soon as possible thereafter) using the proforma in [Appendix 3]. If the employee subsequently wants

COR/POL/071/2015-001

to change the date for when they wish their leave to start they should notify the Trust and their line manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably possible beforehand).

- 5.3 Employees in receipt of OMP/OAP will need to return to work within the Trust or another NHS Employer for a minimum of 3 months following their leave. Failure to do so will mean that they will need to repay their OMP/OAP to the Trust.
- 5.4 Employees can request that their pay is spread evenly over their leave period (i.e. total pay is calculated for the period of leave and paid in equal payments for the duration of the leave rather than being paid at staggered amounts in line with the amounts above). In order to do this, employees will need to notify payroll before their leave is due to start by including this in their application for leave.

**PATERNITY LEAVE PAY ENTITLEMENT**

- 6.1 New and expectant parents taking paternity leave will be entitled to the following rates of pay :

Type of leave	Qualifying service	Pay
Ordinary Paternity Leave	Less than 26 weeks continuous service with the Trust by the [qualifying week]; and  Less than 1 year continuous service in the NHS	No entitlement to SPP  No entitlement to OPP
	26 weeks or more continuous service with the Trust by the [qualifying week]; and  Less than 1 year continuous service in the NHS	Entitled to SPP:  • 2 weeks = the current SPP allowance or 90% of average earnings during the [reference period] whichever is the lower pay  No entitlement to OPP
	26 weeks or more continuous service with the Trust by the [qualifying week]; and  1+ years continuous service in the NHS	Entitled to SPP and OPP  • 2 weeks = full pay (any SPP will be deducted from the OPP but paid to the employee as SPP)
Additional Paternity Leave	26 weeks or more continuous service with the Trust	ASPP will be the amount of any remaining SMP or SAP or Maternity Allowance that the parent (with responsibilities for caring and the upbringing of the child) who has taken maternity or adoption leave would have received had they remained on leave

- 6.2 Ordinary paternity leave must be completed within 56 days of the date of birth or placement, whether this is earlier or later than expected.
- 6.3 Employees wishing to take ordinary paternity leave must notify the Trust and their manager in writing by the 15<sup>th</sup> week before [EWC] or within 7 calendar days of the [matching week].
- 6.4 Employees wishing to take additional paternity leave must notify the Trust and their manager in writing at least 8 weeks before they want the leave to start.

**SHARED PARENTAL Leave and Pay Entitlement**

Type of leave	Qualifying service	Pay
Shared Parental Leave	Less than 26 weeks continuous service with the Trust by the [qualifying week]; and	No entitlement to Shpp
	26 weeks or more continuous service with the Trust by the [qualifying week]	Entitled to Shpp for a maximum of 37 weeks. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

**Leave Entitlement**

6.5 All employees are entitled to the following leave provisions:

Type of leave	Min. Leave to be taken	Max. Entitlement	Conditions
Maternity Leave	2 weeks immediately after birth	Up to 52 weeks	<ul style="list-style-type: none"> <li>May begin at any point between the 11<sup>th</sup> week before <a href="#">[EWC]</a> and the birth</li> </ul>
Adoption Leave	n/a	Up to 52 weeks	
Ordinary Paternity Leave	n/a	Up to 2 weeks	<ul style="list-style-type: none"> <li>Must be completed within 56 days of the birth/placement</li> <li>Must be taken as whole weeks</li> </ul>
Additional Paternity Leave	2 weeks <i>(the parent taking maternity or adoption leave will therefore need to return to work with 2 weeks remaining of their 52 week entitlement)</i>	Up to 26 weeks	<ul style="list-style-type: none"> <li>Can be taken from between 20 weeks after and 1 year after the child's birth or placement (except where the birthing parent has died).</li> <li>Must be taken by the child's 1<sup>st</sup> birthday.</li> </ul>
Shared parental leave	n/a	Up to 50 weeks	<ul style="list-style-type: none"> <li>Only available for parents of babies due, or children placed for adoption, on or after 5 April 2015</li> <li>A mother/adopter must reduce their entitlement to maternity/adoption leave</li> <li>Must be taken as whole weeks</li> <li>Must end no later than one year after the birth/placement of a child</li> </ul>

COR/POL/071/2015-001

- 6.6 Multiple births (e.g. twins) or placements (e.g. twins/siblings) do not entitle the employee to any extra leave or pay e.g. employees are not entitled to two periods of paternity leave because their partner has given birth to twins.
- 6.7 Where a mother/birthing parent becomes pregnant a second time whilst already on maternity leave, they may be entitled to a second period of maternity leave (see [\[eligibility criteria\]](#)). The same reference period will apply for any [\[pay entitlement\]](#) and they will need to follow the same notification procedure described above. They may not be required to return between the two periods of maternity leave. The Line Manager should seek HR advice where this situation occurs.
- 6.8 Additional paternity leave allows the second parent to take any statutory leave where the parent on maternity or adoption leave returns to work. The parent taking maternity or adoption leave must complete a declaration to say that they have returned to work (see the proforma in [\[Appendix 3\]](#)). The total between both parents must not exceed 52 weeks of leave.
- 6.9 Eligible employees may take up to 2 weeks of ordinary paternity leave, either as 1 period (i.e. 2 weeks together) or 2 periods of 1 week each. The leave may begin on any day of the week, but it must be taken in a whole week. If the employee needs to leave work due to the birth or placement of their child, the leave will begin the next day.
- 6.10 If the birthing parent dies, any statutory maternity leave and pay entitlement will transfer to the other parent earlier.

#### HEALTH AND SAFETY PRE AND POST BIRTH

- 7.1 Where an employee is pregnant, has recently given birth or is breastfeeding, the Line Manager must carry out a risk assessment of the employee's working conditions. If it is found, or a medical practitioner considers, that a pregnant employee or their child would be at risk were they to continue with their normal duties, the Trust should provide suitable alternative work for which the employee will receive their normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay.
- 7.2 An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of their baby.
- 7.3 For more information please see Management of Risks to Pregnant Workers Policy (see appendix 3) for the link to this policy.

#### TIME OFF FOR ANTE-NATAL OR ADOPTION APPOINTMENTS

- 8.1 Pregnant employees have the right to paid time off for antenatal appointments. This could include relaxation and parent-craft classes where advised by the employee's midwife or GP as well as appointments for antenatal care.
- 8.2 Reasonable paid time off to attend official adoption meetings is available to adopting employees. **From the 5<sup>th</sup> April 2015 the main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments**
- 8.3 Reasonable paid time off to attend ante-natal classes and adoption meetings will be given to employees who are the biological father of the child or the mother's/birthing parent's spouse, civil partner or [\[partner\]](#) or are the main adopter's spouse, civil partner or partner and have been matched for adoption.

COR/POL/071/2015-001

- 8.4 Wherever possible, these should be arranged at the beginning or end of the shift/work day to reduce work disturbance (see also [\[section 3\]](#) Employee's responsibilities).

### **SICKNESS ABSENCE WHILST PREGNANT**

- 9.1 If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the [\[EWC\]](#) or the beginning of the next week after the employee last worked, whichever is the later. Absence prior to the last four weeks before the [\[EWC\]](#), supported by a Fit Note, or a self-certificate, shall be treated as sick leave in accordance with normal sickness absence provisions and normal absence reporting procedures should apply (see the Trust [\[Sickness Absence Management Policy\]](#)).

### **PREMATURE BIRTH AND EARLY PLACEMENT**

- 10.1 Where an employee's baby is born alive prematurely, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born at full term i.e. 52 weeks in total.
- 10.2 Where an employee's baby is born before the 11th week before the [\[EWC\]](#) and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.
- 10.3 Where an employee's baby is born before the 11th week before the [\[EWC\]](#) and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.
- 10.4 Employees may wish to make use of [\[additional sources of support\]](#) that are available within the Trust during this time.

### **MATERNITY AND PATERNITY RIGHTS IN THE EVENT OF THE HOSPITALISATION OF A BABY**

- 11.1 Where an employee's baby is born before the 11th week before the [\[EWC\]](#) and the baby is in hospital, the employee taking maternity leave may split their leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and the rest of their leave following the baby's discharge from hospital.
- 11.2 Employees may wish to make use of [\[additional sources of support\]](#) that are available within the Trust during this time.

### **MATERNITY AND PATERNITY RIGHTS IN THE EVENT OF A STILLBIRTH OR MISCARRIAGE**

- 12.1 Where an employee's baby is stillborn after the 24<sup>th</sup> week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born alive. Appropriate documentation will need to be provided from the employee's midwife or doctor.
- 12.2 Where an employee has a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply as necessary.
- 12.3 Employees are not entitled to SMP if they are not pregnant at the 11<sup>th</sup> week before [\[EWC\]](#). Where this circumstance occurs, contact HR for advice.

## RETURNING TO WORK AND FAILURE TO RETURN TO WORK

- 13.1 Employees in receipt of OMP/OAP will need to return to work within the Trust or another NHS Employer for a minimum of 3 months following their leave. Failure to do so will mean that they will need to repay their OMP/OAP to the Trust.
- 13.2 The date of return should be indicated on the leave application form (see [[Leave Entitlement](#)] for total leave allowed). If the employee wishes to change this date they will need to give their Line Manager 28 calendar days' notice.
- 13.3 Employees may wish to discuss flexible working options with their manager before they are due to return. Managers will need to have a minimum of 28 days' notice to consider the changes requested.

## OTHER TERMS AND CONDITIONS

### *Right to return*

- 14.1 Employees who are on maternity/adoption/(ordinary or additional) paternity and shared parental leave are entitled to the benefit of their terms and conditions of employment which would have applied if they had not been absent (including those that may or may not arise under their contract of employment but not including terms and conditions about remuneration).
- 14.2 Employees who are on maternity/adoption/(ordinary or additional) paternity and shared parental leave are normally entitled to return from leave to either their own post or where this is not possible, a post that is no less favourable. In this situation, HR advice must be sought.
- 14.3 Employees who are on maternity/adoption/(ordinary or additional) paternity and shared parental leave and are at risk of redundancy as a result of organisational change will need to be consulted with so that they are not at a disadvantage due to their leave. Employees who are on maternity/adoption/additional paternity and shared parental leave are also entitled to be offered any suitable and appropriate alternative vacancy before the end of their existing contract of employment where it is not possible for them to return to their role by reason of redundancy. Where no vacancy exists they will be made redundant.
- 14.4 If an employees is employed on a fixed term contract and this would normally end on a date during their maternity/adoption/additional paternity leave or shared parental leave if they had not been on leave, their contract of employment will be extended to the end of the paid maternity/adoption leave period, at which point it will be terminated. The manager will still need to follow the appropriate process as outlined in the Trust Fixed Term Contracts policy. HR advice should be sought.

### *Continuity of service*

- 14.5 When an employee is on maternity/adoption/(ordinary or additional) paternity or shared parental leave their continuous service is preserved.

### *Annual leave*

- 14.6 Annual leave that is accrued up to the date when the employee is due to go on leave should be taken before their maternity/adoption/additional paternity or shared parental leave is due to start wherever possible.

COR/POL/071/2015-001

- 14.7 Contractual annual leave will continue to accrue during maternity/adoption/(ordinary or additional) paternity and shared parental leave and is not subject to the normal carry-over restrictions.
  - 14.8 Employees will normally take the leave that they accrue during their maternity/adoption/(ordinary or additional) paternity and shared parental leave at the end of their leave. However, it may be appropriate for the employee and their manager to agree for the employee to take some of the annual leave they have not accrued before the leave. This will be discussed at a local level (see the Trust Annual Leave Policy).
- Pension contributions*
- 14.9 Advice can be sought from Payroll at any time.
  - 14.10 Contributions will be deducted from maternity/adoption/(ordinary or additional) paternity or shared parental pay as normal, unless the employee wishes to opt out (contact the Payroll department for information on opting out).
  - 14.11 Pension contributions can be paid regardless of whether the leave is paid or unpaid. Your normal pension contributions will be deducted on the amount of pay you actually receive during the leave. If you go on to no pay, then the contributions will be based on the amount of pay you were receiving immediately before the no pay commenced.
  - 14.12 Pay awards and Increments
  - 14.13 Maternity/adoption/(ordinary or additional) paternity and shared parental leave, whether paid or unpaid, shall count as service for annual increments (where applicable) and for the purposes of any service qualification period for additional annual leave.
  - 14.14 In the case that the employee's salary increases in the event of a pay award or annual increment either before or during an employee's maternity leave or adoption leave then the employee's salary and all relevant maternity/adoption/shared parental leave payments should be calculated as if this amount applied during the [reference period].

**IMPACT AND EQUALITIES ASSESSMENTS**

- 15.1 An Equality Analysis has been carried out for this policy and has concluded that there are no detrimental effects and some positive effects of this policy. The analysis has been included here:

**MONITORING THE EFFECTIVENESS OF THIS POLICY**

Issue being monitored	Monitoring method	Responsibility	Frequency	Reviewed and followed up by
Compliance with duties within Equality Act		Human Resources	Bi-Annual (every 6 months)	Trust Management Executive

**END**

**APPENDIX 1: GLOSSARY OF TERMS**

<b>Equality Act 2010</b>	<p>Replaces previous discrimination law (e.g. Disability Discrimination Act 1995) and includes the following:</p> <ul style="list-style-type: none"> <li>• Extends the groups protected (protected characteristics)</li> <li>• Removal of health questionnaires</li> <li>• Bans discrimination by association</li> <li>• Bans direct and indirect discrimination</li> <li>• Bans harassment, victimisation and failure to make reasonable adjustments</li> <li>• Replaces all previous discrimination law</li> <li>• Introduces harassment by third parties</li> <li>• Also relates to provision of services to patients, not just employment</li> </ul>
<b>Protected Characteristics (part of the Equality Act 2010)</b>	<ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Gender Reassignment</li> <li>• Marriage and Civil Partnership</li> <li>• Race</li> <li>• Religion or Belief</li> <li>• Sex</li> <li>• Sexual Orientation</li> <li>• (Pregnancy and Maternity – only some elements apply)</li> </ul>
<b>Reasonable Adjustments (part of the Equality Act 2010)</b>	<p>An 'adjustment' is a change. This can be a physical change or a change in the way something is done.</p> <p>'Reasonable' will depend on a number of circumstances but the tests include:</p> <ul style="list-style-type: none"> <li>• How much will a reasonable adjustment reduce the disadvantage?</li> <li>• The practicality of the change.</li> <li>• The financial and other costs and the extent of any disruption caused.</li> <li>• The extent of the Trust's financial &amp; other resources.</li> </ul> <p>Although the Trust must consider reasonable adjustments for employees who have a disability or are pregnant, it is best practice for them to be considered for all employees to facilitate attendance and implemented where service delivery allows.</p>

**APPENDIX 2: OTHER LINKED TRUST POLICIES AND GUIDELINES**

	<b>Title differences where policies have not been amalgamated</b>		
	<b>Barts and The London (&amp; CHS)</b>	<b>Newham University</b>	<b>Whipps Cross University</b>
<b>Leave for Special Circumstances Policy</b>	Special Leave Policy	Policy on Special Leave	Special Purposes Leave Policy
<b>Annual Leave Policy</b>	n/a	n/a	n/a
<b><u><a href="#">Sickness Absence Management Policy</a></u></b>	n/a	n/a	n/a

**APPENDIX 3: EXTRA SOURCES OF INFORMATION AND SUPPORT**

<b>Employee Assistance Programme</b> <i>provided by CiC</i>	<p>A free service to all employees provided 24 hours 7 days a week which includes advice on debt, legal issues, caring and childcare and offers face to face counselling services.</p> <p><b>Tel. 0800 085 1376</b></p> <p>Or access them via <a href="http://www.well-online.co.uk">www.well-online.co.uk</a></p>
<b>Occupational Health Service</b>	<p>Occupational Health can provide advice to support the health and wellbeing of Trust employees.</p> <p><b>Tel. 020 359 46609</b></p> <p>Or email <a href="mailto:Occupationalhealth@bartshealth.nhs.uk">Occupationalhealth@bartshealth.nhs.uk</a></p>
<b>Chaplaincy</b>	<p>The local chaplaincy service is there to support staff of all religions or beliefs including staff with no religion or belief.</p> <ul style="list-style-type: none"> <li>• The Royal London, The London Chest &amp; Mile End - ext 14 42070</li> <li>• Barts: ext 15 57220</li> <li>• Newham: 020 7363 8467</li> <li>• Whipps Cross: ext 5005 or 5244</li> </ul>
<b>Management of Risks to Pregnant Workers Policy</b>	<p><a href="http://bltintranet/Policiesandguidelines/New%20and%20Expectant%20Mothers%20in%20the%20Workpla.pdf">http://bltintranet/Policiesandguidelines/New%20and%20Expectant%20Mothers%20in%20the%20Workpla.pdf</a></p>
<b>ACAS</b>	<p><a href="http://www.acas.org.uk/index.aspx?articleid=4911">http://www.acas.org.uk/index.aspx?articleid=4911</a></p>
<b>NHS EMPLOYERS</b>	<p><a href="http://www.nhsemployers.org/news/2014/10/shared-parental-leave">http://www.nhsemployers.org/news/2014/10/shared-parental-leave</a></p>
<b>CIPD</b>	<p><a href="http://www.cipd.co.uk/hr-resources/factsheets/shared-parental-leave.aspx">http://www.cipd.co.uk/hr-resources/factsheets/shared-parental-leave.aspx</a></p>

**APPENDIX 4: APPLICATION FORMS FOR LEAVE**

Type of Leave	Form
Maternity Leave	
Adoption Leave	
Ordinary Paternity Leave	
Shared parental leave <ul style="list-style-type: none"> <li>• Maternity leave curtailment form</li> <li>• Continuous shared parental leave application form</li> <li>• Discontinuous shared parental leave</li> <li>• Variation of shared parental leave request</li> </ul>	

**Appendix 4 (to be embedded)**
**Maternity/Adoption Leave curtailment notice**

Use this form if you do not qualify for shared parental leave, but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay. This notice is to inform the Trust that you wish your maternity/adoption leave and pay (or just your maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

If you are in receipt of maternity allowance you must also submit a curtailment notice to Jobcentre Plus.

**Please note that if you are eligible to take shared parental leave you should complete the Shared parental (continuous or discontinuous) leave form instead to advise us of your proposed maternity/adoption leave end date.**

I wish my maternity/adoption leave/pay to end on \_\_\_\_\_ (insert date).

Name:

Signature:

Date:

**APPENDIX 5: EMPLOYEE MATERNITY LEAVE CHECKLIST**

When	Action to Take	Tick
<b>Once you are aware that you are pregnant</b>	Advise your manager of your pregnancy and engage in the risk assessment process	
<b>Up to the 20<sup>th</sup> week of pregnancy</b>	Informally advise your manager of your pregnancy and your intention to take maternity leave	
	Think about whether you want to cancel Childcare vouchers to prevent it affecting your maternity pay calculation (if applicable)	
<b>By the 25<sup>th</sup> week of pregnancy</b>	Confirm in writing to your line manager: <ul style="list-style-type: none"> <li>• That you are pregnant</li> <li>• When the expected week of childbirth is (if known)</li> <li>• When you would like your maternity leave to begin</li> <li>• Whether you intend to return to work after your maternity leave</li> </ul>	
<b>26<sup>th</sup> week of pregnancy</b>	Obtain your Mat B1 form from your Doctor or Midwife	
	Complete the maternity leave application form (see <a href="#">[Appendix 4]</a> )	
	Send a copy of the application form and your original MAT B1 certificate to your line manager for them to sign and give to your CAG/Corporate HR Advisor	
	Keep a copies of all documents for your own records and your manager	
<b>29<sup>th</sup> week</b>	If you wish to work past this date, we recommend that you discuss this with your doctor, midwife or Occupational Health.	

**APPENDIX 6: EMPLOYEE ADOPTION LEAVE CHECKLIST**

<b>When</b>	<b>Action to Take</b>	<b>Tick</b>
<b>As early as possible</b>	Informally advise your manager that you are trying to adopt a child	
<b>Within 7 calendar days of Matching</b>	Confirm in writing to your line manager: <ul style="list-style-type: none"> <li>• That you may have been matched for adoption</li> <li>• When the expected week of placement is (if known)</li> <li>• When you would like your adoption leave to begin</li> <li>• Whether you intend to return to work after your adoption leave</li> </ul>	
	Think about whether you want to cancel any Childcare vouchers to prevent it affecting your adoption pay calculation (if applicable)	
<b>At least 28 days before placement</b>	Obtain your Matching Certificate form from your Adoption Agency	
	Complete the adoption leave application form (see <a href="#">[Appendix 4]</a> )	
	Send a copy of the application form and your original MAT B1 certificate to your line manager for them to sign and give to your CAG/Corporate HR Advisor	
	Keep a copies of all documents for your own records and your manager	

**APPENDIX 7: EMPLOYEE PATERNITY LEAVE CHECKLIST**

When	Action to Take	Tick
<b>Up to the 20<sup>th</sup> week of pregnancy</b>	Informally advise your manager of your pregnancy and your intention to take maternity leave	
	Think about whether you want to cancel Childcare vouchers to prevent it affecting your maternity pay calculation (if applicable)	
<b>By the 25<sup>th</sup> week of pregnancy</b>	Confirm in writing to your line manager: <ul style="list-style-type: none"> <li>• That you are pregnant</li> <li>• When the expected week of childbirth is (if known)</li> <li>• When you would like your maternity leave to begin</li> <li>• Whether you intend to return to work after your maternity leave</li> </ul>	
<b>26<sup>th</sup> week of pregnancy/ within 7 calendar days of the matching week</b>	Birthing parent obtain a Mat B1 form from their Doctor or Midwife/main adopter obtains a matching certificate from adoption agency	
	Complete the ordinary paternity leave application form (see <a href="#">[Appendix 4]</a> ) NB. There are two separate forms; one for ordinary paternity leave and another for additional paternity leave. If you wish to take both, you will need to complete both forms	
	Send a copy of the application form and a copy of the original MAT B1/matching certificate to your line manager for them to sign and give to your CAG/Corporate HR Advisor	
	Keep a copies of all documents for your own records and your manager	
<b>At least 8 weeks before you intend for your additional paternity leave to start</b>	Complete the additional paternity leave application form (see <a href="#">[Appendix 4]</a> )	
	Send a copy of the application form and a copy of the original MAT B1/matching certificate to your line manager for them to sign and give to your CAG/Corporate HR Advisor	
	Keep a copies of all documents for your own records and your manager	

**APPENDIX 8: EMPLOYEE SHARED PARENTAL LEAVE CHECKLIST**

When	Action to take	Tick
<b>As early as possible</b>	.1 Consider what leave arrangements work best and decide whether SPL is suitable	
<b>At least 8 weeks before the proposed shared parental leave start date</b>	.2 Complete the maternity/adoption leave curtailment form if you do not qualify for shared parental leave, but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay and you want the person who shares main responsibility to care for the child to take shared parental leave .3	
<b>8 weeks before the proposed shared parental leave start date</b>	.4 .5 If you are eligible for Shared parental leave complete and sign the shared parental leave (continuous and/or discontinuous) application form to notify the Trust of your maternity/adoption leave end date, eligibility, intention to take shared parental leave and your leave booking request.	
<b>8 weeks notice before proposed shared parental leave start date</b>	Your partner must sign the shared parental leave (continuous and or discontinuous) application form You must provide supporting evidence if required to do so by the Trust	
<b>By the leave start date</b>	Start leave or withdraw leave request if discontinuous leave has been requested and refused. .6	
<b>Within 7 days of the date of the outcome letter</b>	Arrange a meeting with your line manager to try to reach an agreement about the leave pattern for discontinuous leave. .7	
<b>Within 14 days of the date of the meeting</b>	If no agreement is reached you can choose to take the shared parental leave in a single block starting on the date you have chosen.	