# Maternity, Paternity, Adoption and Parental and Shared Parental Leave Policy

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| Author & Title:         | Nneka Opene  
                           | Deputy HRBP |
| Responsible Director:   | Director of HR |
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**Related Procedural Documents**

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- Supporting Attendance Policy
- Grievance Policy
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1. Policy Summary

Throughout this Policy the Royal United Hospital, Bath, NHS Trust is referred to as ‘The Trust’.

This Policy should be read in conjunction with the Trust’s Work Life Balance Supporting Attendance Policy, Grievance Policy and Agenda for Change Terms and Conditions section 15 & 35.

This Policy supersedes all other Maternity, Adoption, Paternity and Parental Leave Guidelines within the Trust.

2. Policy Statements

This Policy is intended to provide relevant information and is not an exhaustive account of all the regulations. The policy has been written to comply with the requirements of the Work & Families Act 2006. In this respect, it supersedes the maternity and adoption provisions in both the Agenda for Change terms and conditions as the provisions of the Work & Families Act are more beneficial in certain respects.

The purpose of the policy is to provide staff with information about their entitlements to leave and pay for the birth or adoption of a baby or child. The policy includes information on the qualification requirements for leave and pay in both of these circumstances and provides guidance on the steps staff should take in order to benefit. It also includes detail on other issues arising when a member of staff needs to take maternity, paternity, adoption, parental leave or shared parental leave.

The employee’s entitlement to maternity provision will vary according to their length of service within Trust and the National Health Service. The employee’s personal decision whether to return to work or not after maternity leave may also affect the level of any occupational maternity pay.

Employees wishing to take time off for adoption purposes, where the child is known to them, should refer to the Agenda for Change Handbook, paragraph 35.23.

3. Scope

This policy applies to all staff employed by the Trust including Medical and Dental staff.

This policy does not apply to Bank Workers, Agency Staff, Contractors, Honorary contract workers or volunteers.
4. Definition of Terms

ORDINARY MATERNITY/ADOPTION LEAVE (OML/OAL)
The entitlement to a period of 26 weeks leave regardless of how long an employee has worked for the NHS. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity allowance.

ADDITIONAL MATERNITY/ADOPTION LEAVE (AML/AAL)
The entitlement to a further period of up to 26 weeks unpaid leave regardless of how long an employee has worked for the Trust.

SHARED PARENTAL LEAVE (SPL)
SPL is a form of leave which enables eligible working parents following the birth or adoption of a child to take time off to share the care of the baby during an equivalent period to the mother’s maternity or adoption leave.

PARENTAL LEAVE
The entitlement of a father, or co-parent to take 2 weeks leave up anytime up to to 56 days from the birth or adoption of the child.

National Insurance (NI) contributions

MAT B1 FORM
The certificate provided by the employee’s GP or Midwife, anticipating the potential date of the birth of their baby. Usually issued to expectant mothers between the 24th and 26th week of pregnancy.

EXPECTED WEEK OF CONFINEMENT (EWC)
The week in which the baby is due to be born.

QUALIFYING WORK (QW)
Qualifying week: 15th week before the EWC.

STATUTORY MATERNITY/ADOPTION PAY (SMP/SAP)
The minimum level of Maternity/Adoption Pay that an employee is entitled to through State provision if an employee has 26 weeks continuous NHS employment by the 15th week before their EWC and paid sufficient National Insurance (NI) Contributions. This is in line with Section 15 of Agenda for Change.
STATUTORY MATERNITY/ADOPTION ALLOWANCE (SMA/SAA)
Allowance paid by Department of Work and Pensions to those employees, who do not qualify for Statutory Maternity Pay. Eligibility is determined by the Department of Work and Pensions (DWP).

STATUTORY SHARED PARENTAL PAY (SHPP)
ShPP is paid at a rate set by the government each year. ShPP of up to 39 weeks (less any weeks statutory maternity/adoption pay claimed by you or the co-parent), is usually available.

OCCUPATIONAL MATERNITY/ADOPTION PAY (OMP/OMA)
Maternity/Adoption Pay will be based on eligibility and is paid by your Employer.

CONTINUOUS LEAVE
A period of leave that is taken in one block e.g. four weeks’ leave.

DISCONTINUOUS LEAVE
A period of leave that is arranged around weeks where the employee will return to work, e.g. an arrangement where an employee will work every other week for a period of three months.

CURTAIL
Where an eligible parent brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period.

KIT DAYS
Keep in Touch days. During maternity leave the employee can choose to attend work for a maximum of 10 KIT days.

SHARED PARENTAL LEAVE IN TOUCH DAY (SPLIT DAYS)
During Shared Parental Leave an employee will be able to agree up to 20 SPL in Touch (SPLIT) days. These are in addition to the 10 Keeping in Touch (KIT) days available to employees on Maternity leave.

MATCH
When an adopter is approved to adopt a named child or children.

DEPARTMENT FOR WORK AND PENSIONS (DWP)
The DWP is the government department that assesses eligibility for state benefits.
5. Duties and Responsibilities

5.1. Employee

- Employees are responsible for co-operating in the Maternity, Paternity / Partner, Adoption, Parental and Shared Parental leave procedures and should make every effort to attend any meetings arranged by management.
- Employees are responsible for arranging their own trade union representation or support throughout the Maternity, Paternity, Adoption and Parental leave procedures.

5.2. Manager

- Managers are responsible for responding to employee’s requests for leave in accordance with this policy guidance and without any undue delay.
- Managers are responsible for undertaking any necessary workplace risk assessments for their staff and to ensure that they keep in touch with staff who are on extended periods of leave.
- Managers are responsible for informing Payroll of any changes by completion of the relevant Eforms.

5.3. Human Resources

- The Human Resources department is responsible for the creation and maintenance of records of applications for Maternity, Paternity, Adoption Parental leave and Shared Parental Leave within the Trust in line with best practice for information governance.
- To support, where necessary, managers through the Maternity Paternity, Adoption, Parental and Shared Parental leave procedures, including the grievance stage if required.
- The Human Resources department is responsible for the review and maintenance of the Maternity, Paternity, Adoption and Parental leave policy through agreed forums within the Trust.

5.4. Professional registration

The Trust requires that all employees required to be registered with a professional body maintain registration at all times during their employment with the Trust. This includes any periods of maternity, paternity, parental, adoption leave or shared parental leave whether paid or unpaid.

5.5. Staff support

The Employee Assistance Programme (EAP) offers free confidential counselling through qualified counsellors. This service is available to employees and their family members. For more details click here to visit their website or telephone 01225 825960 or 01225 824484.

6.1. Notification requirements
To apply for maternity leave, an employee should notify the Trust by completing the Application Form for Maternity/Adoption Leave (Appendix 3) no later than the end of the 15th week before the expected week of confinement (EWC) or in the case of adoption more than 28 days before the child is placed with the employee. The notice must state:

- Whether they intend to take ordinary Maternity and Adoption leave and/or additional Maternity and Adoption leave.
- When they want the Maternity and Adoption leave to start; this date cannot be earlier than the 11th week before the EWC or more than 14 days before the child is placed with the employee in cases of adoption. If the child is coming from abroad, adoption leave may begin on the date the child enters the UK or a date up to 28 days later.
- The week in which the child is due/or due to be placed (note that for these purposes a week begins on a Sunday).

An original copy of the MAT B1 form signed by the GP or midwife should be attached with the application which confirms the EWC. For Adoption, a Matching Certificate should be attached, (please note that Maternity and Adoption pay cannot be processed without the MAT B1 or Matching Certificate).

Once the manager has been notified of the intended start date or that the ordinary Maternity and Adoption leave period has commenced due to absence or premature childbirth, written notification will be given to the employee by the Human Resources Team:

- Of the date on which the ordinary Maternity and Adoption leave period will end;
- Of the date the additional Maternity and Adoption leave period will end.

The above notification will also be given where the Trust has been notified of:

- The intended start date, or that it has been commenced by premature absence or premature childbirth within 28 days from the date in which the Trust received the notification;
  A variation, within 28 days of the date on which the employee’s ordinary Maternity and Adoption leave period commenced.
6.2. **Medical evidence**

The employee's expectant mother’s doctor or midwife will issue the employee with a form MAT B1 (certificate of confinement) form, usually in the employee's 24th to 26th week of pregnancy. This should be handed in as soon as possible to the employee’s manager so that the Trust has formal confirmation of the employee's expected week of childbirth confinement. The Trust cannot start paying maternity pay under either scheme without this certificate.

There is no requirement for the employee expectant mother to produce any documentation to demonstrate that the employee she is fit to work past the employee's 29th week of pregnancy, although the employee should still discuss the employee's her fitness to work with the employee's doctor or midwife, and only work for as long as he/she recommends. The employee's manager may ask the employee expectant mother to see an Occupational Health Adviser to ensure that the work the employee she does will not cause any harm to either the herself or the unborn child employee or the employee’s baby.

6.3. **Commencement of maternity leave**

The employee may commence maternity leave at any time from 11th week before the expected week of confinement up to the date of birth, provided that the notification procedures have been complied with.

Maternity leave will automatically commence in the event of absence from work for any pregnancy related illness during the four weeks prior to the commencement of the EWC, regardless of when maternity leave was actually planned to begin. Maternity leave will begin automatically on the day after the first day of the employee’s absence from work in such cases.

If an employee gives birth before the employee's maternity leave period was due to commence, she must notify the Trust in writing as soon as is reasonably practicable of the date. In this instance, the maternity leave period will commence automatically on the day after the date of birth.

Any notification to vary the date for commencement of Maternity or Adoption leave must be made in writing at least 28 days before the revised date. Discretion will be applied in circumstances where this has not been possible.

6.4. **Compulsory maternity leave**

Legislation prohibits mothers from returning to work during the two week period immediately following the birth of their child.

6.5. **Premature and stillbirth**

Where an employee’s baby is born alive prematurely i.e. at least 11 weeks before the baby is due, the employee can agree with the line manager for the Maternity and Adoption leave to be split, taking a minimum of two weeks leave immediately after the childbirth and the rest of the leave when the baby is discharged from Hospital.
In the unfortunate event of a stillbirth occurring from the beginning of the 25th week of pregnancy, the employee will be entitled to the same amount of Maternity Leave and pay as if her baby was born alive.

Where an employee has a miscarriage before the end of the 24th week of pregnancy, normal sick leave provisions will apply.

6.6. Risk Assessment prior to maternity leave

In order to comply with Health and Safety legislation the employee must inform their line manager at the earliest possible opportunity that they are pregnant. This is to ensure that the job the employee is doing will not adversely affect them their unborn child during pregnancy.

Until the Trust has received written notification from an employee, the Trust is not obliged to take any action other than those resulting from the risk assessment for all their employees.

The employee’s line manager will undertake a risk assessment in order to ascertain whether there are any significant risks to the employee’s health and safety which may affect their pregnancy. The Trust is obliged to assess the physical, biological, chemical risks, working conditions and processes. These risks will vary depending on an employee’s health, and at different stages of their pregnancy. A form has been designed for these purposes and is detailed in (Appendix 1).

The actual risk to the employee depends on the ‘nature, degree and duration of the exposure’ in each case. Therefore each case will be assessed on its own criteria.

Some of the more common risks might be:

- lifting/carrying of heavy loads;
- standing or sitting for extended periods of time;
- exposure to infectious diseases;
- work-related stress;
- workstations and posture;
- exposure to radioactive material;
- threat of violence in the workplace;
- long working hours;
- excessively noisy workplaces.

The pregnant employee is expected to assist with their risk assessment. It is important that any advice an employee has received from their doctor or midwife, which could impact on the assessment, is passed on to their line manager. The risk assessment will be monitored and reviewed on a regular basis to ensure the employees’ health and safety needs are being met.

Once the assessment has taken place, the Trust will decide what appropriate measure to take in response to the results of the assessment. The results and measures will be communicated to the employee.
Assessment will take place in respect of all activities liable to involve a specific risk of exposure to the agents, processes or working conditions.

6.7. Maternity suspension

Where the assessment identifies a risk which cannot be avoided, the Trust must take steps to remove the risk or offer different suitable work (with no less favourable terms and conditions); if no suitable alternative work is available, the Trust must suspend the expectant mother on full pay for as long as necessary to protect her health and safety or that of her baby.

During this period of absence, the employee will retain full contractual rights. However, if the employee unreasonably refuses an offer of suitable alternative employment, the employee may risk losing the right to remuneration.

6.8. Maternity and adoption leave pay guiding principles

When the employee receives medical confirmation of pregnancy, the employee should notify the manager of, the expected week of confinement (EWC) and the date on which the employee wants to commence Maternity leave., (which must not be a date earlier than the 11th week before the EWC). For adoption this should not be more than 14 days before the child is placed with employee).

The Trust undertakes to ensure that Maternity and Adoption leave does not cause staff any long-term disadvantage in relation to training needs and/or self-development.

Employees returning to work during or at the end of the first 26 weeks (Ordinary maternity/adoption leave, or Paternity Leave) are entitled to return to the same job on the same terms and conditions.

Employees taking more than 26 weeks (Additional maternity/adoption leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn’t reasonably practicable the employee is entitled to return to a suitable job on terms and conditions, which are no less favourable.

6.9. Leave entitlements

The employee is entitled to take up to a maximum of 52 weeks Maternity/Adoption Leave. This is made up of two parts:

Ordinary Maternity and Adoption Leave (OML)
The first 26 weeks of Leave is referred to as Ordinary Maternity /Adoption Leave. Employees are entitled to take 26 weeks ordinary Maternity or Adoption leave irrespective of their length of service or the number of hours worked each week, provided they comply with certain notification requirements.
**Additional Maternity and Adoption Leave (AML)**

Employees who qualify for ordinary Maternity or Adoption leave will also qualify for Additional Maternity Leave (AML). This is a further 26 week period that starts the day after the OML ends.

**6.10. Maternity and adoption pay**

Rates of pay for Maternity/Adoption Leave will be dependent upon the employee’s individual situation. (Appendix 2) contains detail within a Flow Chart of Maternity/Adoption Leave and Pay Entitlements.

**6.11. Statutory pay**

If an employee has at least 26 weeks’ continuous NHS service at the start of the 15\textsuperscript{th} week before their child is born, they will normally be entitled to receive Statutory Maternity and Adoption pay (SMP & SAP) whether or not they intend to return to work. To qualify for SMP/SAP to be paid by the RUH an employee has to be employed by the RUH at the 15\textsuperscript{th} week before the EWC. If not employed by the RUH at the 15\textsuperscript{th} week the SMP may be payable by the previous NHS Employer or DWP.

Statutory Maternity and Adoption pay is payable at two rates for a maximum of 39 weeks. For the first six weeks the **higher rate** of either Statutory Maternity pay or 90\% of salary will be paid.

After this time employees will be paid at the rate, whichever is lower of Statutory Maternity Pay or 90\% of their earnings, Statutory pay rates can be found on the HM Revenues and Custom website: [www.hmrc.gov.uk/paye/employees/statutory-pay/smp-overview.htm#1](http://www.hmrc.gov.uk/paye/employees/statutory-pay/smp-overview.htm#1)

**6.12. Occupational pay**

Employees with 12 months continuous service with one or more NHS employers at the beginning of the 11\textsuperscript{th} week before the expected week of childbirth and intend to return to work for a minimum of 3 months after their leave are also entitled to Occupational Maternity and Adoption Pay. This is paid at 8 weeks full pay inclusive of Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay, 18 weeks half pay plus Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay.

Full pay is calculated by taking the average over the eight week period prior to the qualifying week. For monthly paid staff this will include all the pay the employee receives in the 2 months up to and including the last normal pay day before the end of the qualifying week. The qualifying week is 15 weeks before the expected week of confinement.
Should the employee opt to receive Occupational Maternity/Adoption pay and then later decide not return to undertake the 3 months of work required within this policy, they may be liable to repay the difference between Statutory Pay and the Occupational Pay received.

Maternity and Adoption pay will be paid into the employee’s bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, National Insurance (NI) and pension contributions.

6.13. Maternity/Adoption allowance

Employees with less than 26 weeks continuous service at the start of the 15th week before their child is born/adopted may be entitled to claim Maternity/Adoption allowance from the DWP. The Department for Work and Pensions website is: www.dwp.gov.uk

If an employee is not eligible for Maternity or Adoption allowance or pay they may be entitled to claim Maternity Allowance direct from the Department for Work and Pensions by completing an SMP1 form, which, the payroll department will can provide.

If an employee is unsure as to what maternity/adoption leave or pay they are entitled to claim they should contact the Department for Work and Pensions.

6.14. Maternity/Adoption leave whilst on a fixed term or training contract

If the employee’s fixed term contract expires more than 15 weeks before the baby is due, the employee is not entitled to maternity/adoption leave or pay and their contract will terminate on the existing date of termination.

If the employee’s contract expires less than 11 weeks before the baby is due, or during the employee’s maternity/adoption leave, the employee will be entitled to the same maternity/adoption pay as if the employee had a permanent contract. In this situation, and where the employee has the required service to entitle them to SMP and OMP, the employees fixed term contract will be extended to allow them to take 52 weeks of Maternity/Adoption leave. Where, as a result of their length of service, the employee is only entitled to SMP, their contract will be extended until the date that SMP ceases.

If the employees contact expires between the 11th and 15th week before the baby is due, then the employee will not be entitled to OMP, but they may be entitled to SMP. Where the employee has 26 weeks service with the Trust at 15 weeks, SMP will be paid and the fixed term contract extended until the date that SMP ceases. Where the employee does not have 26 weeks service with the Trust at 15 weeks prior to when the baby is due then the employee will not be entitled to SMP or OMP and the contract will terminate on the existing date of termination.
Where the employee’s contract expires during the employees maternity/adoption leave, the employee will not be entitled to return to work.

If the employee is a medical practitioner or is participating in a planned rotation of appointments as part of a training programme, the employee has the right to return to the same post or in the next planned post with the same or another authority, irrespective of whether the contract would have ended if pregnancy and birth had not occurred. In this case, the contract will be extended to enable the training programme to be completed.

Further information on Maternity/Adoption Leave for Doctors in Training can be found on the NHS Employers website at: www.nhsemployers.org

If there is no right of return to be exercised because the contract would have ended if pregnancy/adoption had not occurred ‘Failure to return to work’ will not apply unless the employing authority can demonstrate that the declaration of intent to return was not signed in good faith.

7. Additional Maternity/Adoption Leave Provisions

7.1. Antenatal care

All pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes.

After the employee’s first antenatal appointment, the employee should show their manager their appointment card and discuss the need for time off, so that their manager can make any necessary arrangements to cover the employee’s absence. In exceptional circumstances, the employees manager may ask the employee to change the time of their appointment, if it will be inconvenient to the department and the employee should comply with this if practical.

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments.

7.2. Sickness during pregnancy

If the expectant mother is sick for a pregnancy related reason at any time during the four weeks before the expected week of confinement, the employee’s maternity leave will automatically begin on the day after the first day of the absence. If the expectant mother is sick earlier than this or as a result of a reason other than the pregnancy, the absence will be recorded in the normal manner.

Special consideration will be given to managing the health and attendance of pregnant women and pregnancy related absences will be disregarded for the purposes of setting targets under the Trust’s Policy for Supporting Attendance in relation to short-term sickness absence.
7.3. **Annual leave and bank holidays**

An employee’s entitlement to annual leave and bank holidays accrues during maternity/adoption leave, whether it is paid or unpaid. If the employee has any outstanding annual leave before the start of maternity/adoption leave, the employee should discuss and agree with their manager whether they wish to take some or all of it before the maternity/adoption leave starts. If this is not possible, the employee should discuss and agree the possibility of taking accrued annual leave when they return from maternity/adoption leave, either in a single period or to allow a short period of part-time working, especially where the employee may be carrying annual leave/bank holidays over into a new leave year.

If the employee declares their intention not to return to work at all, any outstanding annual leave for the entire period of maternity leave will ideally be taken prior to the employees maternity leave start.

7.4. **Unpaid leave following maternity/adoption leave**

If it is the employee’s intention to take unpaid maternity/adoption leave directly after paid maternity/adoption leave, then this would be treated as normal unpaid leave, which the employee’s manager is under no obligation to grant. However, the employee may make an application for a period of unpaid leave in line with the Trust’s Work Life Balance Policy or for a period of statutory unpaid parental leave, details of which are given in this Policy under *Section 11* for Parental Leave.

7.5. **NHS pension scheme**

Pension rights and contributions are dealt with in line with the provisions of the NHS Pension Scheme. During periods of paid maternity/adoption leave, the Trust will continue to make pension contributions as if the employee is working and earning the employees normal pay. The employee will continue to make contributions at the usual percentage rate of the employees maternity/adoption pay.

During periods of unpaid maternity/adoption leave, the employee’s occupational pension rights will continue to accrue. If the employee is already making contributions to the NHS Pension Scheme and the employee decides to take the option of unpaid maternity/adoption leave, the employee will be required to pay the accumulated contributions to cover the period of unpaid maternity/adoption leave. The accumulated contributions are taken over a period of time from the employee’s salary when the employee returns to work.

If the employee decides that they do not wish to return to work when they previously stated that it was their intention to do so, then the employee will still be liable for contributions to the scheme and arrears may be payable if the employee has taken a period of unpaid leave.
7.6. **Pay awards, incremental dates and continuous service**

Taking a period of maternity/adoption leave will not affect the employee’s incremental date. This includes increments where the employee is at a gateway point, pay awards or the employees continuous NHS and Trust service.

7.7. **Child Care Vouchers**

Childcare vouchers will be deducted from OMP but cannot be deducted from SMP or a period of no pay.

8. **Keeping in touch (KIT) Days during Maternity / Adoption Leave**

Before starting maternity/adoption leave, the employee’s manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee may also agree to receive occasional work-related updates. The employee is under no obligation to keep in touch or to maintain any contact discussed before the maternity/adoption leave begins.

The law allows women to attend work for a maximum of 10 ‘Keeping in Touch’ (KIT) days during their maternity/adoption leave to facilitate a smooth return to work. These days can be consecutive, can be shorter than a normal working day and can include training sessions etc. Working for a part of any days counts as one of the 10 KIT days. Any such KIT days and the arrangements for them must be agreed by both the employee and her manager and neither can insist on KIT days being used.

KIT days will be paid at the normal hourly rate as if the employee were at work if taken during the unpaid part of the employees maternity/adoption leave. If a KIT day is taken during paid maternity/adoption leave the employee will be paid at the normal hourly rate with an adjustment made to the SMP and OMP calculation for that week. Payment of KIT days will be given on the return from maternity/adoption leave. The employee’s manager should complete a e- changes form on the employees return stating the number of KIT days and the dates.

Normally, KIT days would include for example:

- For training
- Away or development days with the team
- To communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change
9. Return to Work

9.1. Notification of return to work

Prior to commencing Maternity/Adoption Leave the employee will be required to indicate on their Maternity / Adoption leave application form whether they intend to return to work for Occupational Maternity/Adoption Leave purposes. Once the employee has submitted their Form, the HR Department will write to the employee within 28 days to confirm the employees return to work date and entitlement to maternity/adoption leave and pay.

If the employee wants to return to work before the end of the stated maternity/adoption leave period, the employee must give their manager 8 weeks’ notice of the date they wish to return to work. This notification does not have to be in writing and may be given before the period of maternity/adoption leave begins. We would encourage the employee to discuss the employees return to work date with their manager at the earliest opportunity, so that suitable arrangements are put in place.

If the employee does not give the required notice of an early return to work the Trust may postpone the employees return until a date that would secure the 8 weeks’ notice. If the employee still returns to work before this date, the Trust is under no obligation to pay the employee during the period of postponement.

If the employee is unable to return to work on the date notified because of sickness, the Trust’s normal procedures for supporting attendance will apply and the employee should notify their manager in the usual way.

If the employee wishes to resign during or after a period of maternity/adoption leave, the employee should give written notice in the usual manner to their manager.

If the employee wishes to apply for a period of unpaid parental leave or a flexible working arrangement after a period of maternity/adoption leave, the employee should refer to the Section 11 in this Policy on Parental Leave or the Trust’s Work Life Balance Policy.

There is no automatic right for the employee to reduce their hours or return to work on different conditions, but the employee’s manager will consider the request in line with the Trust’s Work Life Balance Policy and give the employee objective reasons in writing, if it cannot be granted.

On the employees return to work after a period of maternity/adoption leave, subject to any organisational change, the employee has the right to return to the same job, on no less favourable terms and conditions. If there is no right of return because the contract of employment would have ended if pregnancy and childbirth had not happened, the repayment provisions set out above will not apply.
When the employee returns to work, the employee’s manager will update the employee on developments in their absence, including new and amended policies and arrange an induction appropriate for the length of the employee’s absence from work.

The employee has the right to paid time off for post-natal care. The employee should show their manager their appointment card and discuss the need for time off, so that their manager has time to make any necessary arrangements to cover the employee’s absence. In exceptional circumstances, the employees manager may ask the employee to change the time of their appointment, if it will be inconvenient to the department, and the employee should comply with this if practical.

A list of frequently asked questions and answers in relation to Maternity and Adoption Leave/Pay are detailed in (Appendix 4). In addition to this a fact sheet on maternity rights can be found on the Working and Families website: www.workingfamilies.org.uk

9.2. Risk assessment post maternity leave and whilst breastfeeding

It’s up to mothers to decide how long they want to breastfeed. Before returning to work, she should give her line manager written notification that she’s breastfeeding. Her manager must then conduct a specific risk assessment.

The Health and Safety Executive (HSE) recommends that it’s good practice for employers to provide a private, healthy and safe environment for breastfeeding mothers to express and store milk.

The Trust’s Occupational Health and Health & Safety Department will be able to give guidance or advice if either the employee or their line manager is unsure about how the employee’s job may affect them during and after their pregnancy.
10. **Paternity / Partner Leave**

10.1. **Paternity/Partner leave**

Paternity leave applies to biological and adoptive fathers (or adoptive mothers if the Father is the primary care giver), nominated carers and same sex partners.

Employees who meet the eligibility criteria are entitled to **two weeks** paid leave.

**Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).**

The Contract of Employment continues throughout Paternity Leave and an employee is entitled to return to the same job.

Paternity / Partner leave should be taken within 56 days of the date of the child’s birth, Adoption placement, or start of the expected week of childbirth. This can be taken as one week or two consecutive weeks. Managers should ensure that requests for paternity leave are dealt with as quickly as possible and that all requests are honoured where possible. All requests must be considered in line with individual needs and service requirements.

10.2. **Antenatal care**

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments.

10.3. **Process for obtaining paternity / partner leave**

A request for Paternity / Partner Leave and Pay should be made by completing a Paternity/Partner Leave Application form as detailed in Appendix 5 and submitted to the employee’s line manager at least 28 days before the date they expect the leave to start. The manager may ask for evidence i.e. Copy of MAT B1/Matching Certificate.

Employees must also complete a SC3 form or SC4 form if adopting, ‘Becoming a Parent’ at least 28 days before the date they expect the leave to start. The SC3/SC4 forms can be obtained from the HR Department or from the following website:- http://www.hmrc.gov.uk/forms/sc3.pdf

Paternity / Partner Leave cannot start until after the birth or placement of the child.

10.4. **Paternity pay**

Rates of pay for Paternity Leave will be dependent upon the employee’s individual situation. Appendix 6 details a flow chart that summarises the entitlements to Paternity Leave/Pay.
10.5. **Statutory paternity pay during paternity leave**

An employee is entitled to 2 weeks paid Statutory Paternity leave if they:

- have or expect to have responsibility for the child's upbringing;
- are the biological father of the child or the mother's husband or partner;
- have worked continuously for the Trust for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

Statutory Paternity leave is paid at the rate of statutory pay or 90% of their earnings, whichever is less.

10.6. **Occupational paternity pay during paternity leave**

All employees who have twelve months continuous service with the NHS before the child is expected to be born, or placed in Adoption, are entitled to Occupational Paternity Pay. This is paid at full pay for two weeks, inclusive of Statutory Paternity Pay.

10.7. **Additional paternity leave**

Additional Paternity Leave has no longer exists and has now been replaced with Shared Parental Leave which aims to give parents flexibility over how they share childcare during the first year of the child’s life/placement.

This is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother or adopter shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date.

Please refer to Section 12 of this policy for more details on Shared Parental Leave.

10.8. **Stillbirths**

If a stillbirth occurs after the start of the 16th week before the expected week of confinement, Paternity leave is still applicable provided that all the other conditions have been met.

10.9. **Return to work**

Employees are entitled to return to the same job following Paternity Leave.
11. Parental Leave

11.1. Eligibility

Parental Leave should not be confused with Shared Parental Leave Parental leave is separate entitlement for eligible parents. See Section 12 for details on Shared Parental Leave policy for more details.

Parental Leave is for employees to take time off work to look after a child's welfare, this leave is normally unpaid, and is available for each child up to their 18th birthday.

If an employee has completed one year's continuous service with an employer, they are entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's 18th birthday.

An employee has the right to unpaid parental leave if all of the following criteria applies. He or she:

- has at least one year’s continuous service with the NHS at the time of the request;
- is named on the child’s birth or adoption certificate or they have or expect to have parental responsibility;
- is not self-employed or a ‘worker’, e.g. an agency worker or contractor;
- is not a foster parent (unless they’ve secured parental responsibility through the courts);
- has a child under 18 years.

11.2. Applying for unpaid parental leave

The first application for parental leave for each child should be accompanied by supporting evidence of parental responsibility. This can be in the form of:

- child’s birth certificate;
- adoption matching certificate/official notification;
- documents from a court detailing acquired formal parental responsibility.

In cases where a father or the partner of a mother wishes to take parental leave immediately after the birth of a child, a copy of the MAT B1 certificate should be provided as supporting evidence. A copy of the child’s birth certificate should be forwarded to the manager at the earliest convenience. Such parental leave would be in addition to any entitlement to paternity leave.

Employees wishing to take parental leave should discuss their request with their manager as early as possible to facilitate cover arrangements.
An employee should make a request for parental leave on the form attached to this policy (Appendix 7) and send it his or her manager at least 21 days before the proposed start of the leave. The manager will confirm in writing the dates of the parental leave requested and whether or not it has been granted.

Managers will act reasonably in considering all requests for parental leave and will, where possible, grant the leave requested. If managers wish to turn down a request for parental leave they must be able to demonstrate a significant reason, e.g. serious disruption to the department.

Managers are responsible for advising payroll about a period of unpaid parental leave via an e-changes form and should also log all parental leave dates on the payroll monthly return form.

11.3. **Amount of unpaid parental leave which can be taken**

If an employee meets the eligibility criteria, then they are entitled to a total of 18 weeks unpaid parental leave for each child born or adopted. In the case of multiple births, 18 weeks parental leave is available for each child.

The Trust may request confirmation from a previous employer of any periods of parental leave or ask the employee to sign a declaration about the amount of parental leave already taken. Dishonest claims for parental leave will be dealt with under the Trust’s Managing Conduct Policy.

Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless the manager agrees otherwise or the child is disabled.

**Employees cannot take off more than four weeks during a year per child. A week is based on an employee's working pattern.**

11.4. **Postponing parental leave**

There may be exceptional circumstances in which it is not possible to grant a request for parental leave at the time requested by the individual. This may be due to operational requirements (e.g. peak absence time, difficulty in finding cover). In these circumstances the leave requested may be postponed by the manager for up to six months. Parental leave cannot be postponed by a manager for more than six months.

The Trust will not postpone any period of unpaid parental leave immediately after the birth or adoption of a child if 21 days' notice has been given. Provided the employee has given 21 days' notice of the expected week of birth, a period of unpaid parental leave will start on the day the child is born, regardless of whether the child is born early or late.
An entitlement to parental leave is not lost if it is postponed by the Trust beyond the child’s 18th birthday.

When parental leave has been postponed by the Trust, the manager will write to the employee stating the reasons for the postponement.

Parents may request a change to the dates for which parental leave has been agreed, provided they give as much notice as possible. Managers may allow a change to or the cancellation of a period of parental leave, if reasonably practicable.

11.5. Continuous service
A period of unpaid parental leave will count as continuous employment with the Trust, although pay and most contractual benefits are suspended.

11.6. Holiday entitlement
An employee’s entitlement to paid holiday accrues during a period of unpaid parental leave.

11.7. Pension contributions
When an employee is on a period of unpaid parental leave, occupational pension rights are preserved and normal pension contributions deducted if the employee is in the NHS pension scheme.

11.8. Return to work
At the end of a period of unpaid parental leave, an employee is entitled to return to the same job.

The mother must physically return to work for a total of three months after maternity leave and any subsequent periods of parental leave, unless prevented from doing so by sickness. The Maternity Leave section in this policy gives further guidance on this issue.

A period of parental leave does not fulfil the obligation of a mother to return to work for three months to qualify for the higher maternity benefits provided by the NHS maternity scheme.

Employees not wishing to return to work after a period of parental leave should resign in writing to their manager in the usual way.

12.1. Key principles
SPL is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 05 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child’s first year.

The regulations give parents the right to take SPL and place a duty on employers to ensure that their employees are not penalised for using their entitlement or put under pressure to cancel / change a leave notification.

Employed eligible parents/adopters will continue to be entitled to 52 weeks of Maternity/Adoption Leave and 39 weeks of statutory maternity pay or maternity allowance. If they choose to do so, an eligible parent/adopter can end her maternity leave early and, with her partner or the child's father, opt for SPL instead of Maternity Leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their SPL and Pay entitlement.

Paid Paternity Leave of two weeks will continue to be available to fathers and a parent's or adopter's partner; however Additional Paternity Leave will be removed, (SPL will replace it).

Adopters will have the same rights as other parents to SPL and pay.

12.2. Qualifying criteria for SPL
To qualify, the parent or adopter must be entitled to, and have given notice, to curtail their maternity or adoption entitlements and must share the main responsibility for caring for the child with the child's father or their partner.

There are two tests that must be met in order for a parent to be eligible to take SPL, they must be an employee and must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

Where both parents satisfy the continuity of employment test requirement they will both be able to make use of the pot of SPL. The regulations do mean though that a family can still use SPL even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take SPL but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

12.3. Continuity of employment test
The person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that SPL is to be taken.
12.4. Employment and earnings test
The person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 week in 13 of the 66 weeks.

12.5. Statutory shared parental pay (ShPP)
Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the parent/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

• the parent/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 ShPP has begun;
• the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

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

• the start and end dates of any maternity/adoption pay or maternity allowance;
• the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
• a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation 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 organisation to process any ShPP payments to the employee;
  ▶ (in the case whether the partner is the parent/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
  ▶ (in the case whether the partner is the parent/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12.6. Considerations
Not everyone will meet the criteria to qualify for SPL but even those who are eligible may find that other arrangements suit them better. It will be sensible for parents to give serious consideration as to which option will be most beneficial to their situation.

In relation to SPL, considerations may include:

1. Whether one or both parents/adopters qualify for SPL and how they would like to share the care of the child.
2. Whether the parent/adopter is prepared to reduce their maternity/adoption leave in order to take SPL instead.
3. Is there a contractual entitlement to enhanced maternity/adoption/paternity/SPL pay and would reducing the parent's/adopter’s maternity/adoption leave impact on this?
4. Availability of other legal rights (such as flexible working requests, annual leave and parental leave) and how they could work alongside SPL.
5. The wider financial implications to the family e.g. pay and pensions.

If parents/adopters do not choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, a parent/adopter may choose to reduce their maternity leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks’ notice to their employer and take the SPL within a year of the birth/adoption).
For example:
Anita is due to have a child in two months’ time. She and her partner would like to share in caring for the child. Anita is entitled to contractually-enhanced maternity pay for 26 weeks while her partner has access to statutory pay rates under SPL and has not taken any annual leave so far in this year. Anita and her manager also want her to remain involved in a high-profile work project that will continue for some time.

Why SPL might not suit Anita…

• It makes financial sense for Anita to take advantage of her enhanced maternity pay scheme for at least 26 weeks.
• While her partner wants more than the two weeks’ paternity leave to care for the child, he might prefer to use his annual leave for this purpose instead of SPL.

Why SPL might suit Anita…

• SPL offers a good opportunity for the couple to equally share the time to raise the child between them.
• She could still take advantage of her occupational maternity pay by continuing maternity leave while her partner takes a period of SPL.
• She could stay involved in the project through the use of SPLIT days.

Having an early discussion can be helpful for an employee to explore options, find out what discontinuous leave arrangements the employer may be agreeable to, and what plans the employer has to accommodate the leave. It is good practice for employees and employers to do this before formal notices to book leave are given.

13. SPL Procedure

13.1. Notifying the Organisation of an entitlement to SPL

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

Part of the eligibility criteria requires the employee to provide the organisation with correct notification. Notification must be in writing; the RUH notification form (Section 13) should be completed and submitted to the employee’s manager.

It is the employee’s responsibility to check that they are eligible for SPL and ShPP before applying. The Trust will grant leave and pay based on the information and declarations provided by the employee. If it is subsequently discovered that ShPP was incorrectly paid, the Trust will correct their records and may recover wrongly paid ShPP as an overpayment of wages, as applies to all statutory payments.
13.2. Employer eligibility evidence requests

The Trust may, within 14 days of the SPL 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/adopters, 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 days of the employer’s request.

13.3. Fraudulent claims

Where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made. The Trust can investigate the matter further in accordance with the Trust’s Managing Conduct Policy without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

13.4. Discussions regarding SPL

An employee considering/taking SPL is encouraged to contact their manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

The employee’s manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a leave booking notice the employee manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee’s notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged, or if the employee is on Maternity or Adoption leave at the time of the request then the meeting may be held over the telephone.
At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.

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

### 13.5. Booking SPL

In addition to notifying the employer of entitlement to SPL and Statutory Shared Parental Pay (ShPP), an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending 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 the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

Once a period of leave is agreed the employees’ manager should raise an electronic Change of Conditions e-form to notify Payroll of the start and end date of the block of leave and how many weeks ShPP should be paid if applicable.

### 13.6. 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).

An employee has 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 them (specified in the notice of entitlement) and the employer has been given at least eight weeks’ notice.

An employee may submit up to three separate notifications for continuous periods of leave.
13.7. 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 the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see “Discussions regarding SPL” section 13.4).

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

13.8. Timeline for response

Once the employee’s manager receives the leave booking notice, 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.

13.9. Discontinuous leave approval and confirmation

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

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.

The employee 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. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee 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 the employee chooses to take the leave in a single continuous block, the employee has until the nineteenth day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.
13.10. Cancellation or variation of SPL requests

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation 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.

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 organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

The manager should raise an electronic Change of Conditions e-form as soon as any variation or cancellation of leave is confirmed to notify Payroll of the change.

14. Keeping in Touch whilst on SPL

14.1. Contact

Some contact during SPL periods will usually be beneficial for employers and employees. Whether this is done through SPLIT days or pre-arranged telephone contact is for both parties to consider.

Reasonable contact allows employers and employees to keep up-to-date on changes within the workplace and to personal circumstances that can help ease the employee’s return to work. The employer has legal obligations to the employee while they are away from work and therefore should keep the employee informed about everyday issues e.g. staffing changes and job opportunities.

How and when contact will take place should be discussed in advance of the leave period being taken and agreed upon.

14.2. SPL in touch (SPLIT) days

During SPL an employee and employer will be able to agree up to 20 SPL in Touch (SPLIT) days. These are in addition to the 10 Keeping in Touch (KIT) days available to employees on Maternity leave. There is no obligation on an employer to offer these days or for an employee to agree to them. SPLIT days can be used in situations where both parties feel it would be beneficial for the employee to attend a work-related activity, for example a training session or a team meeting, or to work part of a week to help the employee return to their role in a gradual way. SPLIT days should be worked as whole days and will be paid upon the employee’s return to work in whole days.
14.3. Sickness during SPL
Staff are not entitled to sick pay whilst on SPL. However, if the member of staff is ill on or after the date they have agreed to return to work following leave and submit a medical statement from a registered medical practitioner, or a self-certificate to cover the absence, they will be entitled to sick leave in accordance with normal sick leave provisions. It is the employee’s duty to keep their manager informed of any illness or changed circumstances that may affect current circumstances or anticipated date of return. An employee may also be referred to Occupational Health to seek guidance on their fitness to carry out normal duties.

15. Returning to Work from SPL

15.1. Notifying the Trust of your return
It is good practice to indicate the estimated return date on the application form (Section 14). The employee must give 8 weeks’ notice of the actual return to work date. If the incorrect notice is given, the return may be postponed or where no contact is made the Trust’s Managing Conduct policy may be invoked.

15.2. Return to work arrangements
Before the employee returns to work, the manager will ensure that:

- They calculate how much leave the employee has accrued during SPL and/or maternity/paternity/adoptive leave if applicable (in consultation with the employee) and agree when the employee plans to take this block of leave and when they will physically return to the workplace. Conversations about returning to work should take place at least 8 weeks prior to the start date of any accrued annual leave.

- A reorientation programme should be drawn up prior to the return and implemented over the first few weeks of return.

- A full analysis of statutory and mandatory training requirements for the member of staff should be undertaken and a programme of training established to ensure safe practice.

- A risk assessment under the pregnant or breastfeeding worker guidelines should be carried out, prior to their return to work if applicable.

- A change of conditions electronic form should be completed advising of the date of return (this will be the start date of a block of accrued annual leave if applicable) and any changes to working conditions agreed.

- For staff who require statutory/professional registration to practice, the manager must ensure they are registered before the employee recommences duties. This should be done with reference to the Professional Registration Policy.
15.3. Annual leave

Employees will accrue annual leave whilst on SPL. The employees should try to take annual leave within their leave year wherever possible. Where this is not possible, it is possible to carry it over to the next leave year, however any backlog of leave should be used immediately after the last planned block of SPL, before the employee physically returns to work. Employees will accrue their normal annual leave and bank holiday entitlements during paid and unpaid maternity leave and SPL.

Employees, in agreement with their manager, can take their accrued leave immediately following the end of their maternity leave, prior to physically returning to their role. Employees must give their manager at least 8 weeks’ notice if they wish to do this and this request must be approved by the manager.

As detailed in the Maternity Leave Policy, employees must return to work to the Trust or another NHS organisation for a minimum of three months to avoid the repayment of Occupational Maternity Pay. Any accrued annual leave taken immediately following the end of maternity leave will count towards the three months.

15.4. Returning to the same job

Staff have the right to return to their job under their original contract and on no less favourable terms and conditions.

Employees have a right to return to the same job after SPL if their maternity leave or combined leave period (comprising of maternity/paternity/adoption and SPL) totalled 26 weeks or less.

In the case where the number of weeks of maternity/paternity/adoption and SPL exceeds 26 weeks in aggregate, or the total number of unpaid parental week exceeds four weeks, an employer must allow an employee to return to the same job unless it is not reasonably practicable, in which case they must offer a suitable and appropriate job on terms and conditions that are no less favourable.

It is rare to justify any change to an employee’s role even after 26 weeks. If an employee believes they have unreasonably not been allowed to return to their role they should express their concerns in writing to their employer and seek advice or support from trade union representatives where they are available.

If staff wish to return to different hours or duties they must discuss and agree this with their manager and submit a Flexible Working Request (please refer to the Trusts Flexible Working Policy).

If the employee has recently given birth or is breast feeding and is unable to return on the intended date because an Occupational Health Doctor considers them either incapable of carrying out all or part of their duties for a reason connected to
pregnancy or childbirth, or that these duties would be a risk, the Trust will seek to provide temporary alternative work with no loss of pay.

Depending on specific circumstances, where it is not reasonably practicable to offer alternative employment, sickness absence or paid leave of absence will be given pending resolution. These issues must be discussed between the manager and employee as soon as possible in conjunction with Occupational Health and Human Resources.

16. Premature Birth and Special Circumstances

16.1. Premature birth

If the child is born before their expected due date and the employee had booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks’ notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee’s three notifications.

Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave. If the child is born more than eight weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks’ notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

16.2. Death of a child before or during birth, or within the first year

Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The parent will remain entitled to maternity leave and the parent’s partner could still qualify for statutory paternity leave.

If the parents have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

An employee who is absent on SPL may cancel agreed SPL and return to work by giving their employer eight weeks’ notice of their return to work.
16.3. Partner no longer caring for the child

If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer.

If the employee has any SPL arranged within eight weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their employee in work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

16.4. Death of a parent during the first year

If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

Should it be necessary for the other parent to take a further period of SPL or to vary pre-agreed leave then notice may be given as soon as is reasonably practicable if eight weeks’ notice cannot be given. If they have already given three notices to take leave they must be allowed to submit one further notice to book/amend SPL.

16.5. Multiple births / adoptions

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

17. Grievances

An employee who feels aggrieved by the interpretation or application of the Trust's Maternity, Paternity, Adoption and Parental Leave Policy is entitled to use the Trust's agreed Grievance Policy.
18. Review

The policy authors will review this policy in line with its agreed review dates or any significant amendments to legal or regulatory requirements.

There shall be no variation to this policy except by joint agreement through the Trust Consultation and Negotiation Committee.

19. Equality Impact Assessment

An Equality Impact Assessment has been carried out on the content of this policy and can be found at the end of this document.

20. Monitoring Compliance with the policy

The implementation of and compliance of this policy will be monitored using the following key performance indicators:

- Line Managers have received training on the contents of this policy within the last 24 months;
- The use of maternity, paternity and adoption leave is actively managed and there is documentary evidence of this;
- Decisions regarding the allocation of maternity, paternity and adoption Leave have been fair and in line with policy and have not been successfully challenged by the employee.

Monitoring will be performed by HR Managers.

Monitoring of the implementation of the policy will occur bi-annually.

Should the monitoring uncover any shortfalls in the implementation of the policy, the divisional manager and HR will work with the relevant departmental manager to draw up an action plan for improvement. This action plan may include:

- Additional training for the line manager;
- A risk assessment within the area of work;
- A review of departmental management processes;
- A review of the number of individuals within the department taking Special Leave.
## Appendix 1: Risk Assessment for Expectant / *New Mothers* given birth within 6 months

<table>
<thead>
<tr>
<th>Department:</th>
<th>Assessor:</th>
<th>Date of Assessment:</th>
<th>Review Date:</th>
</tr>
</thead>
</table>

### Name of Pregnant Worker:

### Expected Date of Delivery:

### Date of Birth of Pregnant Worker:

### Tasks Undertaken (state below):

### Environmental Hygiene Standards:

*(please circle)*

- Acceptable / Not Acceptable
- Comments:

### Job:

- Night / Day Work

### Pregnant / Non Pregnant / Given Birth in last 6 months / Breast Feeding

#### Assessment

<table>
<thead>
<tr>
<th>Hazards Identified</th>
<th>Action Taken / Recommendations / Modifications to Reduce Risk</th>
<th>Follow Up</th>
<th>Initials</th>
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<tbody>
<tr>
<td>(Attach additional sheets if required)</td>
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</tr>
</tbody>
</table>

1. **Physical Agents**
2. **Biological Hazards**
3. **Chemical Hazards**
4. **Radiation**
5. **Working Conditions**

### Assessment Hazards Identified

#### Further Comments:

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<th>Employee Signature:</th>
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<table>
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**Send a completed copy to Occupational Health for inclusion in Employee’s notes**

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<table>
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<tr>
<th>Document name:</th>
<th>Ref.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date:</td>
<td>Status:</td>
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</tbody>
</table>
Appendix 2: Entitlements to Maternity/Adoption Leave and Pay Flow Chart

PREGNANT/NOTIFIED OF ADOPTION

INTENDING TO RETURN FOR A MINIMUM OF 3 MONTHS*
and earn equal to or more than the National Insurance lower earnings

YES
1 year or more continuous NHS service at 11th week before expected week of childbirth/placement?

YES
At least 26 weeks’ service with RUH at 15th week before expected week of childbirth/placement?

YES
52 weeks’ maternity leave including 8 weeks’ full pay (inclusive of SMP/SAP) and 18 weeks’ half pay, plus SMP/SAP, plus 13 weeks SMP/SAP and 13 weeks unpaid maternity leave.

NO
52 weeks’ maternity leave including 8 weeks’ full pay, plus 18 weeks’ half pay plus SMP/SAP, plus 13 weeks SMP/SAP, (SMP/SAP element paid by DWP)

UNSURE
NO
At least 26 weeks’ service with RUH at 15th week before expected week of childbirth/placement?

NO
At least 26 weeks’ service with RUH at 15th week before expected week of childbirth/placement?

NO
52 weeks’ unpaid maternity leave.

YES
52 weeks’ maternity leave.

NO
Maternity/Adoption Allowance may be payable by DWP or your previous NHS Employer

YES
39 weeks’ SMP/SAP – 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate

NO
39 weeks’ SMP/SAP – 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate

YES
SMP/SAP, plus 13 weeks unpaid

NO
SMP/SAP, plus 13 weeks SMP/SAP, plus 13 weeks unpaid

52 weeks unpaid maternity/adoption leave. May be entitled to Maternity/adoption Allowance from DWP.

NO
More than one year’s service at 11th week. Deferred OMP payable 3 months after return to work – 8 weeks full pay (minus SMP/SAP, 18 weeks half pay. Plus 13 weeks SMP/SAP, plus 13 weeks unpaid maternity leave.

Document name: Maternity, Paternity, Adoption and Parental and Shared Parental Leave Policy
Ref.: 103
Issue date: 07 December 2016
Status: Final
Author: Nneka Opene – Deputy HRBP
Appendix 3: Entitlements to Maternity/Adoption Leave and Pay Flow Chart

ROYAL UNITED HOSPITAL BATH NHS TRUST

APPLICATION FOR *MATERNITY / *ADOPTION LEAVE AND PAY

*Please delete as applicable

Name………………………………… Post/Band …………………………………………………
Address………………………………………………………………………………………………
Ward/Dept …………………………………… Speciality ……………………………………………
Start Date with the RUH ………………………… Start date with the NHS ……………………

APPOINTMENT WITH OTHER NHS TRUSTS:

<table>
<thead>
<tr>
<th>WHERE EMPLOYED</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
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</table>

Section A – OPTIONS FOR PAYROLL PURPOSES
Please select one option from the list below for Occupational Maternity Pay.
Please ensure you have read the Maternity/Adoption Leave Policy, which explains eligibility for occupational maternity/adoption pay.

Option A  You intend to return to work in the NHS for a minimum of 3 months after maternity/adoption leave:-
You are paid your full salary for 8 weeks and half salary for 18 weeks plus any SMP entitlement, plus 13 weeks SMP.

Option B  You intend to return to work after *maternity/*adoption leave although you are not sure you will be able to:-
You are paid 9/10ths of your full pay for 6 weeks and 33 weeks SMP entitlement.
Then three months after your return to work you will be paid the difference between what you were paid and what you would have been paid had you have taken Option A if due.

Option C  You do not intend returning to work after *maternity/*adoption leave:-
You are paid 9/10ths of your full salary for 6 weeks plus 33 weeks SMP.

NB: If you do not have at least 26 weeks continuous service with the RUH at the 15th week before your expected week of childbirth then you may be entitled to Maternity Allowance from the Department of Work and Pensions.
HR INFORMATION

Please tick the box for the question that applies to you:

I intend to return to work ☐

I do not intend to return to work ☐

I have yet to decide about returning to work, should I return to work the full entitlement will be paid ☐

Expected week of childbirth/adoption placement date:……………………………………………………………..

Date of commencement of "maternity/"adoption leave or leaving date ……………………………

In addition to the 39 weeks paid "Maternity/"Adoption Leave I intend to take an additional number of weeks unpaid leave (where known, please insert number of additional weeks leave required in box)

Declaration: If You Do Intend To Return To Work Or If You Are Not Sure ☐

I understand that if I fail to return to work for a minimum period of 3 months after the expiry of maternity/adoption leave, I am liable to refund occupational maternity/adoption payments received less any Statutory Maternity/Adoption Pay entitlements; unless I submit a copy of my letter of appointment to another NHS authority after the expiry of my maternity/adoption leave (excluding staff on fixed term contracts).

I have read the Policy on Maternity/Adoption Benefits, which I understand and accept.

Signed ………………………………………………………..Date ………………………………………

Declaration: If You Do Not Intend To Return To Work

I have read the Policy on Maternity/Adoption Benefits, which I understand and accept. I also understand that completion of this form does not replace the normal requirements for notice and that, if I have not already done so I am required to submit my resignation stating the date I intend to terminate my employment.

Signed……………………………………………………..Date ………………………………………

Declaration: All employees

I understand that a change in my circumstances during payment of SMP may affect my entitlement and therefore I agree to notify the HR Department of any of the following as soon as possible:

I. If my actual week of childbirth is not the expected week of childbirth as stated on Mat B1 certificate (at the latest this information must be sent within 21 days of the actual date of childbirth).
II. If I start work for another employer after the birth/adoption of my baby.
III. If I go abroad outside the EC.
IV. If I am taken into legal custody.

Signed ………………………………………………………..Date ………………………………………

Employee
Please give this form together with your MATB1 certificate or Matching Certificate to your manager.

Application for *Maternity/*Adoption Leave and Pay authorised by:

SIGNED ……………………………………………………………… DATE………………………………………………
Ward/Departmental Manager

Please send this form together with the e-changes form to the HR Department.

SIGNED ……………………………………………………………… DATE ……………………………………………

HR Department

Please forward this application along with *MATB1/*Matching Certificate and e-changes form to the HR Department.
Appendix 4: Frequently Asked Questions – Maternity/Adoption Leave

1. When do I have to notify my manager of my intention to take maternity/adoption leave?

You will be required to notify your manager of your intention to take maternity/adoption leave by the 15th week before your expected week of childbirth (EWC). If this date changes, you must give your employer 28 days’ notice of this change, unless that is not reasonably practicable.

2. When can I start my maternity/adoption leave?

The earliest you can commence leave is the 11th week before your baby is due or no more than 14 days before the child is placed with the family in cases of adoption. For adoption leave if the child is coming abroad, adoption leave may begin on the date the child enters the UK or a date up to 28 days later. If during the four weeks before the expected week of childbirth, you are absent from work due to a pregnancy-related illness your maternity leave may be automatically triggered.

3. When will my maternity/adoption pay start?

The earliest point at which maternity/adoption pay can commence leave is the 11th week before your baby is due, as per maternity/adoption leave.

Bear in mind that you must inform your manager, in writing, that you are pregnant and of the date on which you wish to begin maternity leave by the 15th week before your due date. You may change this date later providing you give at least 28 days’ notice.

You can also change your mind about the date you return - again with the requirement that you give your line manager 28 days’ written notice of your new return to work date.

4. Will I be entitled to time of for Ante Natal Care?

All pregnant women have a statutory right to paid time off for antenatal case, regardless of length of service or the number of hours they work. After your first appointment you should show your line manager your appointment card and discuss your need for time off, so your line manager has time to make the necessary arrangements to cover your absence. In exceptional circumstances, your line manager may ask that you change the time of your appointment if it will be inconvenient to the department and you should comply with this if practical.

5. What happens if My Baby is Born Early?

Normally maternity leave and pay will not be affected if your baby is born after the intended start date of your maternity leave.

If your baby is born after the 11th week before your expected week of childbirth, but before the intended start date of your maternity leave, your maternity leave will start automatically on the day of the birth.

If your baby is born after the 11th week before your expected week of childbirth and the baby is in hospital, with the agreement of your manager you may choose to split your maternity leave entitlement, taking a short period of leave (minimum of 2 weeks) immediately after
your baby is born, and then returning to work and take the balance of leave when your baby is allowed home from hospital.

6. What happens if I lose my job before beginning my SMP?

If you lose your job or stop work before the qualifying week - the 15th week before your baby is due, you will not be entitled to SMP. If you lose your job or stop work after the qualifying week, you will still be entitled to SMP.

Your SMP will begin on either:

- The Sunday of the 11th week before your baby is due or
- The Sunday after the week in which your employment ends, whichever is later.

7. How much notice do I need to give to my employer if I am returning to work before the end of my maternity leave?

If you want to return to work before the end of your agreed maternity leave you will need to give your employer 8 weeks’ notice of your new return to work date. This notification does not have to be in writing and may be given before the period of paid/adoption leave begins. Employees are encourage to discuss their return to work date with their line manager at the earliest opportunity, so that suitable arrangements are put in place.

If you intend to return to work at the end of your full maternity leave entitlement you will not be required to give any further notification.

8. What if I am not entitled to any maternity/adoption pay?

In order to qualify for maternity/adoption leave, regardless of pay, you are required to inform your line manager of your pregnancy or adoption intentions in writing. You may be entitled to Maternity/Adoption Allowance, which is available from the Department of Work and Pensions (DWP). You will be provided a SMP1 form from payroll in order for you to complete, with which you will be able to claim Maternity Allowance/Adoption Allowance direct from the Department of Work and Pensions (DWP).

9. How much SMP do I receive if I have a multiple birth?

You are only entitled to one SMP payment regardless of the number of children born. However, you may be entitled to Child Benefit for each child. Contact your local Benefits Agency for further details.

10. What happens if I am sick at the end of my maternity leave?

You will need a sick certificate from your doctor. You will be recorded as having returned from maternity leave, and you will then be on sick leave and will need to follow the normal Trust’s and your departmental procedures for reporting sickness absence. Refer to the Trust’s Managing Health and Sickness Policy for further information.

11. Can I return part-time or to a job share?

If you wish to apply for a flexible working arrangement following maternity/adoption leave then you would need to do so in line with the Trust’s Work Life Balance Policy. Options may include part-time working or job share, where these options are appropriate and available and within the needs of the service provision. However, in the absence of such an agreement, you will be expected to return to your previous job under the same terms and conditions.
12. Can I go back on maternity leave once I have returned to work if it's still within the maternity leave period?

No. Unless your child was born before the Sunday of the 29th week of pregnancy, once you have returned to work from your maternity leave you will not be able to go back onto Maternity Leave, paid or unpaid with respect to the birth of that child (or children). Subsequent pregnancies will, of course, give rise to maternity leave rights associated with that separate pregnancy.

13. Will I still be entitled to Annual Leave & Bank Holidays?

Annual leave and Bank Holiday entitlement is accrued during the whole period of maternity/adoption leave whether paid or unpaid.

It may be beneficial to both yourself and your line manager to take annual leave before and/or after the formal (paid and unpaid) maternity/adoption leave period. The amount of leave to be taken this way or carried over must be discussed and agreed with the manager who will have to consider service commitments.

14. What happens to my incremental date?

Your incremental date will not change due to going on maternity leave.

15. Will My Pension Contributions Be Interrupted?

During paid maternity/adoption leave, the Trust will continue to make pension contributions as if you are working and earning your normal pay.

During the unpaid maternity/adoption leave, your occupational pension rights will continue to accrue. If you are already making contributions to the NHS Pension Scheme and you decide to take the option of unpaid maternity/adoption leave, you will be required to pay the accumulated contributions to cover the unpaid maternity/adoption leave. The accumulated contributions are taken over a period of time from your salary when you return back to work.

16. What happens if I have a stillbirth or miscarriage before the 25th week of pregnancy?

If you miscarry earlier than the 25th week of your pregnancy you will not qualify for maternity leave, SMP or Maternity Allowance. You will remain off work as long as your GP and the Occupational Health department consider it necessary, and you will be on sick leave.

17. What happens if I have a stillbirth from the 25th week of pregnancy onwards?

If you have a stillbirth from the 25th week of pregnancy onwards you would be eligible for maternity leave, SMP and MA in the usual way.
Appendix 5: Paternity/Partner Leave/Pay Application Form

ROYAL UNITED HOSPITAL BATH NHS TRUST
APPLICATION FOR PATERNITY LEAVE AND PAY

*Please delete as applicable

Name……………………………………………… Post/Band ………………………………………
Address……………………………………………………………………………………………………
Ward/Dept ……………………………………… Speciality ………………………………………
Start Date with the RUH …………………………… Start date with the NHS ……………………………

The *Baby*/Placement is Due on: - …………………………………………………………

I wish to take:- Occupational Paternity Leave □ *from ………………… until …………………

*please note that Paternity (which is up to 2 weeks leave) will need to be taken in one single block of leave. This cannot be separated to be taken at different times

For Additional Paternity Leave requests, please complete details of the Mother of the Child

Mothers Name ..............................................Place of Work..............................................

Date Maternity/Adoption Pay commenced ………………………………………………………

Date Mother intends to stop receiving Maternity/Adoption Pay ………………………………

Date Mother intends to return back to work……………………………………………………

Please note:- Annual leave, sick leave or parental leave, which, directly follows maternity or adoption leave will not count as a return to work.

Declaration
You must be able to place a tick in all three of the bullet points below to get Statutory Paternity Pay and Paternity Leave

• I am  The baby's Biological Father or
  Married to or partner of the Mother/Adopter or
  Living with the Mother/Adopter in an enduring family relationship, but am not an immediate relative

• I have responsibility for the Child’s upbringing

• I will take time off work to support the mother or care for the child

SIGNED: ………………………………………………………………… DATE: …………………………………

(N.B False information may lead to disciplinary action)

Please give this form to your manager.
Application for Paternity Leave and Pay authorised by:

SIGNED ............................................................................. DATE ......................................................
Ward/Departmental Manager

Please send this form together with the e-changes form to the HR Department.

SIGNED ............................................................................. DATE ......................................................
HR Department

Please forward this application form to the HR Department along with your e-changes form
Appendix 6: Entitlement to Paternity Leave Flow Chart

At least 12 months continuous service with the NHS before the expected week of childbirth/ adoption placement

Yes

Occupational paternity pay – 2 weeks full pay paid by the Trust

No

At least 26 weeks continuous service with the Trust 15 weeks before the expected week of childbirth/adoption placement

Yes

Up to 2 weeks statutory paternity pay paid by the Trust who will claim back from the Inland Revenue

No

2 weeks unpaid paternity leave
# Appendix 7: Unpaid Parental Leave Record Form

**UNPAID PARENTAL LEAVE RECORD FORM**

<table>
<thead>
<tr>
<th>Parent's Name</th>
<th>Department</th>
<th>Speciality</th>
<th>Child's Name</th>
<th>Child's Date of Birth</th>
<th>Evidence Provided</th>
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</thead>
<tbody>
<tr>
<td></td>
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</table>

**Evidence Provided – Please tick one**

- Child Birth Certificate
- Documentation of acquired formal parental responsibility
- MAT B1
- Adoption Matching Certificate/Official Notification

<table>
<thead>
<tr>
<th>Parental Leave Remaining</th>
<th>Dates Requested</th>
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Document name: Maternity, Paternity, Adoption and Parental and
Shared Parental Leave Policy

Ref.: 103

Issue date: 07 December 2016

Status: Final

Author: Nneka Opene – Deputy HRBP

Page 50 of 57
Ratification Assurance Statement

Dear Claire Buchanan

Please review the following information to support the ratification of the below named document.

Name of document: Maternity, Paternity, Adoption and Parental and shared Parental Leave Policy

Name of author: Nneka Opene

Job Title: Deputy HR Business Partner

I, the above named author confirm that:

- The Policy presented for ratification meets all legislative, best practice and other guidance issued and known to me at the time of development of the Policy;
- I am not aware of any omissions to the Policy, and I will bring to the attention of the Executive Director any information which may affect the validity of the Policy presented as soon as this becomes known;
- The Policy meets the requirements as outlined in the document entitled Trust-wide Policy for the Development and Management of Policies (v4.0);
- The Policy meets the requirements of the NHSLA Risk Management Standards to achieve as a minimum level 2 compliance, where applicable;
- I have undertaken appropriate and thorough consultation on this Policy and I have documented the names of those individuals who responded as part of the consultation within the document. I have also fed back to responders to the consultation on the changes made to the Policy following consultation;
- I will send the Policy and signed ratification checklist to the Policy Coordinator for publication at my earliest opportunity following ratification;
- I will keep this Policy under review and ensure that it is reviewed prior to the review date.

Signature of Author: Nneka Opene Date: 03 Nov 2016

Name of Person Ratifying this policy: Claire Buchanan

Job Title: Director of Human Resources

Signature: Date: 03 Nov 2016

To the person approving this policy:

Please ensure this page has been completed correctly, then print, sign and post this page only to: The Policy Coordinator, Apley House, (E5), Royal United Hospital

The whole policy must be sent electronically to: ruh-tr.policies@nhs.net
## Consultation Schedule

<table>
<thead>
<tr>
<th>Name and Title of Individual</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational HR Team</td>
<td>12 April 2011</td>
</tr>
<tr>
<td>Payroll Department – Penny Barnes &amp; Andrea Peters</td>
<td>12 April 2011</td>
</tr>
<tr>
<td>Liz Cowdrey, Staffing Solutions</td>
<td>12 April 2011</td>
</tr>
<tr>
<td>Stephen Roberts, Occupational Health Manager</td>
<td>12 April 2011</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Following 1 year review:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational HR Team</td>
<td>26/09/2012</td>
</tr>
<tr>
<td>Learning and Development Team</td>
<td>26/09/2012</td>
</tr>
<tr>
<td>Service Managers</td>
<td>26/09/2012</td>
</tr>
<tr>
<td>Staff Side</td>
<td>26/09/2012</td>
</tr>
<tr>
<td>Payroll Department</td>
<td>26/09/2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Following 3 year review:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational HR team</td>
<td>August 2016</td>
</tr>
<tr>
<td>Staff Side</td>
<td>August 2016</td>
</tr>
<tr>
<td>Payroll Department</td>
<td>August 2016</td>
</tr>
</tbody>
</table>

The following people have submitted responses to the consultation process:

<table>
<thead>
<tr>
<th>Name and Title of Individual</th>
<th>Date Responded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrea Peters, Deputy Payroll Manager</td>
<td>October 2012</td>
</tr>
<tr>
<td>Tricia Mills, Head of Organisational Development</td>
<td>27/09/2012</td>
</tr>
<tr>
<td>Katy Coulam, HR Manager</td>
<td>October 2012</td>
</tr>
<tr>
<td>Steven Roberts, Specialty Manager</td>
<td>25/10/2012</td>
</tr>
<tr>
<td>Naomi Adams, HR Advisor/ Sam Deere, HR Advisor</td>
<td>18/10/2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Following 3 year review</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maggie Bruniges, Staff Side Chair &amp; Unison Rep</td>
<td>29/09/2016</td>
</tr>
<tr>
<td>Penny Barnes, Payroll Manager</td>
<td>27/10/2016</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Committee/s (if applicable)</th>
<th>Date of Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>TCNC Policy Sub Group</td>
<td>20 April 2011</td>
</tr>
<tr>
<td>TCNC Policy Sub Group</td>
<td>20 July 2011</td>
</tr>
<tr>
<td>TCNC</td>
<td>15 August 2011</td>
</tr>
<tr>
<td>Management Board</td>
<td>31 August 2011</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Following 1 year review:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TCNC Policy Sub Group</td>
<td>25 October 2012</td>
</tr>
<tr>
<td>TCNC Policy Sub Group</td>
<td>31 Jan 2013</td>
</tr>
<tr>
<td>Strategic Workforce Committee</td>
<td>07 March 2013</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Following 3 year review:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TCNC Policy Sub Group</td>
<td>28/07/2016</td>
</tr>
<tr>
<td>TCNC Policy Sub Group</td>
<td>29/09/2016</td>
</tr>
<tr>
<td>Strategic Workforce Committee</td>
<td>03/11/2016</td>
</tr>
</tbody>
</table>
### Equality Impact: (A) Assessment Screening

<table>
<thead>
<tr>
<th>1. Title of document/service for assessment</th>
<th>Maternity, Paternity, Adoption and Parental and Shared Parental Leave Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Date of assessment</td>
<td>01 November 2016</td>
</tr>
<tr>
<td>3. Date for review</td>
<td>03 November 2019</td>
</tr>
<tr>
<td>4. Directorate/Service</td>
<td>Human Resources</td>
</tr>
<tr>
<td>5. Approval Committee</td>
<td>Strategic Workforce Committee</td>
</tr>
</tbody>
</table>

#### Does the document/service affect one group less or more favourably than another on the basis of:

<table>
<thead>
<tr>
<th>Protected characteristic</th>
<th>Yes/No</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Age</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>• Disability</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>• Gender reassignment</td>
<td>Yes</td>
<td>The provisions set out in this policy vary dependent on the gender of the individual</td>
</tr>
<tr>
<td>• Pregnancy and maternity</td>
<td>Yes</td>
<td>The provisions set out in this policy vary dependent on the gender of the individual</td>
</tr>
<tr>
<td>• Race</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>• Religion and belief</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>• Sex</td>
<td>Yes</td>
<td>The provisions set out in this policy vary dependent on the gender of the individual</td>
</tr>
<tr>
<td>• Sexual orientation</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>• Marriage and civil partnership</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

7. If you have identified potential discrimination, are the exceptions valid, legal and/or justified? Legislation regarding maternity, paternity and adoption leave varies dependent on gender. This policy implements national legislation within the Trust.

8. If the answers to the above question is ‘no’ then adjust the element of the document/service to remove the disadvantage identified.

9. If neither of the above is possible, take no further action until you have contacted your EIA Divisional / Directorate link for review and support

**Signature of person completing the Equality Impact Assessment**

<table>
<thead>
<tr>
<th>Name</th>
<th>Nneka Opene – Deputy HR Business Partner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>01 November 2016</td>
</tr>
</tbody>
</table>

**Chair of decision making Board / Group / Committee approval and sign off**

<table>
<thead>
<tr>
<th>Name</th>
<th>Claire Buchanan – Director of Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>01 November 2016</td>
</tr>
</tbody>
</table>
Equality Impact: (B) Full Analysis

Note:
Only complete this section if you answered YES to any of the questions in the Equality Impact: (A) Screening Assessment

Equality Analysis is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality Analysis can be carried out in relation to service delivery as well as employment policies and strategies.

This template has been developed to use as a framework when carrying out an Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Royal United Hospital, Bath NHS Trust website.

<table>
<thead>
<tr>
<th>1. Identify the aims of the policy or service and how it is implemented.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Key questions</strong></td>
</tr>
<tr>
<td>1.1 Briefly describe purpose of the service/policy including</td>
</tr>
<tr>
<td>- How the service/policy is delivered and by whom</td>
</tr>
<tr>
<td>- If responsibility for its implementation is shared with other departments or organisations</td>
</tr>
<tr>
<td>- Intended outcomes</td>
</tr>
<tr>
<td>1.2 Provide brief details of the scope of the policy or service being reviewed, for example:</td>
</tr>
<tr>
<td>- Is it a new service/policy or review of an existing one?</td>
</tr>
<tr>
<td>- Is it a national requirement?</td>
</tr>
<tr>
<td>- How much room for review is there?</td>
</tr>
<tr>
<td>1.3 Do the aims of this policy link to or conflict with any other policies of the Trust?</td>
</tr>
</tbody>
</table>
2. Consideration of available data, research and information

Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:

- **Demographic** data and other statistics, including census findings
- Recent **research** findings (local and national)
- Results from **consultation or engagement** you have undertaken
- Service user **monitoring data** (including ethnicity, gender, disability, religion/belief, sexual orientation and age)
- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

<table>
<thead>
<tr>
<th>Key questions</th>
<th>Data, research and information that you can refer to</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1</strong> What is the equalities profile of the team delivering the service/policy?</td>
<td>This policy is delivered throughout the organisation. Please refer annual diversity monitoring report.</td>
</tr>
<tr>
<td><strong>2.2</strong> What equalities training have staff received?</td>
<td>Equality and diversity mandatory training is provided by the Trust.</td>
</tr>
<tr>
<td><strong>2.3</strong> What is the equalities profile of service users?</td>
<td>All members of staff may use this policy, see section 2.1.</td>
</tr>
<tr>
<td><strong>2.4</strong> What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?</td>
<td>None.</td>
</tr>
<tr>
<td><strong>2.5</strong> What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?</td>
<td>The EIA is distributed to TCNC Policy sub group and Strategic workforce committee as part of the ratification process for the policy. TCNC is a partnership working group made up of members of management and staff side.</td>
</tr>
<tr>
<td><strong>2.6</strong> If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?</td>
<td>Upon the requirement to review the policy as a result of legislation changes or the 3 year review a new EIA will be completed by the author.</td>
</tr>
</tbody>
</table>
3. Assessment of impact: ‘Equality analysis’

Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:

- Meets any particular needs of equalities groups or helps promote equality in some way.
- Could have a negative or adverse impact for any of the equalities groups.

<table>
<thead>
<tr>
<th>3.1 Gender</th>
<th>Examples of what the service has done to promote equality</th>
<th>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)</td>
<td>National legislation on Maternity, Paternity and adoption leave is, out of necessity, different for both Women and Men. This policy implements national legislation within the Trust.</td>
<td>This policy is directly informed by national legislation.</td>
</tr>
</tbody>
</table>

| 3.2 Transgender | Identify the impact/potential impact of the policy on transgender people | |
| 3.3 Disability | Identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments) | |
| 3.4 Age | Identify the impact/potential impact of the policy on different age groups | |
| 3.5 Race | Identify the impact/potential impact on different black and minority ethnic groups | |
| 3.6 Sexual orientation | Identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people | |
| 3.7 Religion/belief | Identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion. | |
| 3.8 Marriage/Civil Partnership | Identify the impact/potential impact of the policy | |
### 3.9 Pregnancy/Maternity

Identify the impact/potential impact of the policy

<table>
<thead>
<tr>
<th>Examples of what the service has done to promote equality</th>
<th>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation of national pregnancy/maternity legislation.</td>
<td>This policy is directly informed by national legislation.</td>
</tr>
</tbody>
</table>

### 4. Royal United Hospital, Bath Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

<table>
<thead>
<tr>
<th>Issues identified</th>
<th>Actions requested</th>
<th>Progress milestones</th>
<th>Officer responsible</th>
<th>By when</th>
</tr>
</thead>
<tbody>
<tr>
<td>National legislation changes on a regular basis.</td>
<td>HR department to review changes to legislation and implement review of this policy prior to standard 3 year review if required</td>
<td>As legislation changes</td>
<td>HR Manager</td>
<td>As legislation changes</td>
</tr>
</tbody>
</table>

### 5. Sign off and publishing

Once you have completed this form, it needs to be ‘approved’ by your Line Manager or their nominated officer. Please ensure that it is submitted to the body ratifying your policy or service change with your report/proposal. Keep a copy for your own records.

**Signed off by:** Claire Buchanan  
**Date:** 01 Nov 2016