# Maternity, Paternity, Adoption and Parental Leave Policy

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**Related Procedural Documents**
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- Managing Health & Sickness 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 Flexible Working and Leave and Managing Health and Sickness 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.

This Policy applies to all Trust employees, including Medical and Dental staff.

2. Policy Statement

This Policy is intended to give the employee relevant information and is not an exhaustive account of all the regulations. Reference can be made where necessary to Section 15 and 35 of the Agenda for Change Terms and Conditions of Service handbook on Maternity, Paternity, Adoption, Parental and related leave and includes maternity provisions contained in the Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002. Also reference can be made to the Health & Safety Executive (HSE) Pregnancy guide.

This Policy under the section 2 for Paternity Leave incorporates the new Paternity Leave regulations of April 2011, that enable mothers of babies due on or after 3 April 2011 to transfer up to six months of their maternity leave to the baby’s father when they return to work.

Maternity/Adoption leave is the right to time off work to have the employees baby/baby placed with the employee and the right to return to the employee’s post, or an alternative post, on no less favourable conditions.

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

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. 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.

National Insurance (NI) contributions

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 with this Trust by the 15th week before their EWC and paid sufficient National Insurance (NI) Contributions.

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 above Government Departments.

OCCUPATIONAL MATERNITY/ADOPTION PAY (OMP/OMA)
Based on eligibility. Maternity/Adoption Pay, which is payable by your Employer.

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.

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 employee’s between 24-26 weeks into pregnancy.

KIT DAYS
The employees entitlement to Keep in Touch days.

DEPARTMENT FOR WORK AND PENSIONS (DWP)

ORDINARY PATERNITY LEAVE (OPL)
The entitlement of a farther, or mother’s partner, to take 2 weeks leave up to 56 days from the birth of the child.

ADDITIONAL PATERNITY LEAVE (APL)
The entitlement of a father, or mother’s partner, to take a further period of between 2 to 26 weeks leave, provided the mother has returned to work with maternity leave remaining.
4. Duties and Responsibilities

4.1 Employee

- Employees are responsible for co-operating in the Maternity, Paternity, Adoption and 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.

4.2 Manager

- Requests for Maternity, Paternity, Adoption and Parental leave should be dealt without any undue delay on the part of the manager.
- The manager must view any applications with an open mind and follow a fair and justifiable decision making process.
- Where it is decided that a refusal to grant a Maternity, Paternity, Adoption and Parental leave application is to be referred to a grievance hearing the manager must prepare a thorough management case outlining their decision making rationale for consideration by the grievance panel.

4.3 Human Resources

- The Human Resources department is responsible for the creation and maintenance of records of applications for Maternity, Paternity, Adoption and Parental leave within the Trust in line with best practice for information governance.
- To support, where necessary, managers through the Maternity, Paternity, Adoption and 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.

4.4 Trade Unions

- To represent employees through the Maternity, Paternity, Adoption and Parental leave procedure where they are fully paid up members of that trade union or professional body.
- To ensure that all representatives have attended mandatory Maternity, Paternity, Adoption and Parental leave and Grievance training with their relevant trade union or professional body.
- To make every reasonable attempt to attend meetings at the scheduled time to support employees.
- To adhere to their respective trade union code of conduct when dealing with issues of grievance.
5. Health & Safety

For reasons of health and safety, the employee must inform the 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 either the employee or the employee’s unborn child during pregnancy.

While an employee does not have to inform their employer that they are pregnant or breastfeeding, it is important (for the employee and for the employee’s child’s health and safety protection) that they provide their employer with written notification as early as possible. Until an employer has received written notification from an employee, they are not obliged to take any action other than those resulting from the risk assessment for all their employees. An employer can also ask for a certificate from an employee’s GP or their midwife showing that they are pregnant.

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 the employee’s 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 looked up on its own merits. Some of the more common risks might be:

- lifting/carrying of heavy loads;
- standing or sitting for long lengths 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.

An employee will be asked to help with the 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 the employee’s 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 must decide what appropriate measure to take in response to the results of the assessment. The results and measures which we decide to take will be communicated to the employee and/or the employee’s representative.

Assessment will take place in respect of ‘all activities liable to involve a specific risk of exposure to the agents, processes or working conditions.'
Where the assessment reveals a risk to the employee’s health and safety, the Trust must make a temporary adjustment to the employees working condition and/or hours of work so that the employee is not exposed to the risk.

However, if having ascertained that there is a risk, it is in fact not, ‘technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds; the employee should be moved to another job to avoid exposure to the risk. If this is not possible, the employee will be suspended on pay for such a period as is necessary for the employee’s health and safety. During this period of absence, the employee’s contractual rights subsist. However, if the employee unreasonably refuses an offer of suitable alternative employment, the employee will lose the right to remuneration.

If an employee is returning back to work they can still breastfeed and this does not mean an employee needs to stop. It is for an employee to decide for how long you wish to breastfeed and returning to work does not mean an employee has to stop.

On returning to work an employee should provide their employer with written notification that they are breastfeeding and if possible ideally let their employer know before they return. The employee’s line manager must then conduct a specific risk assessment.

An employer is required to provide somewhere for pregnant and breastfeeding mothers to rest. HSE recommends to employers that it is good practice to provide a private, healthy and safe environment for nursing mothers to express and store milk (but this is not a legal requirement). It is not suitable to use toilets for this purpose.

The Trust’s Occupational Health Department and Risk Management Department will be able to give guidance or advice if either the employee or the employee’s line manager is unsure about how the employees job may affect the employee during the employees pregnancy.
6. Maternity/Adoption Leave

6.1 Maternity & Adoption Leave and Pay

When the employee receives medical confirmation that the employee is pregnant, the employee should notify the employees manager of this, the expected week of childbirth (EWC) and the date on which the employee wants to commence Maternity and Adoption leave, (which must not be a date earlier than the 11th week before the EWC or more than 14 days before the child is placed with the family).

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.

6.2 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;

6.3 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.

6.4 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.
6.5 Compulsory Maternity leave
Legislation prohibits mothers from returning to work during the two week period immediately after the birth of their child.

6.6 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 on which she gave birth. In this instance, the maternity leave period will commence automatically on the day after the date of birth.

Once the Trust has been notified of the date on which the Maternity or Adoption leave is due to commence (see below), it is still possible to vary this date provided notification of the variation is given to their manager at least 28 days before the new date, (unless this is not reasonably practicable).

6.7 Notification Requirements
To qualify 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 childbirth (EWC) or more than 28 days before the child is placed with the family in cases of adoption. 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 family 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 been triggered 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 triggered 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 employees ordinary Maternity and Adoption leave period commenced.

6.8 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 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.
6.9 **Maternity and Adoption Pay**

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

6.10 **Statutory Pay**

If an employee has at least 26 weeks’ continuous service at the start of the 15th 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.

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 of Statutory Maternity Pay or 90% of their earnings, *whichever is less*. 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)

6.11 **Occupational Pay**

Those staff that have 12 months continuous service with one or more NHS employers at the beginning of the 11th 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 childbirth.

Should the employee opt to receive Occupational Maternity/Adoption pay and then 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.
6.12 Maternity/Adoption Allowance

Those who have less than 26 weeks continuous service at the start of the 15th week before their child is born/adopted will need to contact the Department for Work and Pensions to apply for payment of Maternity/Adoption Allowance. The Department for Work and Pensions website is:- www.dwp.gov.uk

If an employee is not eligible for Maternity or Adoption 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 provide if the employee is not eligible for any maternity pay scheme.

If an employee does not qualify for Maternity and Adoption pay they may be able to claim state Maternity and Adoption Allowance they will need to contact the Department for Work and Pensions.

If an employee is unsure as to what maternity/adoption leave they are entitled to it is their responsibility to contact the Department for Work and Pensions.

6.13 Maternity/Adoption Leave whilst on a Fixed Term or Training Contract

If the employee’s 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 employees 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 the 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 are 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. General conditions for maternity/Adoption leave and pay

7.1 Antenatal Care

All pregnant women have a statutory right to paid time off for antenatal care, regardless of length of service or the number of hours worked. Antenatal care may include relaxation and parent craft classes recommended by the employee’s doctor, midwife or health visitor.

After the employee’s first antenatal appointment, the employee should show the employee’s manager the employee’s appointment card and discuss the employee’s need for time off, so that the employee’s manager has time to make any necessary arrangements to cover the employee’s absence. In exceptional circumstances, the employee’s 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.

7.2 Medical evidence

The employee’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. The Trust cannot start paying maternity pay under either scheme without this certificate.

There is no requirement for the employee to produce any documentation to demonstrate that the employee is fit to work past the employee’s 29th week of pregnancy, although the employee should still discuss the employee’s 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 to see an Occupational Health Adviser to ensure that the work the employee does will not cause any harm to either the employee or the employee’s baby.
7.3 **Sickness during pregnancy**

If the employee is sick for a pregnancy related reason at any time during the four weeks before the expected week of childbirth, the employee’s maternity leave will automatically begin on the day after the first day of the absence, even if that day is before the date the employee has notified as the date on which the employee intends the employee’s maternity leave to begin. If the employee is sick earlier than this, or as a result of a reason other than the employee’s 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 Managing Health and Sickness in relation to short-term sickness absence.

7.4 **Annual Leave and Bank Holidays**

An employee’s entitlement to annual leave and bank holidays accrues during the employee’s maternity/adoption leave, whether it is paid or unpaid. If the employee has any outstanding annual leave before the start of the employee’s maternity/adoption leave, the employee should discuss and agree with the employee’s manager whether it would be a good idea to take some or all of it before the employee’s maternity/adoption leave starts. If this is not possible, the employee should discuss and agree with the employee’s manager the possibility of taking accrued annual leave when the employee returns 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 need to be taken prior to the employee’s maternity leave start.

The employee cannot take annual leave directly after paid maternity/adoption leave, if it is the employee’s intention to take unpaid maternity/adoption leave, as it would amount to the employee returning to work. If the employee does so, the unpaid maternity/adoption leave 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 Flexible Working and Leave Policy or for a period of statutory unpaid parental leave, details of which are given in this Policy under Section 4 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.
8. Working and 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 employee may not work by law during the two weeks immediately following the birth of a child.

The law allows women to attend work on 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 employees manager should complete a e- changes form on the employees return stating the number of KIT days and the dates.

Professional Registration must be maintained or renewed if this has expired whilst an employee is on maternity/ adoption leave, if the employee wishes to work and be paid for KIT days.

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.

8.1 Employee Assistance Programme

The employee has access to the confidential staff counselling service provided by the Trust whilst on maternity/adoption leave. This service can be accessed by contacting 01225 824484.
9. Return to work

The employee will be asked on the Maternity/Adoption Leave Pay Application Form that the employee will be required to complete prior to commencing their maternity/adoption leave, whether they intend to return to work for Occupational Maternity/Adoption Leave purposes. Once the employee has submitted their Maternity/Adoption Leave Application Form, the HR Department will write to the employee within 28 days to confirm the employee's 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 employee's 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 employee's 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 managing sickness absence 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 4 in this Policy on Parental Leave or the Trust’s Flexible Working and Leave 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 employee request in line with the Trust’s Flexible Working and Leave Policy and give the employee objective reasons in writing, if it cannot be granted.

On the employee's 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
10. Paternity Leave

10.1 Paternity/Partner leave - Birth/Adoption of a child

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.

There are two types of Paternity Leave;

- Ordinary Paternity Leave – OPL (taken within 56 days of baby’s birth date)
- Additional Paternity Leave – APL (to be taken at least 20 weeks after the baby’s birth date).

10.2 Ordinary Paternity Leave

Employees who meet the eligibility criteria are entitled to two weeks paid leave and reasonable paid time off to attend ante-natal classes (the line manager may request sight of the appointment card). The Contract of Employment continues throughout Paternity Leave and an employee is entitled to return to the same job.

Ordinary Paternity 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.

10.3 Process for obtaining paternity leave

A request for ordinary Paternity Leave and Paternity 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 are entitled to reasonable time off to attend ante natal classes or official Adoption meetings.

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 Leave cannot start until after the birth or placement of the child.
10.4 **Ordinary Paternity Pay**
Rates of pay for Ordinary Paternity Leave will be dependent upon the employee’s individual situation. Appendix 6 details a flow chart that summarises the entitlements to Ordinary Paternity Leave/Pay.

10.5 **Statutory Paternity Pay during Ordinary 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 Ordinary 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 regulations (from 3 April 2011)**
Additional paternity leave allows employees who are eligible to take up to 26 weeks leave to care for their new baby (in addition to the current 2 weeks Ordinary Paternity leave). It must be taken in one block of time for a period of between 2 weeks and 26 weeks and cannot start earlier than 20 weeks after the birth and must end before the child’s first birthday. Appendix 7 details a flow chart that summarises the entitlement to Additional Paternity Leave/Pay.

Additional paternity leave and pay may be available to employees if they meet the requirements for Ordinary Paternity leave.

In addition, the child's mother must be entitled to statutory maternity leave, maternity pay or allowance or statutory adoption leave or pay. At the point that Additional Paternity leave is to be taken the child's mother or adopter must have returned to work. If the mother or primary
adopter takes annual leave, sick leave or parental leave at the end of the maternity leave pay period, this does not count as a return to work.

If the additional Paternity Leave is taken during the mother’s 39 week statutory maternity pay (SMP) period then it can be paid and this would be at the pay rate of statutory paternity pay.

In the case of adoption additional Paternity Leave can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.

A request for Additional Paternity Leave and Paternity Pay should also be made in writing by completing the Paternity/Partner Leave Application form as detailed in Appendix 5 and submitted to the employee’s line manager at least 8 weeks before the start of leave. This must include:

- the expected date of the baby’s birth or date of notification of being matched for adoption or the actual date of baby’s birth, or placement of adoption;
- the start date of the Additional Paternity leave and pay;
- confirmation of the relationship to the mother and that the leave is to be taken to care for the child;
- mother of the child’s name and place of work;
- the date the child’s mothers maternity/adoption pay commenced;
- the date the child’s mother intends to stop receiving maternity/adoption pay;
- the date the child’s mother intends to return back to work.

Additional Paternity Pay will be at the statutory rate of pay (or 90% of the employee’s average weekly earnings, whichever is lower), only up to the point where the child’s mothers Statutory Maternity/Adoption pay would have ended. Following this, the entitlement will be unpaid. Statutory pay rates can be found on the HM Revenues and Custom website: www.hmrc.gov.uk

10.8 Notification to Payroll of Additional Paternity Leave

The manager must notify the Payroll Department via an e-forms that Paternity/Partner Leave has been granted including dates and how leave has been granted alongside detailing whether this is Ordinary Paid Paternity leave or Additional Paternity Leave. Managers should also log all Paternity Leave on the Monthly Payroll Return Form.
10.9 **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.

10.10 **Return to Work**
Employees are entitled to return to the same job following Paternity Leave.

11. **Parental Leave**

11.1 **Unpaid Parental Leave**
Employees who are either natural or adoptive parents, or who have parental responsibility under the Children Act, and who have one year’s continuous service with the NHS may take up to eighteen weeks of unpaid parental leave to look after or to make arrangements for the good of a child or children. Unpaid parental leave must be taken before a child’s 5th birthday (18 in cases of disabled children or disabled adopted children). Where a child is adopted parental leave must be taken before their 18th birthday or the 5th anniversary of their adoption (whichever comes first).

The entitlement is for each child and so is doubled for twins. Foster parents do not have the right to Parental Leave.

An employee has the right to unpaid parental leave if he or she:

- has at least one year’s continuous service with the NHS at the time of the request and
- is the parent (named on the birth certificate) of a child under 14 (18 in cases of adoption or disabled children)
- has, or expects to have, formal parental responsibility, as defined by the Children Act 1989 or the Children (Scotland) Act 1995.

A record of parental leave taken will be kept by the manager and retained on the employee's personal file for future confirmation. A parental leave record sheet is included in [Appendix 8](#).

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.

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 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 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.

Parental leave must be taken in periods of not less than one working week. It may be taken as a single period of thirteen weeks or eighteen weeks in the case of a child with a disability, or shorter periods. One week of unpaid parental leave is equivalent to an employee’s normal working week. The Trust’s Flexible Working and Leave policy deals with time off for domestic reasons other than parental leave.

Parents of children with a disability may take parental leave in periods shorter than one working week, including individual days.

In the case of multiple births, 18 weeks parental leave is available for each child.

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.

11.3 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.

11.4 Continuous service

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

11.5 Holiday entitlement

An employee’s entitlement to paid holiday accrues during a period of
unpaid parental leave.
11.6 Pension contributions
When an employee is on a period of unpaid parental leave, occupational pension rights are preserved until the employee returns to work. If the employee wishes the period to be counted for pensionable service, he or she will need to make up the necessary employer’s and employee’s contributions via the Authority’s pensions office. It is the responsibility of the employee to make any necessary arrangements.

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

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. 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.

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. 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.

13. Review
This policy will be subject to a planned review every 3 years as part of the Trust’s Policy Review Process. It is recognised however that there may be updates required in the interim, arising from amendments or release of new regulations, Codes of Practice or statutory provisions or guidance from the Department of Health or professional bodies. These updates will be made as soon as practicable to reflect and inform the Trust’s revised policy and practise.

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

Agenda for Change Terms and Conditions Handbook – www.nhsemployers.org


15. 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.

16. Monitoring Compliance with the Policy

The implementation of and compliance with 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 Mothers

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

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

**Assessment**

**Hazards Identified**

(Attach additional sheets if required)

**Action Taken / Recommendations / Modifications to Reduce Risk**

**Follow Up**

**Initials**

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

**Further Comments:**

Signature: ..........................

Employee

Signature: ..........................

Manager

Send a completed copy to Occupational Health for inclusion in Employee's notes
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), plus SMP/SAP, plus 13 weeks SMP/SAP and 13 weeks unpaid maternity leave.
        - **UNSURE**
    - **NO**
      - 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, plus 18 weeks’ half pay plus SMP/SAP, plus 13 weeks SMP/SAP, (SMP/SAP element paid by DWP)
        - **NO**
          - 52 weeks’ unpaid maternity leave.

- **UNSURE**
  - 52 weeks’ maternity leave including 8 weeks’ full pay (inclusive of SMP/SAP), plus SMP/SAP, plus 13 weeks SMP/SAP and 13 weeks unpaid maternity leave.
  - 52 weeks’ unpaid maternity leave.
  - 39 weeks’ SMP/SAP – 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate SMP/SAP, plus 13 weeks unpaid maternity leave.
  - 39 weeks’ SMP/SAP – 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate SMP/SAP, plus 13 weeks unpaid maternity leave.

- **NO**
  - At least 26 weeks’ service with RUH at 15th week before expected week of childbirth/placement?
    - **YES**
      - 52 weeks’ unpaid maternity leave. Maternity/Adoption Allowance may be payable by DWP
    - **NO**
      - 39 weeks’ SMP/SAP – 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate SMP/SAP, plus 13 weeks unpaid maternity leave.

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.
Appendix 3: Maternity/Adoption Leave/Pay Application Form

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>
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<th>WHERE EMPLOYED</th>
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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 off for Ante Natal Care?

All pregnant women have a statutory right to paid time off for antenatal care, 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 chose 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 encouraged 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 Flexible Working 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*

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<tr>
<th>Name………………………………… ………………</th>
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<tr>
<td>Ward/Dept …………………………………………</td>
<td>Speciality …………………………………………</td>
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<tr>
<td>Start Date with the RUH …………………………</td>
<td>Start date with the NHS ……………………………</td>
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</tbody>
</table>

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

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

| Additional Paternity Leave | □ from ………………. until ………………………… |

**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)*

---

<table>
<thead>
<tr>
<th>Document name: Maternity, Paternity and Adoption Leave Policy</th>
<th>Ref.: 103</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date: 19 March 2013</td>
<td>Status: Approved</td>
</tr>
<tr>
<td>Author: Katy Coulam, HR Manager / David Mawdesley, HR Manager</td>
<td>Page 37 of 48</td>
</tr>
</tbody>
</table>
Please give this form to your manager.

<table>
<thead>
<tr>
<th>Application for Paternity Leave and Pay authorised by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIGNED .................................................................. DATE ..................................................</td>
</tr>
<tr>
<td>…… Ward/Departmental Manager</td>
</tr>
</tbody>
</table>

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 Ordinary 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

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

no

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

2 weeks unpaid paternity leave

yes

no
Appendix 7: Entitlement to Additional Paternity Leave Flow Chart

Has mother/partner returned to work and cased receiving maternity pay

- no
  - No entitlement to additional paternity leave

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

- no
  - Has mother/partner returned to work and cased receiving maternity pay

- yes
  - A minimum of 2 weeks up to 26 weeks additional paternity leave paid by the Trust at statutory rate of pay, only up to the point where mother’s statutory maternity or adoption pay would have ended, following this the entitlement will be unpaid

- yes
  - Unpaid additional paternity leave for minimum period of 2 weeks up to 26 weeks
### Appendix 8: Unpaid Parental Leave Record Form

**UNPAID PARENTAL LEAVE RECORD FORM**

<table>
<thead>
<tr>
<th>Parent’s Name</th>
<th>Department</th>
<th>Speciality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child’s Name</td>
<td>Speciality</td>
<td></td>
</tr>
<tr>
<td>Date of Birth</td>
<td></td>
<td></td>
</tr>
</tbody>
</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>
<th>Employees Signature</th>
<th>Manager’s Signature</th>
<th>Date authorised</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 week</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Dear Lynn

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

Name of document: Maternity, Paternity and Adoption Leave (Reference 103)
Name of author: David Mawdesley
Job Title: HR Manager

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: ___________________________ Date: 15/02/2013
Name of Person Ratifying this policy: Lynn Vaughan
Job Title: Director of Human Resources

Signature: ___________________________ Date: 12 March 2013
## 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>

### Following 1 year review:

<table>
<thead>
<tr>
<th>Name and Title of Individual</th>
<th>Date</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>

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>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>15th August 2011</td>
</tr>
<tr>
<td>Management Board</td>
<td>31st August 2011</td>
</tr>
</tbody>
</table>

### Following 1 year review:

<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>25th October 2012</td>
</tr>
<tr>
<td>TCNC Policy Sub Group</td>
<td>31st Jan 2013</td>
</tr>
<tr>
<td>Strategic Workforce Committee</td>
<td>7th March 2013</td>
</tr>
</tbody>
</table>
### Equality Impact: (A) Assessment Screening

To be completed when submitted to the appropriate Executive Director for consideration and approval.

<table>
<thead>
<tr>
<th>Person responsible for the assessment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>David Mawdesley</td>
</tr>
<tr>
<td>Job Title:</td>
<td>HR Manager</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the document/guidance affect one group less or more favourably than another on the basis of:</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Ethnic origins (including gypsies and travellers)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Nationality</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Gender (including gender reassignment)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>The provisions set out in this policy vary dependent on the gender of the individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culture</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Religion or belief</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Disability (learning disabilities, physical disability, sensory impairment and mental health problems)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is there any evidence that some groups are affected differently?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>The implementation of this policy is based upon gender.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you have identified potential discrimination, are there any valid exceptions, legal and/or justifiable?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Legislation regarding maternity, paternity and adoption leave varies dependent on gender. This policy implements national legislation within the Trust.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the impact of the document/guidance likely to be negative?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>If so, can the impact be avoided?</td>
<td>No</td>
<td>n/a</td>
</tr>
<tr>
<td>What alternative is there to achieving the document/guidance without the impact?</td>
<td>No</td>
<td>n/a</td>
</tr>
<tr>
<td>Can we reduce the impact by taking different action?</td>
<td>No</td>
<td>n/a</td>
</tr>
</tbody>
</table>
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.</th>
<th>Identify the aims of the policy or service and how it is implemented.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key questions</td>
<td>Answers / Notes</td>
</tr>
</tbody>
</table>
| **1.1** Briefly describe purpose of the service/policy including  
- How the service/policy is delivered and by whom  
- If responsibility for its implementation is shared with other departments or organisations  
- Intended outcomes | This policy provides a process and guidance on the implementation of national maternity, paternity and adoption legislation. It is intended that it will provide a consistent approach to the implementation of legislation across the Trust. |
| **1.2** Provide brief details of the scope of the policy or service being reviewed, for example:  
- Is it a new service/policy or review of an existing one?  
- Is it a national requirement?  
- How much room for review is there? | The Policy is a review of an existing policy and references national legislation. Reviews will be carried out every three years or as and when national legislation affecting this policy changes. |
| **1.3** Do the aims of this policy link to or conflict with any other policies of the Trust? | No. |
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></th>
<th>Examples of 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>3.1 Gender</td>
<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>
</tr>
<tr>
<td>3.2 Transgender</td>
<td>Identify the impact/potential impact of the policy on transgender people</td>
<td></td>
</tr>
<tr>
<td>3.3 Disability</td>
<td>Identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)</td>
<td></td>
</tr>
<tr>
<td>3.4 Age</td>
<td>Identify the impact/potential impact of the policy on different age groups</td>
<td></td>
</tr>
<tr>
<td>3.5 Race</td>
<td>Identify the impact/potential impact on different black and minority ethnic groups</td>
<td></td>
</tr>
<tr>
<td>3.6 Sexual orientation</td>
<td>Identify the impact/potential impact of the policy on lesbians, gay, bisexual &amp; heterosexual people</td>
<td></td>
</tr>
<tr>
<td>3.7 Religion/belief</td>
<td>Identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</td>
<td></td>
</tr>
<tr>
<td>3.8 Marriage/Civil Partnership</td>
<td>Identify the impact/potential impact of the policy</td>
<td>Implementation of national pregnancy/maternity legislation.</td>
</tr>
<tr>
<td>3.9 Pregnancy/Maternity</td>
<td>Identify the impact/potential impact of the policy</td>
<td></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 required</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: ___________________________  Date: ____________