

FAMILY LEAVE POLICY

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Date of Approval:	29 th May 2015	
Review Date:	7 th December 2020	
	This is the most current document and should be used until a revised version is in place	
Target Organisation(s)	Worcestershire Acute Hospitals NHS Trust	
Target Departments	All wards and departments	
Target staff categories	All staff categories	

Policy Overview:

The purpose of this policy is to outline the specific terms and conditions surrounding Maternity, Adoption, Paternity and Parental Leave.

Key amendments to this Document:

Date	Amendment	By:
Jan 13	Amalgamation of Maternity, Adoption, Paternity and Parental leave Policies	Human Resources
Feb 13	Additional section covering Additional Paternity Leave	Human Resources
March 13	Amendment to Parental Leave Entitlement from 13 weeks to 18 weeks in line with EU Parental leave Directive	Human Resources
March 13	Update to section on carry forward of annual leave to bring in line with AfC Terms and Conditions	Human Resources
Jan 14	Update to forms to include a box to tick if the employee wishes to have their maternity pay paid in equal instalments	Human Resources
Sept 14	Changes to the Maternity/Paternity/Adoption form to include an option for averaged pay	

April 15	Additional section covering Shared Parental Leave and Pay for babies due to be born on or after 5 th April 2015	Human Resources
April 15	Update to amend Additional Paternity Leave and Pay provisions, which are superseded by Shared Parental Leave for babies due to be born on or after 5 th April 2015	Human Resources
August 2017	Document extended for 12 months as per TMC paper approved on 22 nd July 2015	TMC
June 2018	Document extended for 3 months as per TLG recommendation	TLG
June 2019	Document extended for 12 months whilst review process takes place	Rachel Morris/Tina Ricketts
June 2020	Document extended for 6 months during COVID-19 period	

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Supporting Document 6	Maternity Leave and Pay Entitlements
Supporting Document 7	Application Form for Maternity Leave/Pay
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Supporting Document 15	Notice to Vary a Period of Shared Parental Leave

1. Introduction

Worcestershire Acute Hospitals NHS Trust is committed to promoting its values and developing supportive working practices for their staff. For employees who are expecting a child through pregnancy or adoption, this support is essential for the health and wellbeing of the employee and their family throughout this period and beyond.

This policy is designed to provide guidance and advice as well as the support an employee can expect from the Trust.

2. Scope of this document

This policy applies to all staff on substantive or fixed term contracts and outlines the specific terms and conditions surrounding Maternity, Paternity, Adoption and Parental Leave.

Entitlement will be based on continuity of service with the Trust and or within the NHS.

3. Definitions

• Maternity and Adoption Leave Provisions

Ordinary Maternity/Adoption Leave (OML/OAL) is the entitlement to a period of 26 weeks leave regardless of how long an employee has worked for the NHS

Additional Maternity /Adoption Leave (AML/AAL) is the entitlement to a further period of up to 26 weeks unpaid leave regardless of how long an employee has worked for the Trust

Expected Week of Childbirth (EWC) is the week in which the baby is due to born.

Qualifying Week is the 15th week before the Expected Week of Childbirth

MAT B1 Form is the certificate provided by the employee's GP or Midwife anticipating the potential date of the birth of the baby. Usually issued to employee between 24-26 weeks into the pregnancy

KIT Days the employee's entitlement to Keep in Touch days which can be up to 10 paid days

Main carer is a person providing the primary support and care.

Child means a person who is, or when placed with an adopter for adoption, under the age of 18

- **Shared Parental Leave Provisions**

Mother means the woman who gives birth to a child or the adopter.

Adopter means the person who is eligible for adoption leave and/or pay. They can be male or female.

Partner means the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner, or a partner who is living in an enduring relationship with the mother and the child

SPL is Shared Parental Leave

ShPP is Statutory Shared Parental Pay

Continuity of Employment test is where an individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still employed by the Trust at the start of each SPL leave period

Employment and Earnings test refers to the 66 weeks leading up to the baby's expected due date/matching date, during which the individual has worked for at least 26 weeks and earned above the maternity allowance threshold (£30 per week as at April 2015) a week in 13 of the 66 weeks

Continuous Leave is a period of leave that is taken in one block

Discontinuous Leave is a period of leave that is arranged around weeks where the employee will return to work.

SPLIT day means Shared Parental Leave in Touch Day

Curtail is where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early.

Lower Earnings Limit – the level of earnings at which employees start to pay Class 1 National Insurance contributions

- **Paternity Leave Provisions**

Ordinary Paternity Leave (OPL) is the entitlement of a father, or mother’s partner, to take 2 weeks leave

- **Parental Leave Provisions**

Parental responsibility this includes those who have direct responsibility for the care of the child i.e. mother, father, legal guardian

Nominated person this means parent, parent in law, grandparent, sibling, partner (includes same sex partners), or any other person, whether related or not to the employee who, in the absolute discretion of the Trust has a sufficiently close relationship with the child

Disabled Child defined as an individual who is entitled to a Disability Living Allowance

4. Responsibility and Duties

Overall responsibility for this Policy rests with the Trust Board. Operational responsibilities are delegated as follows:

4.1 Executive Directors

The lead Executive Director for this Policy will be the Director of Human Resources. In addition, all Executive Directors will be responsible for ensuring that:

- All employees are informed of the terms of the policy and the procedures that apply to them
- The policy is implemented and operated effectively within the sphere of their control
- Managerial action is fair, equitable and reasonable in all circumstance(s) and is monitored effectively

4.2 Managers and Supervisory Staff

Managers and Supervisory Staff carry responsibility for effectively and fairly implementing and operating this policy within their sphere of control.

4.3 Employees

Employees will be responsible for meeting the requirements of this Policy should any of the provisions be requested by them. A breach of this policy may lead to disciplinary action.

4.4 Human Resources Department

The Human Resources Department is a source of advice and guidance on the interpretation and application of the Policy.

5. Policy Detail

This Policy details the terms and conditions and entitlements for employees wishing to apply for Maternity Leave, Adoption Leave, Paternity Leave and Parental Leave. It has been grouped together to be called Family Leave and describes the eligibility criteria required to qualify for leave and pay and both the statutory and occupational entitlement applicable.

In addition, this policy also provides information on how to apply for Family Leave and the general provisions applicable whilst taking such leave.

6. Implementation

6.1 Plan for implementation

The policy will be implemented immediately upon approval

6.2 Dissemination

The policy will be placed in the Trust’s HR Document library on the Intranet and will be publicised through Trust Daily Update, policy update briefings for managers and notified to the Trust Board by HR the Workforce and Organisational Development Group. Committee

6.3 Training and awareness

Awareness of this Policy will be raised throughout the Trust. It will be included in all Induction training and will also form an integral part of all Management Development training.

Specific training and awareness sessions will be provided as part of the implementation of the Policy to enable all managers and staff-side representatives to understand what is expected of them.

7. Monitoring and compliance

Monitoring Requirements	a) the application of the policy b) the number of staff who apply for and receive statutory and occupational entitlements c) effectiveness of the policy
Monitoring Method	Annual report of the number of staff who apply for and receive statutory and occupational entitlements in accordance with this Policy, by staff group, gender, ethnicity, age, nationality, race.
Monitoring Prepared by	HR Officer
Monitoring Presented to	Workforce and OD Group
Frequency of Reporting	Annually

8. Policy Review

8.1 MATERNITY LEAVE PROVISIONS

8.1.1 General Principles

Pregnant employees have the following basic rights:-

- To paid time-off for antenatal care.
- Not to be unfairly dismissed or suffer detriment because of reasons related to pregnancy or maternity.
- To return to their substantive post, providing that post remains within the Trust structure, under their original contract and on no less favourable terms and conditions.
- To have arrangements made to keep in contact during the leave period.
- To have optional keep in touch days (KIT days) for up to 10 days without losing their rights to maternity pay.
- Under NHS Terms and Conditions of Service to receive additional maternity leave up to a total of 52 weeks absence regardless of length of service.

8.1.2 Procedure

To apply for Maternity Leave and to receive the pay provisions under all NHS Terms and Conditions of Service, Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP), the pregnant employee must complete the Application Form which can be found at Supporting Document 7. This completed Application Form must be received by the Line Manager as formal notification of the employee's intention to take maternity leave, by the end of the 15th week before the Expected Week of Childbirth (EWC) (unless this is not reasonably practicable).

The Application Form must then also be signed by the Manager and forwarded together with the MATB1 to the HR Department at least 28 days before the employee intends to commence Maternity Leave (unless this is not reasonably practicable). In circumstances where the MATB1 has not yet been issued, the Application Form should be forwarded to the HR Department without delay and the MATB1 should follow.

8.1.3 Entitlements to All NHS Terms and Conditions of Service and Statutory Maternity Pay Provisions

Employees taking Maternity Leave may be entitled to paid leave depending on their length of service. The payments may be made either under any of the NHS Terms and Conditions of Service (Occupational Maternity Pay) Regulations or under the Statutory Maternity Pay provisions or a combination of both (See Supporting Document 6).

8.1.4 NHS Terms and Conditions of Service (Occupational Maternity Pay)

Qualifying conditions

To be eligible for Maternity Leave with pay under all the NHS Terms and Conditions of Service, employees must have been employed by one or more NHS employer for a continuous period of 12 months or more by the 11th week before the Expected Week of Childbirth (EWC) and are intending to return to work. If these conditions are met and the employee intends to return to work, the payment shall be as follows:

- 8 weeks at full pay
- 18 weeks at half pay (plus SMP – but not exceeding full pay)
- 13 weeks of Statutory Maternity Pay or Maternity Allowance (*if eligibility criteria are met*).

Employees will also be entitled to a period of unpaid Additional Maternity Leave (See Supporting Document 6).

8.1.5 Statutory Maternity Pay Provisions

Qualifying Conditions

- SMP is payable to employees who have a continuous period of employment of 26 weeks or more with this Trust at the Qualifying Week, that is by the end of the 15th week before the Expected Week of Childbirth (EWC)
- Employees must have received average weekly earnings for the 8 weeks prior to the Qualifying Week of not less than the Lower Earnings Limit (LEL), i.e. the level at which National Insurance contributions are paid
- An employee must notify her manager of her intention to take maternity leave by the end of the 15th week before the Expected Week of Childbirth, unless this is not reasonably practicable
- She must also notify the Trust at least 28 days before she wishes Statutory Maternity payments to begin
- The employee has reached the 11th week before her Expected Week of Childbirth or has already had her baby.
- SMP will be made subject to PAYE income tax and National Insurance contributions being deducted.

Statutory Maternity Pay is payable for 39 weeks: 6 weeks at 90% of average earnings plus 20 weeks at the lower earnings limit per week or 90% of average earnings, whichever is the lesser amount, and 13 weeks SMP.

Statutory Maternity Pay cannot be paid earlier than 11 weeks before the Expected Week of Childbirth.

In addition, the employee will be entitled to a further 13 weeks of unpaid Additional Maternity Leave.

8.1.6 Commencement of Maternity Leave

Maternity leave will commence at the beginning of the 11th week before the expected week of childbirth unless the baby arrives early. However, pregnant employees can work beyond the 11th week and can choose not to commence maternity leave until the day of childbirth.

If childbirth occurs before the date the employee has notified (or before she has notified any date), the maternity leave period will start automatically on the 1st day of absence.

Where an employee's baby is born before the 11th week before the expected week of childbirth, and she has worked during the actual week of childbirth, maternity leave will start on the first day of her absence.

Where the baby is born before the 11th week before the expected week of childbirth, and she has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.

In circumstances where the baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split her maternity leave entitlement, taking a minimum period of two weeks leave immediately after the birth and the rest of her leave following her baby's discharge from hospital.

8.1.7 Absence Due to Illness

An employee absent from work due to illness not attributable to pregnancy will be able to take sick leave up to the date she has notified as the date upon which she intends her leave to start, provided this absence is certified.

However, if she is off work ill, or becomes ill, with a pregnancy related illness during the last 4 weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later.

8.1.8 Calculating Maternity Pay

Maternity pay is calculated over a set reference period of 8 weeks ending on the 15th week before EWC. The calculation is from total gross taxable pay.

8.1.9 Risk Assessment

All pregnant workers should have a Risk Assessment completed within 2 weeks of informing their manager of their pregnancy. The manager should complete the assessment with the member of staff and if required should seek support and advice from the Health and Safety Adviser, or Occupational Health. Please see Supporting Documents 4 and 5 for guidance, Risk Assessment and flowchart.

If any risks are identified then action should be taken to reduce the risk to the employee for example, by removing the task from the employee's work schedule or changing the task itself. If after adaptation of the job or task the risk has not been reduced sufficiently to be acceptable, please contact Human Resources to discuss options. In exceptional circumstances, a suitable alternative may need to be identified.

8.1.10 Working Beyond the 4th Week Prior to the EWC

Employees wishing to work beyond the 4th week prior to their EWC may do so. The manager should review the employee's Risk Assessment at this time to make sure that the employee is fit and able to carry out their duties as specified in their job description. If for any reason there is a concern, Occupational Health should be contacted for advice.

8.1.11 Miscarriage and Still Birth

Where an employee miscarries prior to the start of the 25th week of pregnancy, normal sickness absence provisions will apply.

Where an employee's baby is still born after the start of the 25th week of pregnancy, the employee will be entitled to the same amount of Maternity Leave and Pay as if their baby had been born alive.

8.1.12 Premature Birth

Where an employee's baby is born prematurely, the employee will be entitled to the same amount of Maternity Leave and Pay as if her baby was born at full term. In these circumstances, Maternity Leave will start on the day after the birth.

8.1.13 Breastfeeding Mothers

If an employee is breastfeeding and wishes to continue following her return to work, the Trust will support this as far as reasonably practicable.

The employee and line manager should agree how this will fit into their job and what practical solutions can be applied to allow the employee to achieve this, including suitable facilities to express and store milk. Reviews should be conducted to ensure this continues to be appropriate. A risk assessment should be conducted – please see Supporting Document 5.

8.2 ADOPTION LEAVE PROVISIONS

8.2.1 General Principles

Employees who are approved for Adoption have the following basic rights:-

- Reasonable time off with pay to attend official meetings in the adoption process
- Not to be unfairly dismissed or suffer detriment because of reasons related to Adoption.
- To return to their substantive post, providing that post remains within the Trust structure, under their original contract and on no less favourable terms and conditions.
- To have arrangements made to keep in contact during the leave period.
- To have optional keep in touch days (KIT days) for up to 10 days without losing their rights to adoption pay.
- Under NHS Terms and Conditions of Service to receive additional adoption leave up to a total of 52 weeks absence regardless of length of service.

8.2.2 Procedure

To apply for Adoption Leave and to receive the pay provisions under all NHS Terms and Condition of Service (Occupational Adoption Pay) and Statutory Adoption Pay the employee must complete the Application Form attached to this policy (Supporting Document 9).

Adoption leave will not apply to step family adoptions or adoptions by foster carers where there is already an established relationship.

8.2.3 UK Adoptions

For UK adoptions, all employees regardless of length of service shall be entitled to Statutory Adoption Leave.

The completed Application Form must be received by the employees manager as formal notification of their intention to take adoption leave, within 7 days of the employee being notified by their adoption agency that they have been matched with a child for adoption (unless this is not reasonably practicable). An employee will also be required to provide a “matching certificate” as written evidence for their manager from the Adoption Agency that a child has been placed with them for adoption.

The Manager/Head of Department should then sign and forward the completed adoption leave application form, together with the matching certificate from the Adoption Agency, to the Trust’s Human Resources Department at least 28 days before the employee intends to commence Adoption Leave (unless this is not reasonably practicable). A copy of the

application form together with the matching certificate from the Adoption Agency should also be retained on the employee's personal file.

The Trust should, within 28 days of receiving the application form, advise the employee in writing of his/her entitlements and the date when adoption leave will end.

8.2.4 Overseas Adoptions

For Overseas adoptions, all employees regardless of length of service shall be entitled to Statutory Adoption Leave.

The Statutory Adoption Leave period is made up of 26 weeks ordinary adoption leave followed immediately by 26 weeks additional adoption leave.

Employees adopting a child from abroad must give notice in three stages as follows:

First notification stage – employees should notify the Trust within 28 days (where possible) of the date on which official notification was received and the date the child is expected to enter the UK.

Second notification stage – where possible, at least 28 days' notice should be given of the date it is intended that the adoption leave will start. Adoption leave cannot start before the child enters the UK.

Third notification stage – employees should notify the Trust the date the child entered the UK within 28 days (where possible) of the child's date of entry.

The Trust should, within 28 days of receiving notification at the second stage, advise the employee in writing of his/her entitlements and the date when adoption leave will end.

Details of Adoption Leave entitlements are set out in Supporting Document 8.

8.2.5 Commencement of Adoption Leave

UK adoptions - employees may choose to begin their adoption leave on either of the following:

- the date on which the child was placed with them for adoption
- a pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement

Overseas adoptions - employees may commence adoption leave from either the date the child enters the UK, or on a pre-determined date which is no later than 28 days after the date the child enters the UK.

Adoption leave can start on any day of the week and only one period of leave is available, irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Employees may change their intended start date and must give the Trust a minimum of 28 days' notice as follows:

- 28 days before their adoption leave start date or
- 28 days before their new adoption leave start date, whichever is the earlier

8.2.6 Official Meetings in the Adoption Process

Employees (main carer) adopting a child, regardless of their length of service, are entitled to reasonable time off with pay to attend official meetings in the adoption process before the child becomes resident in their home. Employees must be prepared to show, on request, evidence that a meeting is arranged.

8.2.7 Entitlements to all NHS Terms and Conditions, and Statutory Adoption Pay Provisions

Employees taking Adoption Leave may be entitled to paid leave depending on their length of service. The payments may be made either under the NHS Terms and Conditions (Occupational Adoption Pay) provisions or under the Statutory Adoption Pay provisions, or a combination of both (See Supporting Document 8).

Employees who are entitled to receive both Occupational Adoption Pay and Statutory Adoption Pay should note that they are paid concurrently and are offset against each other – employees in receipt of adoption pay will not receive more than their average salary.

8.2.8 NHS Terms and Conditions of Service (Occupational Adoption Pay)

Qualifying conditions

To be eligible for Adoption Leave with pay under all the NHS Terms and Conditions of Service, employees must have been employed by one or more NHS employers for a continuous period of 12 months by the beginning of the week in which they are notified of being matched with a child for adoption, and are intending to return to work. If these conditions are met and the employee intends to return to work, the payment shall be as follows:

- 8 weeks at full pay
- 18 weeks at half pay (plus SAP – but not exceeding full pay)
- 13 weeks of Statutory Adoption Pay (if eligibility criteria are met).

Employees will also be entitled to a period of unpaid Additional Adoption Leave (See Supporting Document 8).

8.2.9 Statutory Adoption Pay Provisions

Qualifying Conditions

- Statutory Adoption Pay (SAP) is payable to employees who have a continuous period of employment with the Trust of 26 weeks, by the week in which they are notified of being matched with a child for adoption or have received official notification from the relevant UK authority of eligibility to adopt a child from abroad.
- Employees must be newly matched with a child for adoption.
- Employees must have received average weekly earnings at or above the Lower Earnings Limit (LEL), i.e. the level at which National Insurance contributions are paid, at the end of the matching week (UK adoptions) or at the point when official notification is received from the UK authority or when 26 weeks service has been completed, whichever is the later (overseas adoptions).
- An employee must notify their manager of their intention to take adoption leave in accordance with the application procedure set out in paragraph 8.2.2 above.
- SAP will be made subject to PAYE income tax and National Insurance contributions being deducted.

Statutory Adoption Pay is payable for 39 weeks.

8.2.10 Cancellation of Adoption Leave

If the adoption placement is not a success or the child dies during a period of adoption leave, the employee must contact their manager/Head of Department immediately. In such circumstances, adoption leave may continue for up to a further 8 weeks from the event in question.

8.2.11 Provisions for the Other Parent

Only one adoptive parent (the 'main carer') in any couple (whether one or both adoptive parents are employed by the Trust) can apply for adoption leave within the sphere of this policy.

For the other parent, leave may be granted in accordance with the provision for paternity leave (adoption). Please refer to the Trust's Paternity Leave Policy for further information.

If additional leave is required following adoption or paternity (adoption) leave, please refer to the Trust's Parental Leave Policy.

8.3 SHARED PARENTAL LEAVE PROVISIONS

8.3.1 General Principles

Shared Parental Leave (SPL) enables mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption.

Employees may be entitled to SPL and Statutory Shared Parental Pay (ShPP) if:

- Their baby is due on or after 5 April 2015 as per the MATB1 form
- A child is placed with them for adoption on or after 5 April 2015

8.3.2 Eligibility for Shared Parental Leave

Shared Parental Leave can only be used by two people:

- The mother/adopter, **and** one of the following:
 - The father of the child (in the case of birth) **or**
 - The spouse, civil partner or partner of the child's mother/adopter

who must share the main responsibility for the care of the child at the time of the birth/placement for adoption

To trigger the right to SPL for one or both parents, the mother must:

- Have a partner
- Be entitled to maternity/adoption leave, or to statutory maternity/adoption pay or maternity allowance
- Have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance

A parent who intends to take SPL must:

- Be an employee of the Trust at the start of each period of Shared Parental Leave
- Share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
- Have properly notified the Trust of their entitlement and have provided the necessary evidence

In addition, a parent wishing to take SPL is required to satisfy the continuity of employment test and their partner must meet the employment and earnings test.

8.3.3 Shared Parental Leave Entitlement

Employees who meet the eligibility criteria in paragraph 8.3.2 may be entitled to take up to 50 weeks SPL during the child's first year in their family.

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

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

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), entitlement must be reduced to less than 39 weeks. In this circumstance, the partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

If both parents are Trust employees and both meet the qualifying requirements, then there will be a joint entitlement and the parents will need to determine how to divide the leave entitlement between them.

SPL can commence as follows:

- the mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- the adopter can take SPL after taking at least two weeks of adoption leave
- the father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements

SPL must end no later than one year after the birth/placement of the child.

8.3.4 Requesting Shared Parental Leave

To apply for Shared Parental Leave and to receive the ShPP pay provisions under all NHS Terms and Conditions of Service, the employee must complete the Notice of Entitlement and Application for Shared Parental Leave form, which can be found at Supporting Document 14.

This completed form must be submitted at least 8 weeks before the employee intends to take a period of SPL. SPL can only be used after the mother has already returned to work, or given notice to their employer to curtail their maternity/adoption leave, confirming when their maternity/adoption will come to an end. Notice is binding so cannot be withdrawn.

Line managers will inform the employee in writing of the decision as soon as is reasonably practicable but no later than the 14th day after the leave notification was made.

Employees can submit three separate notifications specifying the leave periods they wish to take. Each notification may contain either

- (a) a single period of leave
- (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave

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 6 weeks in a row), notified in a single notification. 8 weeks notice must be given.

A single notification may also contain a request for two or more periods of discontinuous leave, which means requesting a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work.

Requests for continuous leave cannot be refused.

On receipt of a request for discontinuous leave, the line manager and employee will have a discussion period of 14 calendar days to discuss the request with a view to agreeing an arrangement that meets the needs of the Trust and the employee.

If a request for discontinuous leave is not agreed, then the total amount of leave requested must be taken as one continuous block unless the employee withdraws their notice and submits a new request

Requests for discontinuous leave will be considered by the line manager in discussion with the employee and will be considered for approval based on an assessment of the impact for the Trust.

Approved applications should be sent to the Human Resources Department no later than 28 days before the SPL is due to commence.

8.3.5 Eligibility to Shared Parental Pay

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

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period
- The employee must intend to care for the child during the weeks in which ShPP is payable
- employees must remain in continuous employment until the first week of ShPP has begun
- to qualify for ShPP an employee must meet the “continuity of employment test” and their partner must meet the “employment and earnings test”. The employee must also have earned above the Lower Earnings Limit in the 8 weeks leading up to and including the 15th week before the child’s due date/matching date and still be employed with the same employer at the start of the first period of ShPP.

If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.

If an employee's employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they commence employment with another employer.

8.3.6 Taking Shared Parental Leave

SPL can:

- Start on any day of the week
- Only be taken in complete weeks
- Be taken using three separate notices to book leave
- Be taken by the partner while the mother is still on maternity/adoption leave if the mother has reduced their entitlement to maternity/adoption leave

SPL can start while their partner is still on maternity or adoption leave provided binding notice has been given to end it.

8.3.7 Variations to Agreed Shared Parental Leave

Agreed SPL can be varied or cancelled by giving at least 8 weeks notice to the line manager and by completing the Notice to Vary a Period of Shared Parental Leave, which can be found at Supporting Document 15. Any new start date cannot be sooner than 8 weeks from the date of the variation request.

Any variation or cancellation notification made, including notice to return to work early, will usually count as a new notification.

A change as a result of a baby being born early will not count as further notification.

Any variation must be approved by the line manager.

Employees must inform the Trust if their circumstances change such that they will no longer be responsible for the care of the child. In this situation, their entitlement to both SPL and ShPP will immediately cease.

8.3.8 Cancelling the Decision to End Maternity or Adoption Leave

If the mother or adopter has given notice to end maternity/adoption leave and either parent has informed their employer of their entitlement to take SPL, then the notice to end maternity/adoption leave is binding and cannot be withdrawn unless:

- during the 8 week notice period, the mother/adopter becomes ineligible for SPL or ShPP
- the mother or adopter's partner has died
- when notice was given before birth, it may be withdrawn without a reason up to 6 weeks following the birth

8.3.9 SPLIT days

During SPL an employee and employer may agree up to 20 Shared Parental Leave in Touch (SPLIT) days. The provisions for KIT days set out in paragraph 8.6.1 also apply.

8.3.11 Right to Return to Work

To return to work earlier than the agreed date, the employee must provide at least 8 weeks written notice. This counts as one of the notifications. If three notifications to book and/or vary leave have already been used, then the Trust does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable to do so.

8.3 PATERNITY LEAVE PROVISIONS

8.3.1 General Principles

Paternity Leave is to support an employee with the opportunity to attend the birth of their child and to help with childcare when mother and baby return home. It also applies to parents of a child who is a newly placed adoption up to the age of 18 years.

Paternity Leave is applicable (subject to qualifying criteria) to all employees who are:

- A biological or adoptive father or
- A partner/husband that is not the baby's biological father or
- A person living with the mother in an enduring family relationship but not an immediate relative (includes same sex partners)

And

- Who have or expect to have direct responsibility for the child's upbringing

And

- Who are taking time off work to support the mother or care for the child

In the case of Adoption, if the Trust employees both adoptive parents, one parent may be eligible to claim Paternity Leave/Pay and the other parent may be eligible to claim Adoption Leave/Pay.

8.3.2 Procedure

Employees should notify their manager of their planned dates of Paternity Leave as follows:

8.3.3 Births:

A Paternity Leave/Pay Application Form (Supporting Document 11) must be completed and given by the employee to their manager on or before the 15th week before the Expected

Week of Childbirth or, if this is not practicable, as soon as possible thereafter and at least 28 days before they wish Paternity Leave to begin (unless there are very exceptional circumstances). The Line Manager should then sign and forward the Application Form to the Human Resources Department together with a copy of the MATB1 Certificate. The employee's entitlements will then be confirmed in writing to them and details forwarded on to Payroll.

8.3.4 Adoptions:

Notification should occur within 7 days of being notified by the Adoption Agency that they have been matched with a child. A Paternity Leave/Pay (Adoption) Application Form (Supporting Document 11) must be completed and given to their manager as soon as possible after this date. The Line Manager should then sign and forward the Application Form to the Human Resources Department together with a copy of the Matching Certificate. The employee's entitlements will then be confirmed in writing to them and details forward on to Payroll.

In either case, employees can change their mind about the date on which they want their Paternity leave to start providing they tell their manager at least 28 days in advance.

8.3.5 Commencement of Paternity Leave.

The Trust recognises that the timing of Paternity Leave should be as flexible as possible as the actual date of birth/adoption placement can obviously vary from the original dates given.

8.3.6 Births:

Leave may be taken at the time of the birth or if more helpful to the family in the weeks following the birth. The full entitlement to paternity leave however, must be taken within 8 weeks of (a) the baby's birth or (b) the beginning of the expected week of childbirth (whichever is the later), unless for example, a prolonged stay in hospital delays the baby's return home, in which case the manager has decided to defer the period of Paternity Leave.

8.3.7 Adoptions:

Leave may be taken at the time of adoption, or if more helpful to the family, in the weeks following the adoption. The full entitlement to Paternity Leave, however, must be taken within 8 weeks of the child's arrival in the home.

Paternity leave, which may begin on any day of the working week, can be taken for either on or two consecutive weeks.

Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy or is placed for adoption.

8.3.8 Entitlements to all NHS Terms and Conditions, and Statutory Paternity Pay Provisions

All employees, regardless of their length of service, are entitled to 2 weeks Paternity Leave. They may also be entitled to be paid during this 2 week period.

8.3.9 Occupational Paternity Leave/Pay

Employees will be entitled to 2 weeks paid leave (full pay*) per birth/adoption, provided they have been continuously employed with 1 or more NHS employer for a minimum period of 12 months by the beginning of the week in which the baby is due (or, in the case of adoption, ending with the week in which the adoption agency notified them that they have been matched with a child).

* Full pay will be calculated on the basis of the average weekly earnings rule used for calculating Occupational Maternity Pay entitlements.

8.3.10 Statutory Paternity Leave /Pay

Employees will be entitled to 2 weeks paid leave per birth/adoption, provided they have been continuously employed by the Trust for a minimum of 26 weeks by the 15th week prior to the Expected Week of Childbirth (or, in the case of adoption, ending with the week in which the adoption agency notified them that they have been matched with a child). This entitlement is also subject to the employee having average earnings above the Lower Earnings Level for National Insurance purposes.

Statutory Paternity Pay is payable at the same rate per week as Statutory Maternity Pay or 90% of average weekly earnings, whichever is the lesser amount.

Employees who do not qualify for Statutory Paternity Pay may still be eligible to claim Income Support whilst on paternity leave. Further information can be obtained from the Benefits Agency.

NB If there is an entitlement to receive both Occupational Paternity Pay and Statutory Paternity Pay, they are paid concurrently and are offset against each other – this means that an employee will never receive more than their average salary.

The right to Paternity Leave is in addition to any Parental Leave rights, provided the employee qualifies for both types of leave.

For details of entitlements to paternity Leave and Pay see Supporting Document 10.

8.3.11 Additional Paternity Leave/Pay

Employees with babies born or children adopted before 5 April 2015 may be entitled to take between 2-26 weeks of additional paternity leave if their partner has returned to work. The leave can be taken between 20 weeks and one year after the child is born or placed for adoption. Contact the HR Department for advice on eligibility criteria and the notification requirements.

8.3.12 Time Off for Ante Natal Appointments

Regardless of length of service, employees may be able to take reasonable paid time off to attend antenatal classes with their partners if the service is able to support this. Every effort should be made to organise appointments to minimise the impact on the service. Managers may request evidence of appointments.

For Adoptions, reasonable time off with pay to attend official meetings in the adoption process should also be given.

8.3.13 Premature Baby

If the baby is born prior to the 15 week prior to EWC and after 24 weeks gestation, the employee will be eligible for the appropriate level of Paternity Leave based on EWC date. If the employee has not applied for Paternity Leave, they must inform their line manager as soon as reasonably practicable of the situation.

8.3.14 Stillbirths

If a stillbirth occur after the end of the 24th week of the pregnancy an employee will be entitled to the same amount of Paternity Leave and pay as for a live Birth.

8.3.15 Resignation following Paternity Leave

Employees who do not wish to return to the Trust following their Paternity Leave must give notice in accordance with their contract of employment.

8.4 PARENTAL LEAVE PROVISIONS

8.4.1 General Principles

Parental leave is a right for working parents to take a period of unpaid parental leave during the first fourteen years of their child's life (or 18th year if the child has a disability).

An employee does not have to be living with the child to access parental leave; however they will need to satisfy the following conditions:

- They have 12 months continuous NHS service and the responsibility of caring for a child under the age of 14 (18 in the cases of adoption and/or if the child is disabled); and
- They are the natural parent, adoptive parent or step parent (defined as the current partner of the natural parent if unmarried or civil partner); or
- They have the legal parental responsibility or have nominated caring responsibility for the child.

8.4.2 Procedure

An employee must make a written request for parental leave to their manager, giving 21 days' notice of the proposed start date of their leave. An employee will be required by their line manager to produce the child's birth certificate and/or matching certificate as evidence of their entitlement to Parental Leave.

In order to take Parental Leave the employee must complete the Parental Leave Application Form (Supporting Document 15) and submit this to their line manager, giving at least 21 days' notice to their line manager before the date on which the leave is to commence (unless there are exceptional circumstances). The request must specify the dates on which the period of leave is to begin and end. Unless:

- The employee is the father/nominated carer of the child and the period of parental leave is to follow a period of Paternity Leave (timing dependant on date child is born). In which case they must give notice 13 weeks before the expected week of childbirth (unless there are exceptional circumstances).
- The child in respect of whom the leave is to be taken is to be placed with the employee for adoption and the period of parental leave is to follow a period of Paternity (Adoption) Leave (timing will be dependent on adoption placement). In which case the notice required must specify the week in which the placement is expected to occur and the duration of the period of leave to be taken and notice needs to be given as soon as is reasonably practicable.

The line manager must the sign and forward the completed application form, together with the appropriate documentation to the Human Resources Department who will confirm the outcome of the request. If there are any circumstances where the request for Parental Leave substantially affects the needs of the service then the right to postpone the leave may be implemented. (See section on Conditions of Parental Leave).

An employee will be required to produce, for the line manager's information, evidence to support their right to Parental Leave. This request will only be made with the initial request. The following evidence would be acceptable:

- the child's birth certificate or
- in the case of a child who is placed with the employee for adoption the date on which the placement began (adoption certificate)
- evidence of the child's entitlement to disability living allowance

Abuse of the system or falsification of claims will be dealt with in accordance with the appropriate Trust procedures which may include disciplinary action.

Employees may follow the Trust Grievance policy if they feel that their parental leave has been postponed or denied unreasonably.

8.4.3 Entitlements to Parental Leave

Where both parents are employees of the Trust they will both be entitled to take parental leave for the same child. These rights to parental leave cannot be transferred from one parent to the other.

Eligible employees are entitled to 18 weeks unpaid leave for each child up to the 14th birthday/14th anniversary of being placed for adoption or 18 weeks unpaid leave up to the 18th birthday if the child is disabled.

Up to 4 weeks 'parental' leave can be taken per child in any 1 year, however leave should be taken in blocks of at least one week (this does not apply in relation to a child with disabilities or if the child is receiving Disability Living Allowance, when leave may be taken one day at a time).

One week's parental leave is equal to the length of time of the employee's contracted working week. Where this is variable, the average working week is calculated.

For details of entitlements relating to Parental Leave, please see Supporting Document 14.

8.4.4 Conditions of Parental Leave

Where an employee takes parental leave of four weeks or less per annum they are entitled to return to the job in which they were employed before the absence.

The employee is entitled to benefit from terms and conditions of employment whilst on parental leave, e.g. compensation in the event of redundancy. Similarly, the employee is bound equally by terms and conditions of employment whilst on parental leave, e.g. disclosure of confidential information and contractual notice periods.

Requests for parental leave may be delayed or refused if the granting of the request would be unduly disruptive to service needs. The line manager will provide written reasons for the delay or refusal of any request. The parental leave will not be delayed longer than six months from the date it was originally requested for.

The line manager can only postpone parental leave in exceptional circumstances e.g. if the service would be severely disrupted by the employee's absence.

The postponement may mean the employee has been unable to take the parental leave by the child's 14th birthday, (18th birthday for disabled children). In such cases the leave can be taken within the next 6 months.

Parental leave cannot be postponed when the employee has already given the required notice to take it immediately after the child is born or adopted.

Despite the right to postpone, consideration needs to be taken as to the reasons behind the request. For example if an employee wishes to take 'parental' leave to care for a child recovering from an operation, postponing the leave would not be satisfactory.

If there is a postponement, then the line manager will confirm this on the application form (Supporting Document 15) within 5 working days of receiving the request, detailing the

reasons for postponement and the dates on which the rescheduled leave could begin and end. The new dates will be mutually agreed and the leave will be taken within 6 months of the original leave date that the employee wanted to start 'parental' leave.

Managers should maintain contact with the employee during any period of parental leave.

Pension contributions must be paid by the employee and the Trust for any period of unpaid leave. These will normally be recovered automatically on return to work over the same period as the unpaid leave. Further advice is available from the Payroll/Pensions Officer.

Periods of parental leave will be regarded as continuous service.

No employee will be treated less favourably, suffer detriment or be dismissed because they request parental leave. However, the misuse of parental leave – such as the use of leave for reasons other than to care for the child or failure to follow correct procedure – may result in disciplinary action being taken against the employee.

8.5 OTHER ENTITLEMENTS/CONDITIONS APPLICABLE FOR ALL LEAVE PROVISIONS WITHIN THIS POLICY

8.5.1 Sickness Absence immediately following Leave

Employees who fail to return to work at the end of their Maternity, Adoption, Paternity, Parental Leave period as agreed due to illness should follow the Sickness Absence Procedure and the normal provision of sick pay will apply.

8.5.2 Salary Sacrifice

Employees who make salary sacrifices e.g. car parking, child care vouchers, should consider that this money is deducted from your salary prior to tax and therefore will not be included in the calculation for Maternity/Adoption Pay.

An employee may opt out of Child Care Vouchers by contacting the provider, however they will not be able to re-join until they return from maternity/adoption leave.

Any decision to opt out will affect the initial calculation of any Statutory Pay during the 8 weeks but will not be retrospective or be considered a pay increment for the purposes of calculating Statutory Pay. Therefore no recalculation of Statutory Pay will occur for opting out of the child care voucher scheme subsequent to the 8 week calculation period.

Providing an employee does not choose to opt out of the child care voucher scheme, the scheme will continue throughout the Maternity/Adoption leave period and vouchers will be issued as normal.

8.5.3 Annual Leave

In accordance with all NHS Terms and Conditions of Service, annual leave and bank holidays will continue to accrue during the leave, whether paid or unpaid.

The employee should be encouraged to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way should be discussed and agreed between the manager and employee.

8.5.4 NHS Pensions

NHS Pension rights and contributions shall be in accordance with the provision of the NHS Pension regulations. Employees who contribute to the scheme will be required to repay contributions they have accrued during unpaid periods of Maternity/Adoption/Paternity and Parental Leave upon their return to work. The repayment commences automatically and is based on the number of contribution periods absent.

8.5.5 Increments

Absence on Maternity/Adoption/Paternity and Parental Leave, whether paid or unpaid, does not affect the incremental date for salary payments.

In the event of a pay award being implemented from any date prior to the paid Maternity/Adoption Leave period, the Maternity/Adoption pay will be calculated as though the pay award has effect throughout the entire Statutory Maternity/Adoption Pay calculation. If the pay award was agreed retrospectively the maternity/adoption pay will be recalculated on the same basis

In the event of a pay award being implemented from a date during the paid Maternity/Adoption Leave period, the adoption pay due from the operative date of the pay award should be calculated as if the pay award had effect throughout any Statutory Pay calculation period. If the pay award was agreed retrospectively the adoption pay will be recalculated on the same basis.

8.5.6 Salary Review

Salary reviews will continue to occur in line with the Trust's policy. Any pay increment which is received during this period, or in the period from calculation to start of Maternity/Adoption/Paternity/Parental Leave will be reflected in the amount of Occupational or Statutory Pay paid.

For employees who receive a pay increment subsequent to starting Maternity/Adoption/Paternity/Parental Leave, the amount of Pay (if applicable) will be recalculated from the date of increment.

8.5.7 Redundancy during Maternity/Adoption/Paternity and Parental Leave

If a redundancy situation arises during an employee's Maternity/Adoption/Paternity/Parental Leave,. If the employee's role is to be made redundant, the employee will be offered suitable alternative employment and will be managed in accordance with the Trust's Management of Change Policy.

8.5.8 Dismissal during Maternity/Adoption/Paternity and Parental Leave

Should evidence arise that would normally result in disciplinary action whilst an employee is on Maternity/Adoption Leave, the Trust reserves the right to instigate the disciplinary procedure including undertaking an investigation which may be acted upon when the employee returns to work, or during Maternity/Adoption Leave should the employee wish. If the issue cannot wait due to the seriousness of the incident action may be taken during the maternity leave.

Any employee who is dismissed for any reason during Maternity/Adoption Leave will receive the reasons for the dismissal in writing.

8.5.9 Car Parking Payments

For employees with car park permits, if they wish to stop their monthly payment they need to confirm with HR in writing and return their car park badge. Please note that a new application for a car parking permit would need to be made upon return to work and there is no guarantee that this will be approved. Staff can choose to retain their permit throughout maternity leave but would need to continue payments.

8.5.10 Grievances

An employee who feels aggrieved by the interpretation or application of the Trust's Family Leave Policy is entitled to use the Trust's agreed Grievance Policy.

8.6 OTHER ENTITLEMENTS/CONDITIONS APPLICABLE FOR MATERNITY AND ADOPTION LEAVE PROVISIONS ONLY

8.6.1 Reasonable Contact/Keeping in Touch (KIT & SPLIT) Days

Before going on leave, the employee should also discuss and agree with their manager any voluntary arrangements for keeping in touch during maternity/Adoption leave to facilitate their return to work and inform them of any developments. KIT days also apply to employees who have applied to take a period of Additional Paternity Leave of up to 26 weeks.

Additionally, in agreement with their employer, employees may work for up to 10 days during their Maternity/Adoption leave (up to 20 days during Shared Parental Leave), without affecting their SMP/SAP but excluding the two weeks of compulsory maternity leave immediately after the birth. These special days are known as Keeping in Touch (KIT) days and are different to the reasonable contact that employers and employees may make with one another as described above. This is a voluntary arrangement and no employee will be pressured into coming in to work.

KIT days can be consecutive, shorter than a normal working day and can include training sessions etc. Working for part of any day counts as one of the KIT days and 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 basic daily rate for the hours worked, less appropriate maternity/adoption leave payments.

It is important therefore that hours worked on KIT days do not exceed 7.5 hours per day as this is the maximum number of hours an employee would be paid for based on the payroll calculation of 1/365th of annual salary per KIT day. Payment for KIT days will usually be paid in the month they are worked. An electronic Keep in Touch Days Form should be completed to record any KIT days worked. This form can be found on the Intranet in the document finder by searching "Keep in Touch". A copy must then be e mailed from the manager's e mail account or with the manager's electronic signature as follows:

For those employees on E-Rostering:
One copy emailed to E-Rostering
One copy emailed to Payroll

For those employees not on E-Rostering:
One copy emailed to payroll.

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.

8.6.2 Return to Work

Unless otherwise notified, the date on which the employee returns to work will be the first working day after the end of 52 weeks' Maternity/Adoption leave.

The Trust will notify the employee of this date within 28 days of submitting the Maternity/Adoption Leave Application Form.

It is the expectation of the Trust that (a) the employee's manager should contact the employee to clarify their intentions to return to work - either 7 weeks following the birth of the baby/child's placement or 11 weeks from the date on which their maternity/adoption leave commenced (whichever is the later) and (b) that he/she should reply within 14 days or as soon as reasonably practicable.

An employee who has notified the Trust of their intention to return to work following Ordinary and Additional Maternity/Adoption Leave has the right to return to his/her job under his/her original contract on no less favourable terms and conditions. However, he/she may return on any basis agreed with his/her manager including part-time or job share in accordance with the Trust's Flexible Working Opportunities Policy. This Policy provides for a right of appeal. Additional advice can be obtained from the Trust's Staff Support Co-ordinator.

Employees who subsequently change their mind and intend to return to work earlier than the notified end of their Ordinary Maternity Leave/Ordinary Adoption Leave period (26 weeks) or Additional Maternity Leave/Additional Adoption Leave period (total of 52 weeks) must give their manager 8 weeks' notice of this intention.

If 8 weeks' notice is not given of the intention to return earlier, the Trust has the right to postpone the employee's return to work until 8 weeks' notice has been given, if certain arrangements have to be made to make the return possible. The manager will write to the employee, explain the reasons for the postponement and specify a new starting date. The

Trust may not postpone his/her return to a date later than the end of his/her ordinary or additional adoption leave.

For employees returning from Maternity/Adoption and Shared Parental Leave an ESR Change Form must be completed and a copy emailed from the manager's e mail account or with the manager's electronic signature as follows:

For those employees on E-Rostering:
One copy emailed to E-Rostering
One copy emailed to Finance Team

For those employees not on E-Rostering:
One copy emailed to Finance Team

8.6.3 Employees Choosing Not to Return to Work following Maternity and or Adoption Leave

An employee who has notified the Trust of his/her intention to return for a minimum period of 3 months, or to return to another NHS employer but fails to submit a copy of the letter of appointment to another NHS employer within 15 months of the commencement of his/her maternity/adoption leave, shall be liable to refund the whole of the maternity/adoption pay received, less any Statutory Maternity/Adoption Pay to which they are entitled.

If an employee does not wish to return to work after the maternity/adoption leave he/she must give the Trust the notice of termination required by his/her contract of employment. However, it will be useful if as much notice as possible can be given in these circumstances. The employee shall be liable to refund the whole of any contractual maternity/adoption pay received, less any Statutory Maternity/Adoption Pay.

Employees who are uncertain of whether they will return to work may choose to defer payment of their Occupational Maternity/Adoption Pay until their return to work.

If an employee fails to notify the Trust of their intention to leave within the three months, every effort will be made to reclaim any overpayment of Occupational Maternity/Adoption Pay.

8.6.4 Averaging out of Maternity and Adoption Pay

Employees can request to have any entitlement to occupational Maternity or Adoption pay, paid to them in equal instalments throughout their leave period. Please note that only the occupational element of maternity pay can be averaged. If you are eligible for statutory maternity pay this will start when you begin your maternity leave and will be paid for up to 39 weeks. The occupational element of your maternity pay can be averaged over either 39 or 52 weeks. This can be requested by ticking the appropriate box on the electronic application forms.

8.6.5 Employees on Fixed Term or Training Contracts

Under all NHS Terms and Conditions of Service, employees holding a Fixed Term or Training Contract shall have their contract extended to allow them to receive their full Maternity/Adoption leave benefits as follows:

For maternity leave: after the 11th before the EWC and if they qualify for Occupational Maternity Pay and have provided the correct notification.

For adoption leave: after the beginning of the week in which they are notified of being placed with a child for adoption, and subject to meeting the NHS eligibility criteria for paid and unpaid adoption leave.

8 References:

Code:

The Employment Rights Act 1996 and amendments	
The Statutory Adoption Pay and Statutory Paternity Pay (General) Regulations 2002	
The Work and Families Act 2006	
The Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2008	
Department for Business Enterprise and Regulatory Reform	
HM Revenue and Customs	
Shared Parental Leave Regulations 2014	

9 Background

9.3 Consultation

This policy has been developed in consultation with staff side and management representatives.

9.4 Approval process

The policy has been developed by a sub-group of the Joint Negotiating and Consultative Committee and has been subject to consultation with staff representatives. The policy has been approved by the Joint Negotiating and Consultative Committee.

9.5 Equality requirements

An Equality Impact Assessment has been undertaken in accordance with Trust policy and attached as Supporting Document 2.

10.4 Financial risk assessment

The financial risk assessment associated with Family Leave is attached as Supporting Document 3. There are no direct financial risks associated with this Policy.

Supporting Document 1 – Checklist for review and approval of key documents

This checklist is designed to be completed whilst a key document is being developed / reviewed.

A completed checklist will need to be returned with the document before it can be published on the intranet.

For documents that are being reviewed and reissued without change, this checklist will still need to be completed, to ensure that the document is in the correct format, has any new documentation included.

1	Type of document	HR Policy
2	Title of document	Family Leave Policy
3	Is this a new document?	Yes If no, what is the reference number _____
4	For existing documents, have you included and completed the key amendments box?	Yes as existing policies have been amalgamated into one policy
5	Owning department	Human Resources
6	Clinical lead/s	

7	Pharmacist name (required if medication is involved)	
8	Has all mandatory content been included (see relevant document template)	Yes
9	For policies and strategies, does the document have a completed Equality Impact Assessment included?	Yes
10	Please describe the consultation that has been carried out for this document	JCNC
11	Please state how you want the title of this document to appear on the intranet, for search purposes and which specialty this document relates to.	Family Leave Policy

Once the document has been developed and is ready for approval, send to the Clinical Governance Department, along with this partially completed checklist, for them to check format, mandatory content etc. Once checked, the document and checklist will be submitted to relevant committee for approval.

Implementation

Briefly describe the steps that will be taken to ensure that this key document is implemented

Action	Person responsible	Timescale
Policy will become effective immediately upon approval	Julia Cross	End March 2013
All existing Policies will be deleted on intranet under HR Document Library	Julia Cross	End march 2013

Plan for dissemination

Disseminated to	Date
All Staff	End March 2013
Publication on HR Document Library	End March 2013

Through report to Workforce and OD Group	End March 2013
Briefings to staff applying for Family leave	On-going

1	Step 1 To be completed by Clinical Governance Department	
	Is the document in the correct format? Has all mandatory content been included? Date form returned ____/____/____	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
2	Name of the approving body (person or committee/s)	
	Step 2 To be completed by Committee Chair/ Accountable Director	
3	Approved by (Name of Chair/ Accountable Director):	
4	Approval date	____/____/____

Please return an electronic version of the approved document and completed checklist to the Clinical Governance Department, and ensure that a copy of the committee minutes is also provided.

Office use only	Reference Number	Date form received	Date document published	Version No.

Supporting Document 2 - Equality Impact Assessment Tool

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	

	<ul style="list-style-type: none"> Sexual orientation including lesbian, gay and bisexual people 	No	
	<ul style="list-style-type: none"> Age 	No	
	<ul style="list-style-type: none"> Disability 	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	n/a	
4.	Is the impact of the policy/guidance likely to be negative?	No	
5.	If so can the impact be avoided?	n/a	
6.	What alternatives are there to achieving the policy/guidance without the impact?	n/a	
7.	Can we reduce the impact by taking different action?	n/a	

If you have identified a potential discriminatory impact on this key document, please refer it to the Head of Human Resources – Workforce Transformation, together with any suggestions as to the action required to avoid/reduce this impact.

For advice in respect of answering the above questions, please contact the Head of Human Resources – Workforce Transformation.

Supporting Document 3 – Financial Impact Assessment

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

	Title of document:	Yes/No
1.	Does the implementation of this document require any additional Capital resources	No
2.	Does the implementation of this document require additional revenue	No
3.	Does the implementation of this document require additional manpower	No
4.	Does the implementation of this document release any manpower costs through a change in practice	No
5.	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programmes or allocated training times for staff	No
	Other comments:	Costs of paying for leave provisions will be within departmental budget

If the response to any of the above is yes, please complete a business case and which is signed by your Finance Manager and Directorate Manager for consideration by the Accountable Director before progressing to the relevant committee for approval

Supporting Document 4– New and Expectant Mothers Risk Assessment Guidance

1. Introduction

Worcestershire Acute Hospitals NHS Trust will consider as part of the normal risk assessment process any work activities that may expose women of childbearing age to the risk of injury or ill health. Specifically the Trust will, on written notification, carry out a detailed risk assessment on the work of all expectant and new mothers, in order to ensure that their health and that of the unborn child is not placed at risk by the work activities.

2. Definitions

2.1 New or Expectant Mother:

An employee, who is pregnant, has given birth within the previous six months, or who is breast feeding

2.2 Given Birth:

Has delivered a living child or, after 24 weeks of pregnancy a stillborn child.

3. Responsibility and Duties

3.1 Managers Duties

When an expectant, newly delivered or breast feeding mother informs her manager in writing of her condition, the manager must immediately make a suitable and sufficient assessment on the work activities of the employee using the risk assessment form at Appendix 3a.

All managers will:

- Maintain confidentiality and ask the new or expectant mother to provide a statement or certificate from a registered medical practitioner or a registered midwife, confirming the pregnancy/delivery (after 20 weeks).
- When assessing the risk to the new or expectant mother include risks that may affect the new or unborn child.
- If there is a significant risk at work to the new or expectant mother, which goes beyond the level of risk to be expected outside of the workplace, take steps to remove her from the risk by temporarily adjusting her working conditions and/or hours of work. If this is not possible, or would not avoid the risk, suitable alternative work within the Trust must be offered.
- When supported by a medical certificate which indicates that night work could affect her health and safety give special consideration to new and expectant mothers who work at night.
- Give the new or expectant mother a copy of the risk assessment.
- If as a result of the risk assessment there is a genuine concern about which course of action should be taken, seek advice from the Occupational Health Department, the Health & Safety Manager or the Human Resources Department as appropriate.
- Where necessary arrange for a suitable room to be provided for a breast feeding mother. The room should be quiet, equipped with hand washing facilities and designated for the exclusive use of the mother during periods of breast feeding. NOTE: A risk assessment should be carried out prior to this facility being provided.

3.2 Duties of individual members of staff

Expectant mothers and new mothers who have given birth in the last six months or are breast feeding as defined in 3 above, should inform their manager in writing.

On request of their manager, provide a certificate from a registered general practitioner or registered midwife, confirming their pregnancy/delivery.

Note the detail of the risk assessment on their work activities and notify their manager immediately if the risks identified within it become unmanageable, or there is a change in their work activity or if hazards not identified by the assessment become apparent.

3.3 Compulsory Leave

All women must take a period of compulsory maternity leave following childbirth. The period of compulsory leave is two weeks following childbirth and employees must not work during this time. This period of time may be extended due to other reasons identified by the risk assessment.

3.4 Occupational Health

The Trust Occupational Health Department (Ext 33652) will be responsible for:

- Pre-employment screening to identify applicants at risk
- Assessing employee capabilities, nature of the working environment and demands placed upon employees
- Advising managers on issues relating to sickness absence
- Advising on issues that might affect the new or expectant mother or her unborn child.

4.0 Risk Assessments

The Trust's general work place risk assessment process must consider any potential hazards that may expose women of child bearing age to the risk of damage to their reproductory system e.g. in areas where there may be exposure to certain chemicals or viruses.

When assessing the risk to the new or expectant mother, it is important that the risks identified include those to the unborn child and to the mother who is breast feeding, not just to the mother herself.

Some of the more common risks may include;

- lifting/carrying of heavy loads;
- standing or sitting for long periods of time;
- exposure to infectious diseases;
- exposure to lead;
- work-related stress;
- exposure to radioactive material;
- other peoples smoke in the workplace;
- threat of violence in the workplace;
- long working hours;
- excessively noisy workplaces

Control measures might include:

- temporary adjustments to an individual's working conditions and/or hours of work;
- offering suitable alternative work (at the same rate of pay);
- or, as a last resort, offering authorised paid leave for as long as necessary to protect an individual's health and safety or that of the unborn child's.

Risk assessments must be regularly monitored and reviewed to take into account possible risks that may occur at different stages of an individual's pregnancy.

Supporting Document 5 - Pregnant Workers Risk Assessment

The ward or departmental manager should complete this form when they have been notified of a pregnancy. Advice on completion of this form can be sought from the Occupational Health Department. Telephone 01905 760693 or internal 34272/ 3/ 6. **Please also refer to the flowchart for guidance and the end of this form.**

To be filled out by manager / supervisor:
NAME OF EMPLOYEE.....Designation.....
Department.....Full/ Part time.....Hours.....
Date informed of pregnancy.....Date of assessment.....
Expected date of delivery.....
Date of return to work following maternity leave.....(See Section 5 of Policy)

Have any of the following been identified as being an increased risk for an employee who is an expectant or new mother, or returning to work after maternity leave / breast feeding.

- 1. Hazardous substances i.e. Cytotoxic material Anaesthetic gases Yes / No
- 2. Infection Yes / No
- 3. Manual Handling Yes / No
- 4. Ionising Radiation Yes / No
- 5. Shift work or unusual hours / staffing levels Yes / No
- 6. Violence or aggression Yes / No
- 7. Driving Yes / No
- 8. Other risks not identified above Yes / No

.....
.....
.....
.....
.....

Pregnant workers risk assessment continued

If the answer to any of the above is yes, can the job
Be modified in order to eliminate or reduce risks? Yes / No

Please describe required changes:
.....
.....
.....
.....

If the job cannot be modified, is re-deployment practical? Yes / No

Any other
recommendations.....
.....
.....
.....

If suitable alternative work cannot be provided, then as a last resort, the
employee **MUST** be offered authorised paid leave.

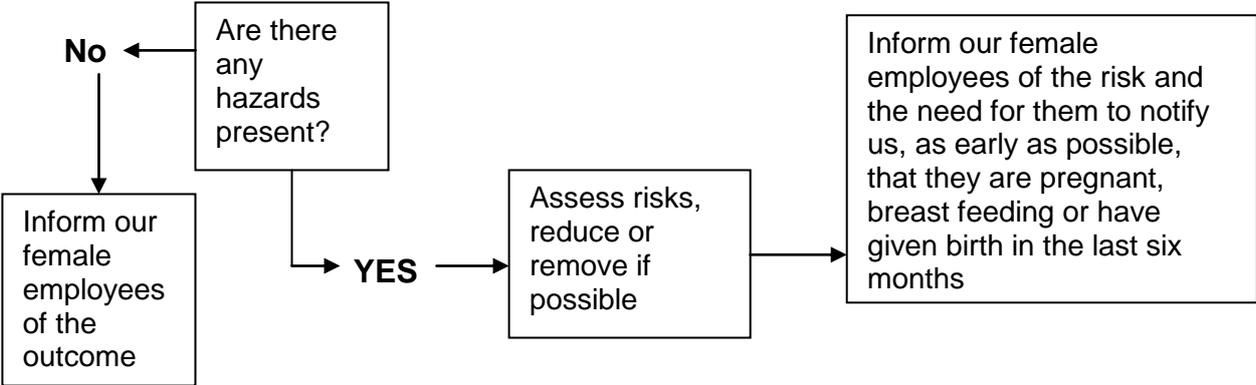
If referral to the Occupational Health Department is deemed necessary a copy of
this form should be sent to the Occupational Health Manager for an appointment
to be made for advice.

Person responsible for assessment.
Signature.....Designation.....
Review date.....

Employee
I agree with the above risk assessment and the recommendations.
Employee's signature.....Designation.....
Date.....

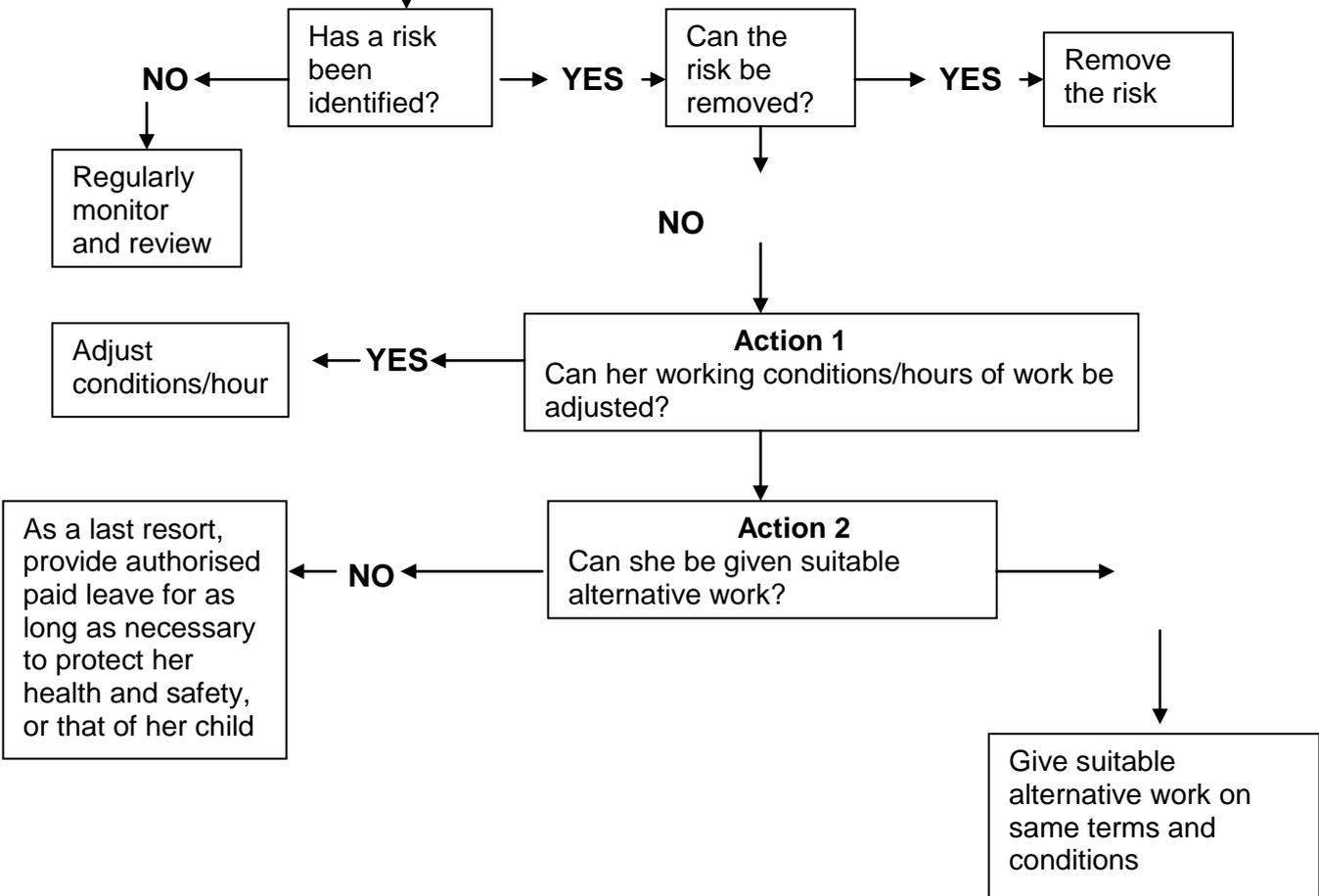
When completed, and appropriate action taken, this form should be retained on
the individual's personal file.

STAGE ONE: Initial Health and Safety Risk Assessment (General)



STAGE TWO: After the employee has provided written notification that she is pregnant, has given birth in the last six months or is breast feeding

Carry out a risk assessment specific to the employee, based on the initial assessment and any medical advice their doctor has provided on either the Med 3 or MAT B1.



The Trust should monitor and review these actions on a regular basis

Supporting Document 6 – Maternity Leave and Pay Entitlements

Length of service	Employees Intention	Maternity pay entitlements under all NHS terms and conditions of service, Occupational Maternity Pay and Statutory Maternity Pay (SMP) provisions
In all cases employees will be entitled to take up to 52 weeks leave		
Section 1 Completed 12 months continuous NHS service by the 11 th week before the Expected Week of Childbirth and over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by 15 th week before the Expected Week of Childbirth	Returning to work	8 weeks full pay (including SMP) 18 weeks at half pay (plus SMP) not exceeding full pay 13 weeks SMP
	Not returning to work	39 weeks SMP: 6 weeks at 90% of average weekly earnings plus 33 weeks at LEL per week or 90% of average earnings – whichever is the lesser amount
Section 2 Completed 12 months continuous NHS Service by the 11 th week before the Expected Week of Childbirth but less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15 th week before Expected Week of Childbirth	Returning to work	8 weeks full pay (less Maternity Allowance) 18 weeks at half pay (plus any Maternity Allowance paid by the Benefits Agency) <i>not exceeding full pay</i> 13 weeks Maternity Allowance paid by Benefits Agency (if entitled)
	Not returning to work	39 weeks paid leave equivalent to SMP May also be entitled to Maternity Allowance (paid by Benefits Agency). Any Maternity Allowance receivable will be deducted from the Occupational maternity payment.

Section 3 Less than 12 months continuous NHS service by the 11 th week before the Expected Week of Childbirth but over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15 th week before the Expected Week of Childbirth	Returning to work	39 weeks SMP: 6 weeks at 90% of average weekly earnings plus 33 weeks at LEL per week or 90% of average earnings – whichever is the lesser amount
	Not returning to work	39 weeks SMP: 6 weeks at 90% of average weekly earnings plus 33 weeks at LEL per week or 90% of average earnings – whichever is the lesser amount.
Section 4 Less than 12 months continuous NHS service by the 11 th week before the Expected Week of Childbirth and less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15 th week before the Expected Week of Childbirth	Returning to work	No entitlement to Occupational or Statutory Maternity Pay. May be entitled to Maternity Allowance from the Benefits Agency.
	Not returning to work	No entitlement to Occupational or Statutory Maternity Pay. May be entitled to Maternity Allowance from the Benefits Agency.

Key

SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
LEL	Lower Earnings Limit

Supporting Document 7 – Application Form for Maternity Leave/Pay

WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

APPLICATION FORM FOR MATERNITY LEAVE / PAY

Please complete this form and forward it to your manager by the end of the 15th week before your EWC. You should complete whichever one of the four sections is appropriate. The form must be authorised by your manager and then forwarded to the HR Department no later than 28 days before the start of your maternity leave/pay.

As soon as you receive your certificate of expected date of childbirth (MATB1) ensure that you forward it immediately to your manager. Your MATB1 is available from your GP/Midwife from the 26th week of your pregnancy.

Full Name
.....

Home Address.....
.....

Department/Ward and Site
.....

Post title.....

Hours of work.....

Work pattern
.....

Contract type PERMANENT/FIXED TERM/TEMPORARY/TRAINING

Expiry date
.....

Date of commencement in Trust
.....

Date of commencement in NHS
.....

Expected date of childbirth
.....

Anticipated date of commencement of maternity leave.....

**BEFORE COMPLETING ONE OF THE FOLLOWING SECTIONS
PLEASE REFER TO SUPPORTING DOCUMENT 6**

SECTION 1

12 months or more continuous NHS Service by the 11th week before the Expected Week of Childbirth and over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15th week before the Expected Week of Childbirth

- a) I intend to return to work with an NHS employer within 52 weeks of going on Maternity Leave and will remain at work for at least 3 months. I therefore wish to claim maternity leave and pay in accordance with all NHS Terms and Conditions of Service. I understand that if I am a member of the NHS Pension Scheme, pension contributions must be paid for both paid and unpaid leave and Payroll will make arrangements to deduct any outstanding amount for a period when I return.

I FULLY UNDERSTAND THAT IF I FAIL TO RETURN TO WORK, I WILL BE REQUIRED TO REFUND THE MONIES PAID IN RESPECT OF THIS LEAVE (OTHER THAN THAT PROVIDED BY SMP REGULATIONS).

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date.

Averaged Maternity Pay

Please note that if you tick one of the boxes below your occupational maternity pay will be paid in equal instalments throughout your intended period of maternity leave as detailed in section 8.6.4. If you leave this box blank then your maternity pay will be paid as detailed in Supporting Document 6: 8 weeks full pay, 18 weeks half pay plus SMP, 13 weeks SMP).

I wish to have my occupational maternity pay averaged over 39 weeks

I wish to have my occupational maternity pay averaged over 52 weeks

Signed Date

- b) I do not intend to return to work. I therefore wish to claim 39 weeks' maternity pay and 13 weeks unpaid Additional Maternity Leave provided by the Employment Regulations and the Statutory Maternity Pay Regulations.

Signed Date

SECTION 2

12 months or more continuous NHS service by the 11th week before the Expected Week of Childbirth but less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15th week before the Expected Week of Childbirth

- a) I intend to return to work with an NHS employer within 52 weeks of going on Maternity Leave and will remain at work for at least 3 months. I therefore wish to claim maternity leave and pay in accordance with all NHS Terms and Conditions of Service. I understand that if I am a member of the NHS Pension Scheme, pension contributions must be paid for both paid and unpaid leave and Payroll will make arrangements to deduct any outstanding amount for a period when I return.

I FULLY UNDERSTAND THAT IF I FAIL TO RETURN TO WORK, I WILL BE REQUIRED TO REFUND THE MONIES PAID IN RESPECT OF THIS LEAVE (OTHER THAN THAT PROVIDED BY THE SMP PROVISIONS).

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date.

Signed Date

b) I do not intend to return to work. I therefore wish to claim 39 weeks' maternity pay and 13 weeks unpaid Additional Maternity Leave provided by the Employment Regulations and the Statutory Maternity Pay Regulations.

Signed Date

SECTION 3

Less than 12 months continuous NHS service by the 11th week before the Expected Week of Childbirth and over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15th week before the Expected Week of Childbirth

a) I intend to return to work and I therefore wish to claim 39 weeks maternity pay and a further 13 weeks unpaid additional maternity leave provided by the Employment Regulations and the Statutory Maternity Pay Regulations. I understand that if I am a member of the NHS Pension Scheme, I am still liable to pay pension contributions and Payroll will make arrangements to deduct this over an agreed period.

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date.

Signed Date

b) I do not intend to return to work. I therefore wish to claim 39 weeks' maternity pay and 13 weeks unpaid Additional Maternity Leave provided by the Employment Regulations and the Statutory Maternity Pay Regulations.

Signed Date

SECTION 4

Less than 12 months continuous NHS service by the 11th week before the Expected Week of Childbirth, and less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the 15th week before the Expected Week of Childbirth

a) I intend to return to work and therefore wish to claim 52 weeks unpaid maternity leave provided by all NHS Terms and Conditions of Service. I understand that if I am a member of the NHS Pension Scheme I am still liable to pay contributions and that Payroll will make arrangements to deduct this over an agreed period.

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date.

Signed Date

b) I do not intend to return to work. I therefore wish to claim 52 weeks unpaid maternity leave provided by the Employment Regulations and the Statutory Maternity Pay Regulations.

Signed Date.....

MANAGER - Please sign and return this form to the HR Department at least 28 days before your member of staff is due to commence her maternity leave.

Signed

Name

Designation

Date

Supporting Document 8 – Adoption Leave and pay Entitlements

Length of service	Employees intention	Adoption pay entitlements under all NHS terms and conditions Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) provisions In all cases employees will be entitled to take up to 52 weeks leave
Section 1 Completed 12 months continuous NHS service by the beginning of the week in which notified of being matched with a child for adoption and over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which notified of being matched with a child for adoption	Returning to work	8 weeks full pay (including SAP) 18 weeks at half pay (plus SAP) <i>not exceeding full pay</i> 13 weeks SAP
	Not returning to work	39 weeks SAP: 39 weeks at LEL or 90% of average weekly earnings – whichever is the lesser amount
Section 2 Completed 12 months continuous NHS service by the beginning of the week in which notified of being matched with a child for adoption, but less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which are notified of being matched with a child for adoption	Returning to work	8 weeks at full pay 18 weeks at half pay (plus SAP – but not exceeding full pay) 13 weeks of Statutory Adoption Pay <i>(if eligibility criteria are met)</i> Adopters who do not qualify for SAP may be entitled to additional financial support and should contact their local Jobcentre or Social Security Office

	Not returning to work	39 weeks equivalent to SAP Adopters who do not qualify for SAP may be entitled to additional financial support and should contact their local Jobcentre or Social Security Office
Section 3 Less than 12 months continuous NHS service by the beginning of the week in which notified of being matched with a child for adoption but over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which notified of being matched with a child	Returning to work	39 weeks SAP 39 weeks at LEL or 90% of average weekly earnings – whichever is the lesser amount
	Not returning to work	39 weeks SAP 39 weeks at LEL or 90% of average weekly earnings – whichever is the lesser amount
Section 4 Less than 12 months continuous NHS service by the beginning of the week in which notified of being matched with a child for adoption, and less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which notified of being matched with a child for adoption.	Returning to work	No entitlement to Occupational or Statutory Adoption Pay. May be entitled to financial support from their local Jobcentre or Social Security Office.
	Not returning to work	No entitlement to Occupational or Statutory Adoption Pay. May be entitled to financial support from their local Jobcentre or Social Security Office.

Key

SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
LEL	Lower Earnings Limit

Supporting Document 9 – Application Form for Adoption Leave/Pay

WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

APPLICATION FORM FOR ADOPTION LEAVE / PAY

Please complete this form and forward it to your manager within 7 days (28 days in the case of overseas adoptions) of being notified by your adoption agency that you have been matched with a child (unless this is not reasonably practicable). You should complete sections 1 to 4 as appropriate. The form must be authorised by your manager and then forwarded to the Human Resources Department no later than 28 days before the start of your adoption leave/pay (unless this is not reasonably practicable).

You also need to submit written evidence from the Adoption Agency (matching certificate) to support your application to take adoption leave. Please forward this to your manager as soon as possible.

Full Name

Home Address.....
.....

Department/Ward and Site

Post title.....

Hours of work.....

Work pattern

Contract type PERMANENT/FIXED TERM/TEMPORARY/TRAINING

Expiry date

Date of commencement in Trust

Date of commencement in NHS

Expected date of placement of child.....

Anticipated date of commencement of adoption leave.....

BEFORE COMPLETING – PLEASE REFER TO SUPPORTING DOCUMENT 8

SECTION 1

12 months or more continuous NHS Service by the beginning of the week in which notified of being placed with a child for adoption, and over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by week in which notified of being placed with a child for adoption

a) I declare that I am the main carer of this adopted child and that I intend to return to work with an NHS employer within 52 weeks of going on Adoption Leave and will remain at work for at least 3 months. I therefore wish to claim Adoption leave and pay in accordance with NHS Terms and Conditions of Service. I understand that if I am a member of the NHS Pension Scheme, pension contributions must be paid for both paid and unpaid leave and Payroll will make arrangements to deduct any outstanding amount for a period when I return.

I FULLY UNDERSTAND THAT IF I FAIL TO RETURN TO WORK, I WILL BE REQUIRED TO REFUND THE MONIES PAID IN RESPECT OF THIS LEAVE (OTHER THAN THAT PROVIDED BY STATUTORY ADOPTION PAY REGULATIONS).

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date

Averaged Adoption Pay

Please note that if you tick one of the boxes below your occupational maternity pay will be paid in equal instalments throughout your intended period of maternity leave as detailed in section 8.6.4. If you leave this box blank then your maternity pay will be paid as detailed in Supporting Document 8: 8 weeks full pay, 18 weeks half pay plus SMP, 13 weeks SAP).

I wish to have my occupational adoption pay averaged over 39 weeks

I wish to have my occupational adoption pay averaged over 52 weeks

Signed Date

b) I declare that I am the main carer of this adopted child and that I do not intend to return to work. I therefore wish to claim 39 weeks' Adoption pay provided by the Statutory Adoption Pay Regulations.

Signed Date

SECTION 2

12 months or more continuous NHS service by the beginning of the week in which notified of being placed with a child for adoption, but less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which notified of being placed with a child for adoption

a) I declare that I am the main carer of this adopted child and that I intend to return to work with an NHS employer within 52 weeks of going on Adoption Leave and will remain at work for at least 3 months. I therefore wish to claim Adoption leave and pay in accordance with NHS Terms and Conditions of Service. I understand that if I am a member of the NHS Pension Scheme, pension contributions must be paid for both paid and unpaid leave and Payroll will make arrangements to deduct any outstanding amount for a period when I return.

I FULLY UNDERSTAND THAT IF I FAIL TO RETURN TO WORK, I WILL BE REQUIRED TO REFUND THE MONIES PAID IN RESPECT OF THIS LEAVE (OTHER THAN THAT PROVIDED BY THE STATUTORY ADOPTION PAY REGULATIONS).

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date

Signed Date

b) I declare that I am the main carer of this adopted child and that I do not intend to return to work. I therefore wish to claim 39 weeks Adoption leave under the NHS Terms and Conditions of Service.

Signed Date

SECTION 3

Less than 12 months continuous NHS service by the beginning of the week in which notified of being placed with a child for adoption and over 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which notified of being placed with a child for adoption

a) I declare that I am the main carer of this adopted child and that I intend to return to work and I therefore wish to claim 39 weeks Adoption pay and a further 13 weeks unpaid additional Adoption leave under the Statutory Adoption Pay Regulations. I understand that If I am a member of the NHS Pension Scheme, I am still liable to pay pension contributions and Payroll will make arrangements to deduct this over an agreed period

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date

Signed Date

b) I declare that I am the main carer of this adopted child and that I do not intend to return to work. I therefore wish to claim 39 weeks Adoption pay provided by the Statutory Adoption Pay Regulations.

Signed Date

SECTION 4

Less than 12 months continuous NHS service by the beginning of the week in which notified of being placed with a child for adoption and less than 26 weeks continuous service with Worcestershire Acute Hospitals NHS Trust by the week in which notified of being placed with a child for adoption.

a) I intend to return to work and therefore wish to claim 52 weeks unpaid adoption leave provided by all NHS Terms and Conditions of Service. I understand that if I am a member of the NHS Pension Scheme I am still liable to pay contributions and that Payroll will make arrangements to deduct this over an agreed period.

I also understand that if I decide to return to work earlier than the previously agreed return date I will be required to give my manager at least 8 weeks' notice of the revised date.

Signed Date

b) I do not intend to return to work. I therefore wish to claim 52 weeks unpaid adoption leave provided by the Employment Regulations and the Statutory Adoption Pay Regulations.

Signed Date.....

DEPARTMENTAL MANAGER - Please sign and return this form to the Human Resources Department at least 28 days before your member of staff is due to start his / her Adoption leave (unless this is not reasonably practicable).

Signed

Name

Designation

Date

Supporting Document 10 –Paternity Leave and Pay Entitlements

Length of service & conditions	Paternity pay entitlement under all NHS terms & conditions Occupational Paternity Pay (OPP) & Statutory paternity pay (SPP)	Leave entitlement
Less than 26 weeks continuous service with the Trust by the 15 th week prior to the expected week of childbirth, or in the case of adoption, ending with the week of being notified by the Adoption Agency of being matched with a child/the date the child enter the UK for overseas adoption.	No entitlement to paternity pay, but, maybe able to claim Income Support via the Benefits Agency.	2 weeks unpaid leave.
Minimum of 26 weeks continuous service with the Trust by the 15 th week prior to the expected week of childbirth, or in the case of adoption, ending with the week of being notified by the Adoption Agency of being matched with a child / the date the child enters the IK for overseas adoption. Plus, the employee must have average earnings above the lower earnings level for National Insurance purposes.	2 weeks Statutory Maternity Pay or 90% of average weekly earnings whichever is the lesser amount.	2 weeks paid leave.
12 months or more continuous NHS service by the beginning of the week in which the baby is due in case of adoption, ending with the week of being notified by the Adoption Agency of being matched with a child/the date the child enters the UK for overseas adoption.	2 weeks Occupational Paternity Pay (full pay) calculated on the basis of the average weekly earnings rate used for calculating Occupational Paternity Pay entitlements.	2 weeks paid leave.

Supporting Document 11 – Application Form for Paternity Leave/Pay

WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

APPLICATION FORM FOR PATERNITY LEAVE / PAY

Please complete this form and forward it to your manager to sign and forward on to the HR department as follows:

For births: by the end of the 15th week before the expected week of childbirth.

For adoption: within 7 days of the Adoption Agency advising you that you have been matched with a child

If this is not practicable, as soon as possible thereafter and at least 28 days before you would like your Paternity Leave to begin.

Full Name
.....

Home Address.....
.....

Job Title
.....

Department/Ward and Site
.....

Date of commencement in Trust (continuous service)
.....

Date of commencement in NHS (continuous service)
.....

Expected / actual date of birth of child.....

Or

Expected date of placement of child
.....

(NB: A copy of the MAT B1 / Matching Certificate must be attached to this application)

I intend to take (a) 2 week's unpaid leave

(b) 2 week's paid Statutory Paternity Leave

(c) 2 week's paid Occupational Paternity Leave

Anticipated date of commencement of Paternity Leave
.....

If taking separate weeks date of commencement of: Week 1

Week 2

For Births

I wish to claim my entitlement to Paternity Leave/and or pay and I declare that:

- I am the baby’s biological father; OR
- I am a partner / husband that is not the baby’s biological father, OR
- I am living with the mother in an enduring family relationship, but am not an immediate relative (includes same sex partners)

AND

- I will have responsibility for the child’s upbringing

AND

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

Signed Date

Manager’s Name Title

Manager’s Signature Date

For Adoption:

I declare that I am adopting a child with my partner and I wish to claim my entitlement to Statutory Paternity Pay and leave, **not Statutory Adoption Pay** and I declare that:

- I am the adoptive father; OR
- I am living with the person adopting the child in an enduring family relationship, but am not an immediate relative (includes same sex partners)

AND

- I will have responsibility for the child’s upbringing

AND

- I will take time off work to support the person adopting the child or to care for the child

Signed Date

Manager’s Name Title

Manager’s Signature Date

The Paternity Leave (Adoption) Application form should be retained on the employee’s personal file and a copy given to the employee and the Payroll Department

Supporting Document 12 – Parental Leave and Pay Entitlements

Length of service	Leave entitlement
<p>Completed 12 months continuous NHS service and responsibility of caring for a child under the age of 14 (18 if the child is disabled) employee is natural parent, adoptive parent or step parent, defined as the current partner of the natural parent if unmarried or civil partner or have legal parental responsibilities or nominated caring responsibility for the child)</p>	<p>18 weeks unpaid leave up to child's 14th birthday (or 14th anniversary of date placed for adoption) or 18 weeks unpaid leave up to the child's 18th birthday if the child is disabled.</p> <p>Maximum of 4 weeks leave per child in any 1 year and to be taken in blocks of at least one week, unless child is disabled in which case the leave can be taken one day at a time.</p>

Supporting Document 13 – Application Form for Parental Leave

WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

APPLICATION FORM FOR PARENTAL LEAVE

Please complete this form and forward it to your manager within 7 days of the Adoption Agency advising you that you have been matched with a child.

PART I: To be completed by the Employee

Full Name.....

Department/Ward and Site.....

Post title.....

Personal No.....

Reason for this request
.....
.....
.....

Period(s) of unpaid Parental Leave requested:
From.....To.....

Number of days/hours requested.....

Signature.....Date.....

PART II: To be completed by the Manager/Head of Dept.

Application approved Postponed

Number of days Parental Leave approved (including dates).....
.....

If postponed, reason for postponement.....
.....

New date(s) proposed and agreed.....

Managers name.....
Department.....

Signature.....Date.....

Copies of the completed Parental Leave application form should be sent to the Payroll Department and the employee. The form should then be retained on the employee's personal file.

Supporting Document 14 – Notice of Entitlement and Application for Shared Parental Leave

WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

NOTICE OF ENTITLEMENT AND APPLICATION FOR SHARED PARENTAL LEAVE

Please complete this form and forward it to your manager **at least eight weeks** before the start date of Shared Parental Leave. The form must be authorised by your manager and then forwarded to the HR Department no later than **28 days** before the start of the Shared Parental Leave period.

Section 1

A. Your Details

Name in Full	
Home Address	
Assignment Number	
Department/Ward/Site	
Post Held	
Contract Type	Permanent/Fixed Term*/Temporary*/Training* (delete as appropriate)
*Expiry Date	
Date of Commencement in Trust	
Date of Commencement in NHS	
I am: (delete as appropriate)	The mother/adopter The father of the child (in the case of birth) or The spouse, civil partner or the partner of the child's mother/adopter

B. Your partners details:

Name in full	
Address	
National Insurance Number	
They are: (delete as appropriate)	The mother/adopter The father of the child (in the case of birth) or

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

C. Your intentions

My/my partners maternity/adoption leave started/is expected to start on:	
My/my partners maternity/adoption leave ended/is expected to end on:	
My child's expected week of confinement is/child was born on:	
The total of shared parental leave weeks my partner and I have available is:	
I intend to take the following number of weeks' shared parental leave:	
My partner intends to take the following number of weeks' shared parental leave:	
The total amount of shared parental pay (if applicable) my partner and I have available is:	
I intend to take the following number of weeks' shared parental pay:	
My partner intends to take the following number of weeks' shared parental pay	

D. Your requests

Notification 1

Date of request

My request is for a continuous block of leave/discontinuous blocks of leave (delete as appropriate)

I am requesting the following date(s) as SPL

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

Manager's Approval

Signature **Date**

.....

Notification 2

Date of request

.....

My request is for a continuous block of leave/discontinuous blocks of leave (delete as appropriate)

I am requesting the following date(s) as SPL

.....
.....
.....

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

Manager's Approval

Signature **Date**

.....

Notification 3

Date of request

.....

My request is for a continuous block of leave/discontinuous blocks of leave (delete as appropriate)

I am requesting the following date(s) as SPL

.....
.....
.....

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

Manager's Approval

Manager's Name (Block Capitals)

.....

Signature **Date**

.....

E. Declaration

Declaration to be signed and dated by you:

I can confirm that:

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

Signed:	Date:
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Declaration to be signed and dated by your partner:

I can confirm that:

- I am the mother/adopter of the child or I am the father of the child or are the spouse, civil partner or partner of the mother/adopter and am taking SPL to care for the child
- I satisfy the “employment and earnings test” and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee
- I consent to the amount of SPL that the employee intends to take
- I consent to the organisation processing the information contained in the declaration form, and
- (if you are the mother/adopter) that I will immediately inform my partner should I cease to satisfy the eligibility conditions
- The information I have given on this form is accurate

Signed:	Date:
---------	-------

Section 2 – MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE (to be completed if you are the child’s mother). You must give at least eight weeks notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

Declaration: I wish to bring my maternity and statutory maternity pay (if applicable) to an end to be able to take Shared Parental Leave. I have completed a Notice of Entitlement and Intention to take Shared Parental Leave and my partner has provided a Notice of Entitlement and Intention to take Shared Parental Leave to his/her employer. I consent to the amount of leave that he/she intends to take.

I wish to end my ordinary/additional maternity/adoption leave on:

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

Signed: Date
.....

MANAGER - Please sign and return this form to the HR Department at least 28 days before your member of staff is due to commence shared parental leave

Signed

Name

Designation

Date

Supporting Document 15 – Notice to Vary or Cancel a Period of Shared Parental Leave

WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

NOTICE TO VARY OR CANCEL A PERIOD OF SHARED PARENTAL LEAVE

Please complete and return this form to your manager if you wish to vary or cancel a previously approved period of Shared Parental Leave.

You must have previously submitted the Notice of Entitlement and Intention to Take Shared Parental Leave, and have had your entitlement to Shared Parental Leave confirmed. You must give at least **eight** weeks notice of the start date of the leave.

Both parents must sign the declaration where marked.

Section 1

Name of employee	
Name of other parent	

Section 2 – Dates to be cancelled or varied

Start Date	End Date	Number of Weeks Leave

Section 3 – New Shared Parental Leave Dates

Start Date	End Date	Number of Weeks Pay

Section 4 – New Shared Parental Pay (ShPP) Details (if applicable)

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' SHPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

DECLARATION

We confirm that we agree to the request detailed above:

Employee's Signature	Date
Other Parent's Signature	Date

MANAGER - Please sign and return this form to the HR Department at least 28 days before your member of staff is due to commence shared parental leave

Signed

Name

Designation

Date