



# MATERNITY, ADOPTION, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE POLICY

Policy reference – HR21

SUMMARY	To provide a process and framework to set out the organisation's maternity, adoption, maternity support (paternity) and parental leave and payment, to make employees and manager aware of what type of leave, pay and conditions of employment an employee may be entitled to.
AUTHOR	Human Resources
VERSION	Version 3 - FINAL
EFFECTIVE DATE	17 <sup>th</sup> July 2017
APPLIES TO	Single shared management policy revised, amended and applicable to all NHS Airedale, Wharfedale and Craven, Bradford City and Districts CCGs employees
APPROVAL BODY	Senior Management Team of the CCG
RELATED DOCUMENTS	Flexible Working Policy Annual and Special Leave Policy Education, Training and Development Policy Managing Sickness Absence Policy Pay Progression Policy
REVIEW DATE	July 2020

## CCGs working together

Airedale, Wharfedale and Craven CCG  
Bradford City CCG  
Bradford Districts CCG

# THIS POLICY HAS BEEN SUBJECT TO A INITIAL EQUALITY IMPACT ASSESSMENT

## VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
Draft	13.08.2014	Alison Ewart	HR Lead	Consultation with Trade Unions via the Collaborative Social Partnership Forum (SPF)
Final	13.08.2014	Alison Ewart	HR Lead	Updated with comments from the SPF and Ratified
Final	Oct 2014	Alison Ewart	HR Lead	SMT
Revised	02.04.2015	Paul Appleyard	HR Lead	Amended to include comments from the WSY Policy Sub Group and statutory changes to Adoption Leave and pay.
Draft	28.06.2017	Tazeem Hanif	HR Lead	AWC CCG and Bradford City and Districts policies merged to reflect single shared management arrangements.  Change in logo, front sheet, section 7 and appendix 2 and 5  Amended policy consulted with Trade Unions at the HR Policy Workshop and comments incorporated.
Final	17.07.2017	Tazeem Hanif	HR Lead	Ratified at SMT

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## **SECTION A: – POLICY**

### **1. PURPOSE**

1.1. The aim of this policy is to provide all the information required to comply with the organisation's maternity, adoption and parental leave regulations and to make employees and manager aware of what type of leave and pay an employee may be entitled to.

1.2. The development of this policy:

- Ensures all employees are aware of maternity, adoption and parental leave and pay entitlements
- Ensures all employees understand the procedure for accessing maternity, adoption or parental leave
- Support managers with a procedure to follow
- Satisfies legislative requirements

### **2. SCOPE**

This policy applies to those members of staff that are directly employed by the organisation and for whom the organisation has legal responsibility. For those staff covered by a letter of authority / honorary contract or work experience this policy is also applicable whilst undertaking duties on behalf of the organisation or working on the organisations premises and forms part of their arrangements with the organisation. As part of good employment practice, agency workers are also required to abide by the organisations policies and procedures, as appropriate, to ensure their health, safety and welfare whilst undertaking work for the organisation.

### **3. EQUALITY STATEMENT**

In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. A single Equality Impact Assessment is used for all policies and procedures.

### **4. ACCOUNTABILITY**

The Chief Officer is accountable for this policy.

## **5. IMPLEMENTATION AND MONITORING**

- 5.1 The Senior Management Team is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to employees via the intranet.
- 5.2 The policy and procedure will be reviewed periodically by the Senior Management Team in conjunction with Human Resource and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

## **6. RESPONSIBILITIES**

- 6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

### **6.2 Employees**

- 6.2.1 It is the responsibility of employees to ensure that they adhere to the policy:
- They understand their responsibilities in relation to this policy.

### **6.3 Line Managers**

- 6.3.1 It is the responsibility of line managers to ensure that :
- They understand and adhere to their obligations in relation to this policy.
  - They provide advice and information.
  - They undertake a risk assessment for pregnant employees.
  - They discuss breast feeding facilities and arrangements where required prior to the employee returning to work

### **6.4 Human Resources Team**

- 6.4.1 The Human Resource representative will provide advice and support on all aspects of this policy to ensure application and support.

## **7. CONSULTATION, APPROVAL AND RATIFICATION**

- 7.1 The HR Policy Workshop which is composed of management, staff side and HR representatives considers all draft HR policies and guidance. All members have the opportunity to make comments and suggestions on the document content which is debated within the group and amendments made and agreed.
- 7.2 The CCGs Senior Management Team and/or other relevant Committees ratify the final HR policies. The role of the Staff Partnership Forum is to discuss and minute the policies and procedures that are submitted to the HR Policy Workshop.

## **SECTION B – PROCEDURE**

### **1. Maternity Leave**

#### **1.1. Eligibility**

- 1.1.1 All pregnant employees, regardless of length of service, are entitled to take up to 26 weeks ordinary maternity leave and up to a further 26 weeks additional maternity leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks maternity leave.
- 1.1.2. Employees who take maternity leave have the right to return to work at any time during either the ordinary or additional maternity leave (except for the first two weeks from the day of childbirth), subject to the notification procedures set out in the following paragraphs.
- 1.1.3. Employees who have at least 26 weeks continuous service at the end of their qualifying week and are still employed during that week will qualify for statutory maternity pay.
- 1.1.4. Employees who have completed 12 months continuous service at the beginning of the 11<sup>th</sup> week before the expected week of confinement (EWC) will be entitled to receive the enhanced element of maternity pay, over and above statutory maternity pay, if they are intending to return to work to the same or other NHS CCG for at least three months.
- 1.1.5. Employees who do not meet the qualifying criteria above will be entitled to unpaid maternity leave and may be entitled to claim Maternity Allowance. Employees should contact the Department of Work and Pensions to obtain form SMP1.
- 1.1.6. In cases of both unpaid and paid maternity leave the employee must continue to be employed until the beginning of the 14<sup>th</sup> week before the EWC and comply with the application procedure outlined in the following paragraphs.
- 1.1.7 With the introduction of Shared Parental Leave this offers another option for taking leave to care for a new child. If Shared Parental Leave is an option that the employee should wish to consider, then refer to Section B.5 Shared Parental Leave for more information.
- 1.1.8 Where the policy refers to “mother” this should read as bio-logical mother.

#### **1.2. Maternity Schemes**

- 1.2.1. The choice of maternity schemes is detailed in the table below. The choice will be dependent upon:
  - Length of continuous NHS service
  - The intention, or not, of the employee to return to work

<b>Period of employment at 14<sup>th</sup> week prior to EWC</b>	<b>Scheme</b>
Less than 26 weeks	A
26 weeks and over	B/C/D

1.2.2. All of the above schemes incorporate the statutory rights to 52 weeks protection of all terms and conditions of employment with the exception of pay. Details of Schemes A, B, C, and D are contained in Appendix 1.

### **1.3. Procedure for Applying for Maternity Leave**

1.3.1. In order to receive maternity provisions the employee is required to:

- Notify the manager of their intention to take the appropriate scheme by completing the application form (Appendix 2). The employee must submit their application by the 15<sup>th</sup> week before the EWC unless this is not reasonably practicable.
- Submit the Certificate of Confinement (form MATB1) to their manager at least 28 days before the intended maternity leave date. Form MATB1 is issued to the employee by a GP/Midwife any time after the 20<sup>th</sup> week of pregnancy.
- Sign Section 2 of the application form if they intend to return to work which confirms their declaration of intent to return to work for a minimum of 3 months.

### **1.4. General Principles**

1.4.1. Maternity leave usually begins 11 weeks before the EWC, however the employee may work beyond this point up to the EWC. If the employee is absent due to pregnancy related illness after the 4<sup>th</sup> week before the EWC, maternity leave/pay will automatically commence.

1.4.2. The HR team will keep a record of the dates related to the pregnancy and will confirm in writing the following:

- The entitlement to paid or unpaid maternity leave.
- The expected return to work date based on 52 weeks leave entitlement, unless an earlier date has been confirmed.
- The requirement to give 28 days' notice of the employee's intention to return to work.

1.4.3. The payroll provider will confirm in writing the following:

- The entitlement to maternity pay and the elements of paid/unpaid/statutory elements.
- The maternity leave commencement date
- The average weekly wage (if applicable)
- Whether the employee has indicated that they are/are not returning to work after the birth of the baby.

1.4.4. Before going on maternity leave the manager and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employees maternity leave including:

- Any agreed arrangements that the employee may find helpful to keep the employee in touch with developments at work and, nearer the time, to facilitate the return to work.
- Keeping the CCG in touch with any developments that may affect the intended date of return.

### **1.5. Keeping in Touch Days (KIT Days)**

1.5.1. Employees can work during their maternity leave on a KIT day without bringing their maternity leave to end or losing their entitlement to statutory maternity pay. The employee may work a maximum of 10 KIT days during the maternity leave but not within the first 2 weeks after the birth of the baby.

1.5.2. The manager and employee must agree upon the days/dates to be worked.

1.5.3. There is no obligation for the organisation to offer such work or for the employee to accept it. A KIT day must be worked by mutual agreement.

1.5.4. The manager and the employee will agree whether any payment for work carried out on a KIT day should be received and this must be agreed in advance. Any payment will be offset against any statutory maternity pay the employee is entitled to. Payment for work carried out on a KIT day would be normal salary for the day.

1.5.5. The manager and the employee should agree the type of work that the employee will undertake on a KIT day and this should reflect the employee's duties and responsibilities. Attendance on training courses and attendance at team meetings may be included. See appendix 3 for the KIT day agreement form.

1.5.6. The total duration of maternity leave will remain at 52 weeks regardless of whether the employee works a KIT day or days.

1.5.7. The organisation is entitled to have reasonable contact with the employee during the period of maternity leave and this is separate to KIT days.

### **1.6. Return to Work**

1.6.1. If the employee chooses Scheme A they are required to give written notice of their return to work no later than 28 days before the intended return date.

1.6.2. If the employee chooses Scheme B it will be assumed that the employee intends to take the additional maternity leave unless otherwise notified. The 28 days' notice period will apply. Failure to provide this confirmation may result in disciplinary action.

1.6.3. An employee who intends to return to work at the end of the full maternity leave period will not be required to give any further notification of the return date although if the employee wishes to bring the return date forward, the 28 days' notice period will apply.

- 1.6.4. The employee will have the right to return to their job on no less favourable terms and conditions. If this is not practicable the employee will have the right to return to a job of the same pay band and to work of similar responsibilities and status. Should the employee wish to return to work on reduced hours or to an alternative working pattern they should enter into discussions with their manager at the earliest opportunity and no later than 28 days before the return to work. The procedure set out in the Flexible Working Policy should be followed.
- 1.6.5 If the employee does not comply with the requirement to return to work for a 3 month period following their return to work within 15 months from the beginning of their maternity leave, they will be liable to refund to the organisation the whole of any maternity payments made, less any SMP entitlement. Employment with another NHS CCG will be accepted provided documentary evidence of this alternative employment is provided. In cases where the CCG considers that to enforce this provision would cause undue hardship or distress, the CCG will have the discretion to waive their rights to recovery.

## **1.7. Risk Assessment**

- 1.7.1. For health and safety reasons the employee should notify their manager as soon as they are aware of the pregnancy in order that the working environment can be assessed to ensure that it does not pose a risk to the employees own health or that of the unborn baby. This equally applies to the employee throughout pregnancy or whilst breast feeding.
- 1.7.2. Where reasonably practicable alternative work will be provided if it is identified that the employee is incapable of carrying out all, or part of their duties, or where the unborn baby may be at risk. Where this is not possible, the employee will be excluded from work on medical grounds, on full pay.
- 1.7.3. This provision also applies if the employee has recently given birth and /or is breast feeding.
- 1.7.4. Appendix 4 provides an outline Risk Assessment template.

## **1.8. Annual Leave**

- 1.8.1. All employees on maternity leave, whether paid or unpaid, will accrue an entitlement to annual leave, not including bank holidays. No more than one weeks' annual leave entitlement should be carried forward to the next leave year. Employees may wish to take their leave entitlement at the beginning or end of the maternity leave period. Where it is not possible to take the annual leave entitlement consideration should be given to pay in lieu.

## **1.9. Payment and Pension Arrangements**

- 1.9.1. Maternity payments will be paid in monthly intervals but the amount paid each month may vary as it is calculated on the basis of how many Sundays fall in each particular month.

- 1.9.2. If the employee is not eligible to receive SMP they will be notified by the payroll provider that they may be eligible for up to 39 weeks Maternity Allowance from their Social Security Office.
- 1.9.3. If an employee pays contributions to the NHS Pension Scheme and does not intend to return to work, they may, if they wish, continue to pay contributions during the statutory 39 weeks maternity leave period.
- 1.9.4. If the employee is a member of the NHS Pension Scheme and intends to return to work after maternity leave, they will be required to continue their contributions in order to cover the maternity leave period. These deductions can be either made during the leave or upon return to work. Advice should be sought from the payroll provider prior to maternity leave commencing.
- 1.9.5. If the employee is paying contributions towards study/learning and development the repayments will continue whilst the employee is receiving maternity pay. If the employee is on unpaid maternity leave the repayments will cease until the employee returns to work. If the employee does not return to work they will be required to repay the amount outstanding and in order to do this they will be sent an invoice.

#### **1.10. Illness During Pregnancy/after the Maternity Leave Period**

- 1.10.1. If an employee is ill during pregnancy before they begin their maternity leave sickness benefits will be received in accordance with the Sickness Absence Policy.
- 1.10.2. If the illness is associated with pregnancy and occurs before the fourth week prior to the EWC sickness benefits will be received in the usual manner. If the sickness absence continues beyond the fourth week prior to the EWC maternity leave/pay will commence. The employee will thereafter be treated in accordance with the maternity regulations.

#### **1.11. Supplementary Information**

##### **1.11.1. Ante-Natal and Post Natal Care**

- Paid time off will be granted for the employee to receive ante-natal care, provided that an appointment has been made and the employee has requested time off work from their line manager in advance. Ante-natal care may include relaxation and parent craft classes, provided the attendance has been recommended by a doctor/midwife. Every attempt should be made to attend these outside of work where possible.
- Employees who have recently given birth should be granted paid time off work for post-natal care.

##### **1.11.2. Premature Birth**

- Where an employee's baby is born alive prematurely the employee will be entitled to the same amount of maternity leave and pay as if the baby had been born at full term.
- If the baby is born more than 11 weeks before it was expected, the maternity leave start date will be brought forward to the beginning of the actual week of confinement. If an employee has worked during that week they will be paid for the work done and their maternity leave will begin from the first date of absence in the week of confinement.

- If the baby is born prematurely and is in hospital, the employee may divide their maternity leave entitlement by a minimum of 2 weeks leave immediately after confinement, returning to work and then taking the remainder of the entitlement after their baby is discharged from the hospital.

### **1.11.3. Still Birth and Miscarriages**

- If the employee has a still birth after the 24<sup>th</sup> week of pregnancy, they will be entitled to maternity leave and pay as if the baby was born alive.
- Where an employee has a miscarriage before the 25<sup>th</sup> week of pregnancy, normal sickness absence provisions will apply.

### **1.11.4. Fixed Term Contracts**

- If the employee is on a fixed term or training contract which will expire prior to the 11<sup>th</sup> week before the EWC and they have less than 12 months service, there is no obligation to pay any maternity pay, although the employee may be entitled to SMP.
- If the employee holds a contract which expires after the 11<sup>th</sup> week before the EWC, and the employee has the relevant service, the contract should be extended to enable the employee to receive maternity benefits. Advice should be sought from the Human Resources Team.

### **1.11.5. Incremental Date**

- Maternity leave, whether paid or unpaid, will count as service for annual increments and for the purposes of any service qualification period for additional annual leave.

### **1.11.6. Deductions from Salary**

- Where an unpaid period of maternity leave is involved, deductions from salary for trade unions and other items such as health insurance schemes will cease. The employee should contact the recipient of the deductions directly regarding payments during unpaid leave.

## **1.12. Arrangements for Breastfeeding**

1.12.1. Employees will be given reasonable time off to breast feed or express milk if required. A private area should be made available to the employee to enable the employee to take full advantage of this provision.

1.12.2. Facilities should be provided as follows:

- The use of a room that is warm, clean and private with a lockable door.
- Somewhere to wash hands and equipment.
- Somewhere clean to leave a steriliser.
- Use of a fridge to store labelled bottles of expressed milk in before taking them home.
- A low comfortable chair.

- 1.12.3. Ideally breast feeding employees should be allowed breaks to express milk at the time of day that they would normally feed the baby at home, or have the baby brought to her by a partner or carer.
- 1.12.4. The employee must inform their manager in writing that she is breast feeding or order that suitable arrangements can be made in advance of the employee returning to work.

### 1.13. **Childcare Vouchers**

- 1.13.1 Pregnant employees have two options in relation to continuation of childcare vouchers. Employees are advised to consider stopping vouchers from weeks 17- 25 as statutory and contractual maternity pay are calculated on earnings during this period. As the voucher providers require one month's notice in writing to cancel a voucher order, the employee will need to inform the providers by the 12th week of pregnancy. If the employee chooses to take Salary Sacrifice and Childcare Vouchers up to the date they go on maternity leave and start again on their return to work they should be aware that this option will affect the SMP calculations. Employees may wish to contact the HR team for further information.

### 1.14. **Employment comes to an end**

If an employee's employment comes to an end while they are still entitled to some SMP then any remaining weeks will usually remain payable unless they start working for somebody else.

## 2. **ADOPTION LEAVE**

### 2.1. **Eligibility**

- 2.1.1. All employees, regardless of length of service, are entitled to take up to 26 weeks ordinary adoption leave and up to a further 26 weeks additional adoption leave and to resume work afterwards. The employee who is the main adopter is therefore entitled to a total period of 52 weeks maternity leave.
- 2.1.2. To qualify for adoption leave the employee must be newly matched with the child/children for adoption by an approved adoption agency.
- 2.1.3 The employee will be required to provide a matching certificate from the adoption agency as evidence of their entitlement to adoption leave.
- 2.1.4. The employee must give notice of the date they wish to take adoption leave within 7 days of the date of which they are notified of having been matched with a child/children.
- 2.1.5. If both parent who wish to adopt are employees of the CCG they may split the entitlement to adoption leave, but jointly this must not exceed the total leave allowance.

- 2.1.6 If there is an established relationship with the child/children, such as fostering prior to the adoption, or where a step parent is adopting a partners child/children, local agreements will be made on the amount of leave and pay in addition to time off for official meetings.
- 2.1.7. If the placement is delayed but adoption leave has already commenced the employee should contact their line manager who will need to contact HR for advice as normally the employee would not be able to recommence their adoption leave at a later date. It is strongly advised that the employee identifies that the placement will commence prior to starting their adoption leave.
- 2.1.8. The application form contained in Appendix 5 should be completed.

## **2.2. Period of Leave**

- 2.2.1. Employees who are adopting a child/children are entitled to 26 weeks ordinary adoption leave (OAL) and a further 26 weeks additional adoption leave (AAL), running from the end of the ordinary adoption leave. The period of leave should be taken in one block. The employee may commence their leave 14 days before the expected date of placement or any time up to and including the date of placement.
- 2.2.2. Employees are entitled to return to work after their period of both OAL and AAL. Refer to the provisions of paragraph 1.6.4. If an employee wishes to return to work before the end of the AAL they should give 28 days' notice in writing.

## **2.3. Payment During Adoption Leave**

- 2.3.1. Employees who qualify for adoption leave are entitled to receive 6 weeks at 90% of average weekly earnings and 33 weeks statutory adoption pay (SAP) or 90% of their average weekly earnings if this are less. To qualify for SAP the employee must also have average weekly earnings at or above the lower earnings limit for national insurance.
- 2.3.2. Employees with 12 months continuous NHS service ending with the week in which they are notified of being matched with a child/children by the adoption agency will be entitled to occupational adoption pay (OAP). OAP consists of the following:
- 8 weeks at full pay (less SAP)
  - 18 weeks at half pay (Plus SAP)
  - 13 weeks SAP.

## **2.4. Keeping in Touch (KIT) Days**

- 2.4.1. Employees will be entitled to KIT days in accordance with paragraph 1.5.

## **2.5. Employment comes to an end**

If an employee's employment comes to an end while they are still entitled to some SAP then any remaining weeks will usually remain payable unless they start working for somebody else.

## 2.6 Time off for Adoption Appointments

Paid time off will be granted for the main adopter to receive attend adoption appointments, provided that an appointment has been made and the employee has requested time off work from their line manager in advance. Every attempt should be made to attend these outside of work where possible.

Reasonable paid time off for the secondary adopter to attend adoption appointments will also be given. There is a legal right for the main adopter to be able to take paid time off for up to five adoption appointments and for the secondary adopter to take unpaid time off for up to two appointments. Line managers should seek HR advice regarding reasonable time off.

## 3. MATERNITY SUPPORT (PATERNITY) LEAVE

- 3.1.1. Employees may be entitled to 2 weeks of ordinary maternity support (paternity) leave which can be taken around the time of the birth or the placement of the child/children for adoption. Eligibility can be found on the website [www.direct.gov.uk](http://www.direct.gov.uk)
- 3.1.2. The application form for maternity support (paternity) leave is contained in Appendix 4. Where reasonably practicable employees should give 28 days' notice of their intention to take maternity support (paternity) leave.

### 3.2. Eligibility

- 3.2.1. Eligibility for the two weeks of occupational maternity support (paternity) pay will be 12 months' continuous service with one or more NHS CCG at the beginning of the week in which the baby is due.
- 3.2.2. Employees who are not eligible for the two weeks of occupational maternity support (paternity) pay may still be entitled to statutory paternity pay subject to meeting the qualifying conditions. Details of the qualifying conditions can be found on the ([www.direct.gov.uk](http://www.direct.gov.uk))

### Payment During Maternity Support (Paternity) Leave

- 3.2.3. There will be an entitlement to two weeks' occupational ordinary maternity support (paternity) pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity pay entitlements. The employee will receive full pay less any statutory paternity pay receivable. Only one period of occupational maternity support (paternity) pay is ordinarily available when there is a multiple birth.
- 3.2.4. To qualify for statutory pay in the additional maternity support (paternity) leave period, the employee and their partner must first meet certain qualifying conditions. Details of the criteria and the notification requirements can be found on the (<http://www.direct.gov.uk/en/employment/index.htm>)

### 3.3. Keeping in Touch (KIT) Days

- 3.3.1. Employees will be entitled to KIT days in accordance with paragraph 1.5.

### **3.4. Return to Work**

- 3.4.1. Employees who have taken additional maternity support (paternity) leave will have the right to return to the same job under their original contract and on no less favourable terms and conditions.

### **3.5. Ante natal leave**

- 3.5.1. Reasonable paid time off to attend ante-natal appointments will also be given. There is a legal right for a father or partner to take unpaid leave for up to two appointments for a maximum of 6.5 hours for each antenatal appointment. Line managers should seek HR advice regarding reasonable time off.

## **4. PARENTAL LEAVE**

### **4.1. Eligibility**

- 4.1.1 Up to 18 weeks unpaid parental leave is available to employees with at least 12 months continuous NHS service who meet one of the eligibility criteria as follows:
- The employee is the parent of a child under five years of age
  - The employee has adopted a child under the age of 18 (the right to parental leave lasts for a period of 5 years from the date of adoption or until the child's 18<sup>th</sup> birthday, whichever is the sooner)
  - The employee has acquired formal parental responsibility for a child under five years of age
- 4.1.2. An employee who is the parent or adoptive parent of a child/children who has been awarded disability living allowance or personal independence payment is entitled to up to 18 weeks unpaid parental leave which can be taken up to the child's 18<sup>th</sup> birthday.

### **4.2. Conditions for Parental Leave**

- 4.2.1. The minimum parental leave block is one week and leave must be taken on weekly blocks.
- 4.2.2. The employee must give at least 21 days' notice of their intention to take parental leave and must state the start and finish dates of the leave. The period of notice may be waived in exceptional circumstances.
- 4.2.3. Parental leave may be postponed by the organisation (other than where parental leave has been requested immediately after childbirth or placement for adoption) where it is considered that the leave would cause undue business disruption. Parental leave can only be postponed for a maximum period of 6 months from the original request. Where parental leave is postponed this must be confirmed in writing to the employee within 7 days after the employees notice was given to the organisation.
- 4.2.4. The CCG may make enquiries from previous CCGs regarding the amount of parental leave an employee has taken in the past and also to seek a declaration from the employee about how much parental leave has been taken.

4.2.5. The CCG may also request proof from an employee of their eligibility to take parental leave such as the child's birth certificate or legal documents stating the employee has formal parental responsibility.

4.2.6. The application form for parental leave is contained in Appendix 5.

## 5. SHARED PARENTAL LEAVE (SPL)

This guide gives a general overview of SPL. For more detailed information on the SPL regulations see the BIS guidance [www.gov.uk/sharedparentalleave](http://www.gov.uk/sharedparentalleave)

### 5.1. Overview

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year after birth or adoption. All eligible employees have a statutory right to take SPL and also may have an entitlement to Statutory Shared Parental Pay.

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

- The baby is due on or after 5 April 2015
- They adopt a child/children on or after 5 April 2015

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

Employees can start SPL if they are eligible and they or their partner end maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will be available as SPL. The remaining weeks of pay will be available as ShPP.

Employees can share the leave with their partner if they're also eligible for SPL, and choose how much of the leave each of them will take.

**Example** A mother and her partner are both eligible for SPL. The mother ends her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. She takes 30 weeks and her partner takes the other 10 weeks.

Employees who take SPL are protected from less favorable treatment.

In addition employees may still be entitled to 2 weeks of maternity support (paternity) leave subject to eligibility.

### 5.2. Eligibility

Sometimes only one parent in a couple is eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave between them. For example a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

If both parents are employees and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother/partner has decided to curtail their maternity/adoption leave.

A mother/father/partner, subject to certain criteria, will be entitled to statutory pay/adoption pay/ maternity allowance for up to 39 weeks. If the mother/partner gives notice to reduce their entitlement before they will have received it for 39 weeks then the remaining weeks could become available as ShPP.

All notices for continuous periods of leave, from eligible employees will be accepted and all requests for discontinuous leave will be considered.

### **Shared Parental Leave eligibility criteria**

To qualify for Shared Parental Leave (SPL), the employee must share care of the child with either:

- Their husband, wife, civil partner or partner (joint adopter)
- The child's other parent
- Their partner (if they live with the employee and the child)
- And have curtailed, or given notice, to reduce, their maternity/adoption leave, or their pay, maternity allowance (if not eligible for maternity/adoption leave)
- And have properly notified CCG of their entitlement and have provided the necessary declarations and evidence.

The employee or their partner must be eligible for maternity pay or leave or Maternity Allowance or adoption pay or leave.

### **They must also meet the continuity of employment test:**

- Have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date they are matched with their adopted child)
- Be employed by the same CCG while they take SPL

### **In addition their partner's eligibility employment and earnings test**

During the 66 weeks before the baby is due their partner must:

- Have been working for at least 26 weeks (which can be discontinuous) - they can be employed, self-employed or an agency worker
- Have earned at least £30 a week on average in 13 of the 66 weeks

### **Statutory Shared Parental Pay**

In order to qualify for statutory shared parental pay, the employee must:

- Meet the qualifying requirements for shared parental leave and have a partner who meets the employment and earnings test;
- Have earned not less than the lower earnings limit (currently £111 per week) in the relevant period. This is usually the 8 weeks leading up to the qualifying week (as with shared parental leave, the qualifying week is the end of the 15th week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with a child).

The employee will also qualify for ShPP if the following applies:

- They qualify for Statutory Maternity Pay

### **5.3. Statutory Shared Parental Pay**

If the employee is eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then employees can:

- Take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- Take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

The mother must take a minimum of 2 weeks' maternity leave following the birth

ShPP is paid at the rate of £138.18 a week or 90% of the average weekly earnings, whichever is lower see [www.gov.uk/sharedparentalleave](http://www.gov.uk/sharedparentalleave)

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever the employee earn (with no maximum).

If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then shared parental pay can be claimed for any remaining weeks.

If the employee is eligible for Occupational Maternity or Adoption pay and choose to curtail their adoption or maternity leave then they would forgo the right to any outstanding Occupational Maternity or Adoption Pay when they return to work.

### **5.4. Starting Shared Parental Leave**

The employee or their partner can only start (SPL) once the child has been born or adopted. The mother or adopter must have either:

- Ended any maternity or adoption leave by returning to work
- Given 'binding notice' (a decision that can't normally be changed) to their CCG of the date when they plan to end any maternity or adoption leave
- Ended maternity pay or Maternity Allowance (if they're not entitled to maternity leave, e.g. they're an agency worker or self-employed)

The mother or adopter must give notice to their CCG (at least 8 weeks) to end maternity or adoption pay, or to the Jobcentre Plus to end Maternity Allowance.

Employees can start SPL while their partner is still on maternity or adoption leave as long as they've given binding notice to end it.

A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

Where a mother or adopter takes 38 weeks or more of statutory maternity or adoption pay or maternity allowance, then no statutory shared parental pay can be created.

**Example** A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her CCG.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

### **What the employee must do**

they must complete the Notice of Entitlement and Intention to Take Shared Parental Leave form (appendix 6) giving their CCG written notice of their entitlement to SPL and ShPP, including:

- Their partner's name
- Start and end dates for maternity or adoption leave and pay
- The total amount of SPL and ShPP available and how much they and their partner intend to take
- Confirmation that they are sharing childcare responsibility with their partner

The employee must also complete the signed declaration from their partner stating:

- Their name, address and National Insurance number
- That they satisfy the qualifying requirements for SPL and ShPP
- That they agree to the employee taking SPL and ShPP

After receiving this notice, the CCG has 14 days if they want to ask for:

- A copy of the child's birth certificate
- The name and address of their partner's CCG

The employee must provide this information within 14 days.

Once a request for leave is made the employee and CCG will have a 14 day discussion period to talk about the request. An employee considering/taking SPL is encouraged to contact their line manager to arrange a discussion as early as possible.

### **5.5. Notice period**

The employee must give at least 8 weeks' notice of any leave they wish to take.

If the child is born more than 8 weeks early, this notice period can be shorter.

If parents don't choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, with notice, a mother may choose to reduce their maternity leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks' notice to their CCG and take the SPL within a year of the birth/adoption). The employee must complete the notice to take a period of Shared Parental Leave form (appendix 6)

SPL can:

- Start on any day of the week
- Only be taken in complete weeks (so if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday)
- Be taken by the partner, while the mother is still on maternity/adoption leave if the mother reduces their entitlement to maternity/adoption leave

## **5.6. Varying leave**

Qualifying parents can vary their allocation of leave between them at any stage. To vary this, the employee must complete the notice of variation or cancellation of intention to take Shared Parental Leave form (appendix 8) both parents must notify each CCG in writing of the following:

- Details of their original division of leave
- Advising of the fact they are changing it
- Advising how they now intend to take the available SPL.

Both parents must sign the notice to confirm that they are in agreement with the variation. The employee must give at least eight weeks' notice before both the new date and the original date for varying the leave request.

## **5.7. Cancelling the decision to end maternity or adoption leave**

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date hasn't passed
- They haven't already returned to work

One of the following must also apply:

- Employee's find out during the 8-week notice period that neither of them is eligible for SPL or ShPP
- The mother or adopter's partner has died
- The mother tells her CCG less than 6 weeks after the birth (and she gave notice before the birth)

The employee must give at least eight weeks' notice before both the date maternity or adoption leave is due to start.

Once maternity or adoption leave has been curtailed and shared parental leave commenced then this cannot be ended and reverted back to maternity or adoption leave.

## **5.8. Shared parental leave in touch (SPLIT) days**

The employee and their partner can both work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days and will be paid.

These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Keeping in touch days are optional - both the employee and the CCG must agree to them.

## **5.9. Blocks of leave**

Employees can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if they aren't sharing the leave with their partner.

If their partner is eligible for SPL, employees can take leave at different times - or both at the same time. Therefore, each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks.

The employee must give the CCG at least 8 weeks' notice before they want to begin a block of leave.

Each eligible employee can give their CCG up to 3 separate notices. Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave. If a parent asks for discontinuous blocks of leave in a notification the CCG can refuse and require that the total weeks of leave in the notice to be taken in a single continuous block. However, where the employee's notification is for a continuous block of leave the CCG is required to agree. It is therefore beneficial for the employee and CCG to discuss and attempt to agree the way in which the different blocks of leave can be taken.

Notifying the CCG of a continuous block means taking an unbroken period of leave. For example, this could be a notification for a period of six weeks' leave. Eligible employees have a statutory right to take SPL in this way and a CCG cannot refuse it.

### **Splitting blocks**

If the CCG agrees, employees can split blocks into shorter periods of at least a week.

### **Example**

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December to cover the busy Christmas period. She gives her CCG notice that she'll go on leave again in February - this is her second block of SPL. Her CCG agrees to a work pattern of 2 weeks on, 2 weeks off during the block.

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

#### **5.10. Employment comes to an end**

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 start working for somebody else.

#### **5.11. Annual leave**

SPL is granted in addition to annual leave which will continue to accrue throughout SPL.

#### **5.12. Terms and Conditions**

During the period of SPL, the employee's contract of employment remains in force and entitlement to receive all contractual benefits, except for salary.

Pension contributions will continue to be made during paid SPL. During a period of unpaid SPL, if an employee is part of the NHS Pension Scheme, then these deductions can be either made during the leave or upon return to work.

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

On returning to work after SPL, the employee will have the right to return to the same job on no less favourable terms and conditions. If this is not reasonably practicable the employee will have the right to return to a job of the same pay band and to work of a similar responsibilities and status.

### **6. RIGHT TO APPEAL**

Where an employee is dissatisfied with the outcome of their application for leave under this policy the matter should be raised in the first instance with the Line Manager. Where the employee remains dissatisfied the employee should raise the issue through the Grievance Policy.

## MATERNITY SCHEMES

### SCHEME A

#### For those intending to return to work:

- The employee will receive 52 weeks unpaid leave with protection of all terms and conditions of employment, except pay.
- The employee may be eligible to receive Statutory Maternity Pay (SMP) or Maternity Allowance payable by the state.

#### For those not intending to return to work:

- Employment will be for a period of 52 weeks during which the employee's terms and conditions of employment, except pay, will be protected, e.g. annual leave.

### SCHEME B

#### For those intending to return to work:

- 39 weeks enhanced maternity pay for employees with **12 months service** as follows:
  - 8 weeks full pay (SMP at 8 weeks already inclusive)
  - 18 weeks half pay (plus any SMP or Maternity Allowance including any dependents allowances receivable, providing the total receivable does not exceed full pay)
  - 13 weeks SMP or 90% of normal weekly earnings (whichever are the lower)
- 39 weeks maternity pay for employees with **26 weeks continuous service but less than 12 months service** as follows:
  - 6 weeks at 9/10<sup>ths</sup> of full pay (inclusive of SMP)
  - 33 weeks SMP or 90% of normal weekly earnings (whichever is the lower)

In addition to paid maternity leave the employee is also entitled to a further 13 weeks unpaid additional maternity leave.

### SCHEME C

#### For those not intending to return to work:

- The employee will receive 6 weeks at 90% of full pay (inclusive of SMP) plus a further 33 weeks SMP or 90% of normal weekly earnings (whichever is the lower)
- Terms and conditions of service, except pay, will be protected over the 52 weeks period.

## **SCHEME D**

### **For those undecided about their intention to return to work:**

- The employee will receive 6 weeks at 90% of full pay (inclusive of SMP) plus 33 weeks SMP or 90% of normal weekly earnings (whichever is the lower)
- An additional 13 weeks unpaid additional maternity leave
- If the employee returns to work for a minimum of 3 months they will receive the difference in payments between Scheme C and Scheme B

**APPLICATION FOR MATERNITY LEAVE AND/OR MATERNITY PAY**

**NAME:**.....

**EMPLOYEE NUMBER:**.....

**EXPECTED DATE OF CONFINEMENT:**

**MATB1 Form:**            **ATTACHED/NOT ATTACHED** (Please delete as appropriate)  
(Certificate of Confinement)

**Please complete Section 1 – if you do not intend to return to duty.**

**Please complete Section 2 – if you do intend/or are considering returning to duty.**

**Section 1: I do not intend to return to work and my last day of service will be:**  
.....

**Section 2:**

I apply for maternity leave and/or pay in accordance with \* Scheme..... I intend to commence maternity leave on..... I agree to the conditions of service governing maternity leave and undertake to continue in the service of **the CCG** or another NHS CCG for a minimum period of three months after the expiry of my leave.

**I am aware that:**

- If I intend to return to work earlier than anticipated I must give **the CCG** 28 days' notice, in writing. **Failure** to give confirmation could result in disciplinary action being taken.
- Should I fail to return to work for **the CCG** or another NHS CCG, I shall be liable to refund the whole of the maternity pay received, less any Statutory Maternity Pay to which I am entitled or entitlement to payment under Scheme C.
- If I pay pensions contributions now and if I am subject to pension payments on my return to work, I shall be liable for payments during any **unpaid** period of maternity leave I might take.
- It is my responsibility to have read and understood the above policy and sought appropriate advice regarding my personal circumstances prior to deciding which scheme is appropriate.

**SIGNED:** .....            **DATE:** .....

**\* Please indicate whether you are taking Scheme A, B, C or D.**



**CONFIDENTIAL**  
**PREGNANT WORKERS RISK ASSESSMENT**

PLEASE RETURN THIS FORM TO YOUR MANAGER WITH A COPY TO HR DEPARTMENT WITH YOUR MAT B1 FORM (WHEN AVAILABLE)

Assessment No	Health and Safety Office Use
---------------	------------------------------

Please print details clearly

Department:
-------------

Name of assessor:
-------------------

Date:	Name of New/Expectant Mother

Is this a multiple pregnancy	Gestation (weeks)	Expected Date of Confinement

	Yes	No	Date	Assessor
Has a general workplace assessment been carried out for this department?				

Please tick "YES" or "NO" and enter any comments in the space provided

	Yes	No	Comments
<p><b>COSHH</b> Is the new/expectant mother likely to be exposed to any hazardous substances or biological agent? Is she up to date with her immunisation programme? ( ask employee to check with GP and confirm back to you if they are likely to be exposed to any hazardous substances) Have specific COSHH assessments been carried out for her?</p> <p><b>MANUAL HANDLING</b> Is the new/expectant mother likely to undertake any manual handling tasks? Have specific assessment(s) been carried out</p>			

<p>for her?  Is any remedial action necessary?  Has remedial action (if required) been carried out?  Is lifting equipment available if required?</p> <p><b>VDU (Visual display) EQUIPMENT</b>  Does the new/expectant mother use VDU equipment?  Has her workstation been assessed  Have any problems been highlighted?  If required, has remedial action been taken/initiated?</p> <p><b>PERSONAL PROTECTIVE EQUIPMENT (PPE)</b>  Is the new/expectant mother required to use/wear any personal protective equipment (does not include uniform)  Has training been given to her on how to use/wear PPE correctly?  Does she find PPE comfortable to wear/use?  Has maternity uniform been ordered or obtained?</p> <p><b>MACHINERY/EQUIPMENT</b>  (any equipment excluding substances, structural items, VDU or private car)  Is the new/expectant mother likely to use any machinery/equipment?  Does any of the machinery/equipment used present a greater risk to her than to any other worker?  Has she been trained/informed regarding the use/hazards of the equipment?</p> <p><b>DRIVERS</b>  Does she drive a vehicle as an integral part of her job?  Is the vehicle driving position adjustable for driver comfort?</p> <p><b>ENVIRONMENT</b>  Does the department have sufficient welfare facilities? (eg toilets, washing facilities, drinking water)  Is the temperature and ventilation generally comfortable?  Is lighting stable and sufficient?  Is there sufficient space for workers?  Is the area kept clean and tidy?  Are the floors even and intact?</p>			
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<p><b>OTHER (including security and working hours)</b>  This section is for the assessor to highlight any other risk within the workplace NOT already covered by the above sections (e.g. violence and aggression, working hours, pace or type of work)  Have any other areas of concern been highlighted? (please explain)  Has remedial action been initiated/taken – please explain</p>			
--	--	--	--

Physical condition/Minor disorders condition/minor disorders

Please enter a brief statement describing general fitness/physical condition of the new/expectant mother at the time of assessment. For example is she suffering from any of the following; morning sickness, backache, fatigue or any other condition which could affect her well-being.

<p>Recommendations for Action</p>
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Please ensure all signatures are obtained. Please file the above assessment with the employee’s maternity leave papers etc in their personal file and forward any concerns to the health and safety officer for further information/investigation.

Signature of new/expectant mother	Signature of Senior Manager
Date:	Date:
Signature of individual carrying out assessment:	Date:

**APPLICATION FOR ADOPTION, MATERNITY SUPPORT (PATERNITY) AND PARENTAL LEAVE**

**Applicants must complete Section A and either Section B, C or D**

**Section A (to be completed by the Applicant)**

Name:.....Employee Number:.....

I wish to apply for adoption leave/maternity support (paternity) leave/parental leave (please delete as appropriate). I understand that if I provide any false information in support of my request for paid/unpaid leave I may be subject to disciplinary proceedings, which may lead to disciplinary action, including dismissal. I, therefore, confirm that the leave requested below is in accordance with the reason stated.

**Section B – Adoption Leave**

**I wish to apply for:**

- a) 26 weeks ordinary adoption leave
- b) 26 weeks additional adoption leave

(please tick all that apply)

The dates applied for are:.....

I also agree to return to work for a minimum period of three months with **the CCG** or other NHS CCG. I also confirm that I meet the criteria outlined within the Maternity, Adoption, Maternity Support and Parental Leave Policy.

Signed by Employee: ..... Date: .....

**Section C – Maternity Support (Paternity) Leave**

I wish to apply for ..... weeks paid leave to be taken on the following dates and confirm that I meet the criteria outlined within the Maternity, Adoption, Maternity Support and Parental Leave Policy. I wish to apply for ordinary maternity support pay/statutory maternity support pay or unpaid leave (please delete as appropriate).

Signed by Employee..... Date: .....

**Section D – Parental Leave**

I wish to apply for ..... days/weeks unpaid parental leave (maximum of 18 weeks)

The dates applied for are:- .....

Signed by Employee:..... Date:.....

**Section E – To be completed by the Line Manager**

I confirm that Leave under Section

B- Adoption Leave .... Number of days/weeks

C- Paternity Leave .... Number of days/weeks

D- Parental Leave .....Number of days/weeks

Has been approved/rejected. The reasons for rejecting the application are:-

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

Signed(Manager):.....Date:.....

Copy to:      HR for recording  
                  Personal File  
                  Payroll

**NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE  
Available for babies due after 5th April 2015**

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to the HR team, **at least eight weeks** before the start date of the first period of SPL.

To be entitled to SPL the employee must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

Please refer to the CCG Maternity/Adoption/Maternity Support (Paternity) & Parental Leave Policy guidelines for further information before completing this form.

**Section 1 – Basic Details**

Full name of employee:	
Home address:	
Contact Tel No:	
Job Title:	
Based at:	

Hours of work:	
Payroll number:	
Managers name and Tel no:	
CCG start date:	
NHS start date	
Contract expiry date: (if applicable)	
Child's expected date of birth/date of placement for adoption	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave (or pay period*)	
End date of mother/main adopter's maternity/adoption leave (or pay period*)	

\* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

## Section 2 - Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks' SPL available	
Number of weeks' SPL you intend to take	
Number of weeks' SPL the other parent intends to take	
<p>Indication of start and end dates of SPL that you intend to take</p> <p><i>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.</i></p>	
Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)	YES / NO / YES for the following dates only:

### Section 3 - Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1.

Total number of weeks' ShPP available	
Number of weeks' ShPP you intend to claim	
Number of weeks' ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods	

#### **Section 4 – Employee notice of curtailment of maternity/adoption leave**

Complete this section if you are the employee named in this notice and you are the mother or main adopter. 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.

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

#### **Section 5 – Employee declaration**

I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child
- I have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- I intend to be in continuous employment until the week before any SPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the company immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Section 6 – Declaration of other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking SPP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave

I consent to you processing the information contained in this declaration.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Manager's Declaration:**

I have discussed shared parental leave with the above and I am aware of her/his intentions. We have also discussed annual leave entitlement, and made arrangements for contact during shared parental leave.

I have completed a change form as applicable.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Once completed, please forward this form together with your MAT B1 or Matching Certificate to the HR team, at least 8 weeks prior to the commencement of your Shared Parental Leave.

-----

**HR Use Only:**

Date application and Mat B1 / Matching Certificate received:	
Date ESR checked for Salary Sacrifice Scheme:	
Date leave commences:	
Approved by:	
Date Approved:	

**NOTICE TO TAKE A PERIOD OF SHARED PARENTAL LEAVE**  
**Available for babies due after 5th April 2015**

Please complete and return this form to the HR team.

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving **at least eight weeks'** notice of the start date of the leave. You may submit up to three periods of leave notices.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a continuous period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request discontinuous periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

<b>Full name of employee</b>	
<b>Home address</b>	
<b>Job Title</b>	
<b>Based at</b>	
<b>Hours of work</b>	
<b>Payroll number</b>	
<b>Managers name and Tel no</b>	

**Shared parental leave dates:**

Start date	End date	Number of weeks

**Shared parental pay dates (if applicable):**

Start date	End date	Number of weeks

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Manager's Declaration:**

I have discussed shared parental leave with the above and I am aware of her/his intentions.

Shared parental leave dates agreed:

Start date	End date	Number of weeks

We have also discussed annual leave entitlement, and made arrangements for contact during shared parental leave.

I have completed a change form as applicable.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

-----

**HR use only:**

Date leave commences:	
Approved by:	
Date Approved:	

**NOTICE OF VARIATION OR CANCELLATION OF INTENTION TO TAKE  
SHARED PARANTAL LEAVE  
Available for babies due after 5th April 2015**

Please complete and return this form to the HR team.

Use this form to vary or cancel the information you have previously provided regarding the amount of shared parental leave/pay you and the other parent each intend to take. You must give at least eight weeks' notice before both the new date and the original date for varying the leave request.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your entitlement to shared parental leave confirmed.

If you (or the other parent) have already submitted a binding period of leave notice for any of the periods detailed below, please confirm this where indicated.

Both parents must sign the declaration to indicate their agreement to any variation or cancellation.

<b>Full Name of employee</b>	
<b>Home Address</b>	
<b>Contact Tel No</b>	
<b>Payroll No</b>	
<b>Name of other parent</b>	

## Shared Parental Leave Details

Number of weeks' SPL you intend to take	
Number of weeks' SPL the other parent intends to take	
Indication of start and end dates of SPL that you intend to take  <i>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish it to be binding.</i>	
List any dates of SPL which you have already submitted to the Trust on a binding period of leave notice	
List any dates of SPL which the other parent has already submitted on a binding period of leave notice to his/her CCG.	

**Shared Parental Pay (ShPP) Details**

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	

**Original Shared Parental Leave dates to be cancelled**

Start Date	End Date	Number of weeks

**Declaration**

We confirm that we agree to the variation(s) / cancellation(s) detailed above.

Signature of employee:

Date:

Signature of other parent:

Date:

**Manager's Declaration:**

I have discussed shared parental leave with the above and I am aware of her/his intentions. We have also discussed annual leave entitlement, and made arrangements for contact during shared parental leave.

I have completed a change form as applicable.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**HR Use Only:**

Date leave commences:	
Approved by:	
Date Approved:	

## Equality Impact Assessment

<b>Title of policy</b>	Maternity, Paternity and Adoption and Parental leave Policy	
<b>Names and roles of people completing the assessment</b>	Paul Appleyard, HR Manager	
<b>Date assessment started/completed</b>	10.01.2014	Review July 2020

**1. Outline**

<b>Give a brief summary of the policy</b>	To provide a process and framework to set out the organisation's maternity, adoption, paternity and parental leave and payment, to make employees and managers aware of what type of leave, pay and conditions of employment an employee may be entitled to.
<b>What outcomes do you want to achieve</b>	To follow statutory rights and NHS Terms and Conditions

**2. Analysis of impact**

This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations

	<b>Are there any likely impacts? Are any groups going to be affected differently? Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	No		
<b>Carers</b>	No		
<b>Disability</b>	No		
<b>Sex</b>	Yes	Positive  Positive	Will have an impact mostly on female employees due to the nature of maternity. Ensure that employees on leave are kept informed of what is happening at work and given access to any information affecting their employment at the workplace.  Shared Parental Leave will affect both male and female parents and should

		Potential Negative	provide more balanced parental support to a new born child that is shared between parents.  Although there may be an issue of the mother being forced to return to work earlier for financial reasons.
<b>Race</b>	No		
<b>Religion or belief</b>	No		
<b>Sexual orientation</b>		Positive	
<b>Gender reassignment</b>	No		
<b>Pregnancy and maternity</b>	Yes	Positive	As above
<b>Marriage and civil partnership</b>		Positive	
<b>Other relevant group</b>	No		
<p><b>If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.</b></p>		<p>No anticipated detrimental impact on any equality group, although this will mostly effect female employees due to the nature of maternity. Shared Parental Leave will affect both male and female parents but will depend on the take up. Although there may be an issue of the mother being forced to return to work earlier for financial reasons due to SPL.</p> <p>The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.</p>	

<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	Will monitor the impact and effect of the above policy by feedback within HR at team meetings and Policy Development meetings.		
<b>Lead Officer</b>	Tazeem Hanif	<b>Review date:</b>	July 2020

<b>5. Equality and Diversity Sign off</b>			
Equality Lead Officer	Nadeem Murtuja		
		Date approved:	April 2014

<b>6. Sign off</b>			
Lead Officer	Fiona Jeffrey		
Director	Associate Director of Corporate Affairs	Date approved:	July 2015

