

# Maternity, Paternity, Adoption and Parental Leave Policy

## HWHR03

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## **1 Introduction**

**1.1** Herefordshire and Worcestershire CCG (hereon in known as the Organisation) aim to ensure a consistent and fair approach to expectant and return to work parents showing sensitivity and consideration of individual circumstances and personal preferences. The Organisation will assist and support employees, considering safe working, continuation of duties during the expectant time, and satisfactory return to work where applicable.

**1.2** This policy explains

- the employees' rights when pregnant, on Maternity Leave and on return to work after the baby is born
- the employees' rights to Paternity Leave when their partner gives birth or adopts a child (and the employee is not taking Adoption Leave)
- the employees' rights as an adoptive parent, to take Adoption Leave from work
- the employees' rights to Shared Parental Leave
- the employee's entitlement, as a mother or father, to take time off work to look after their child

**1.3** The law relating to parental rights is complex. The Organisation have tried to simplify the rules, as far as possible but the employee should not hesitate to contact the HR Team with any questions.

## **2 Equality Statement**

**2.1** Herefordshire and Worcestershire CCG aim to design and implement policy documents that meet the diverse needs of the organisations services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

**2.2** In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG is responsible, including policy development, review and implementation.

## **3 Scope**

**3.1** This Policy applies to all staff employed by the Organisation. This Policy does not apply to non-employees, including self-employed and Agency Workers. Eligibility for Maternity, Paternity, Adoption, Parental and Shared Parental leave are detailed within the policy.

## 4 Definitions

Mother	The woman who gives birth to a child or the primary adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female)
Partner	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
SML	Statutory Maternity Leave
OML	Occupational Maternity Leave
SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
Qualifying Week	The 15th week before the week your baby is due (or the 25 <sup>th</sup> week of Pregnancy)
KIT Day	Keep in Touch Day
Match	When an adopter is approved to adopt a named child or children
Parental Leave	Separate to Shared Parental Leave, entitles employees to take up to 18 weeks off work unpaid to look after a child's welfare
MAT1 Form	Application for Maternity Leave & Pay to be completed by the Employee
MATb1 Form	Also known as a Maternity Certificate, given to a Pregnant woman by a doctor or registered midwife at approximately the 20 <sup>th</sup> week of Pregnancy
A1 Form	Application for Adoption Leave & Pay to be completed by the Employee
PAT1 Form	Notice of Intention to take Paternity Leave to be completed by the Employee
<b>Shared Parental Leave</b>	
SPL	Shared Parental Leave
ShPP	Statutory Shared Parental Pay
Continuous leave	A period of leave that is taken in one block e.g. four weeks' leave
Discontinuous Leave	A period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months
SPLIT day	Shared Parental Leave in Touch Day
Curtail	Where an eligible mother brings their Maternity / Adoption Leave and, if appropriate, pay or allowance entitlement to an end early.

## 5 Maternity

The Maternity Process Flowchart is in Appendix 1.

### 5.1 Telling the Organisation about their pregnancy

5.1.1 Employees are encouraged to tell the Organisation about their pregnancy as soon as they feel comfortable doing so. This gives the Organisation a chance to deal with any health and safety issues and provide any other relevant support.

5.1.2 The employee should read the New and Expectant Mothers at Work Guidance

(Appendix 4) and ensure they and their Line Manager complete the Expectant Mothers Risk Assessment (Appendix 5).

5.1.3 The employee must tell their Line Manager about their pregnancy by the start of the 15th week before the week in which the baby is due (25<sup>th</sup> week of Pregnancy) to be entitled to Maternity Leave / Pay as detailed below.

5.1.4 A MAT1 Form (available on the Intranet or from the HR Team) should be completed and sent to the Corporate Team with the MATB1 Form (you should receive this at around the 20<sup>th</sup> week of Pregnancy).

## **5.2 Taking time off during pregnancy**

5.2.1 Pregnant employees can take reasonable time off work with pay for antenatal care. This includes appointments with their doctor or midwife, hospital appointments connected with their pregnancy or other appointments advised by the employees' doctor, midwife or health visitor.

5.2.2 The employee should give their Line Manager as much notice as possible of the appointment.

5.2.3 Except for the first appointment, the employee may be asked for a certificate from the employees' doctor, midwife or health visitor stating that they are pregnant, and an appointment card or some other documents confirming the employee's appointment.

5.2.4 The employee will be paid at their normal hourly rate for the time off for ante-natal care.

5.2.5 The employees' partner is entitled to take unpaid time off work to accompany the employee to up to 2 of the employees' ante-natal appointments. Further information is provided in Section 6.2.1 of this policy.

## **5.3 Maternity Leave**

### **5.3.1 Ordinary and Additional Maternity Leave**

5.3.1.1 The employee is entitled to 52 weeks maternity leave, regardless of their hours of work or length of employment with the Organisation. However, it is important that the employee gives the Organisation the correct notice. This is explained in more detail below.

5.3.1.2 Maternity leave is made up of 26 weeks Ordinary Maternity Leave (OML) immediately followed by 26 weeks Additional Maternity Leave (AML).

5.3.1.3 In accordance with relevant legislation the employee must take a minimum of 2 weeks' Maternity Leave after giving birth.

### **5.3.2 Notification requirements**

5.3.2.1 Employees must comply with certain notification requirements explained in this section to be entitled to Maternity Leave / Pay.

5.3.2.2 The employee must give the Organisation the following information by the start of the 15<sup>th</sup> week before the week in which the employees baby is due (25<sup>th</sup> week of Pregnancy) or as soon as the employee can if it was not reasonably practical for the employee to tell the Organisation before then. The employee will need to tell the Organisation:

- that they are pregnant;
- when the baby is expected to be born; and
- when the employee wants their Maternity Leave to start.

5.3.2.3 The employee should complete the MAT1 Form and submit with the employees MATB1 form (which will be given to the employee by a doctor or a midwife confirming the employees baby's expected birth date) to the Corporate Team, who will input the information onto EASY (Herefordshire CCG) / complete a Change Form and send to the Employment Services Team (Worcestershire CCG). The MAT1 and MATB1 will then be sent to the Central HR / Payroll Team.

### **5.3.3 Starting Maternity Leave**

5.3.3.1 The employee cannot start their Maternity Leave earlier than 11 weeks before the week in which the employees' baby is due (29<sup>th</sup> week of pregnancy), unless the employees' baby is born prematurely before then.

5.3.3.2 If the employee is away from work on sick leave for a reason related to their pregnancy at any time after the start of the 4<sup>th</sup> week before the week in which the employees' baby is due (36<sup>th</sup> week of pregnancy), this will automatically trigger the start of the employees Maternity Leave.

### **5.3.4 Changing the start date of the employees Maternity Leave**

5.3.4.1 If the employee wants to change the start date of the employees maternity leave, the employee must tell the Organisation about the new start date either 28 days before the new date, or, if earlier, 28 days before the employees original start date (unless this is not reasonably practical, in which the employee should tell the Organisation as soon as the employee can).

### **5.3.5 Confirmation from the Organisation**

5.3.5.1 The employee will be written to by the Organisation within 28 days of receiving the employee's notification, confirming the employee's entitlements.

## **5.4 Statutory Maternity Pay**

### **5.4.1 Rights to Statutory Maternity Pay (SMP)**

5.4.1.1 The qualifying conditions for SMP are different from the conditions for maternity leave. The employee will be entitled to SMP if:

- they have been continuously employed by the Organisation for 26 or more weeks by the end of the 15<sup>th</sup> week before the week in which their baby is due (In effect, put simply, this is 41 weeks service by the baby's due date); and
- they have provided the MATB1 and MAT1 Forms, and
- their average earnings (based on an 8-week reference period prior to the 15<sup>th</sup> week before the week in which the employees' baby is due, or the 18<sup>th</sup>-25<sup>th</sup> week of Pregnancy) are not below the lower earnings limit set by the Government
- they have given at least 28 days' notice of the date the employee expects to start receiving SMP (which, in practice, will be the date they expect to start maternity leave).

5.4.1.2 If the employee is not entitled to SMP, perhaps because they have not worked for the Organisation for 26 weeks or more, the employee may be entitled to Maternity Allowance. The local Jobcentre Plus will be able to help with this.

#### **5.4.2 Amount of Statutory Maternity Pay (SMP)**

5.4.2.1 SMP is payable for 39 weeks in total. If the employee is eligible for SMP, they will receive it during all of OML and for the first 13 weeks of AML (assuming the employee has not returned to work by then).

5.4.2.2 SMP is paid at a higher and lower rate. For the first six weeks of maternity leave, SMP is paid at 90% of the employee's average weekly earnings. For the remaining 33 weeks SMP is payable either as a fixed statutory amount set each year by the Government or 90% of the employee's average weekly earnings (whichever is lower).

5.4.2.3 If the employee comes back to work before the end of the 39<sup>th</sup> week during which SMP is payable, entitlement to SMP will stop on the return to work.

5.4.2.4 The employee will receive SMP through the normal payroll. The usual deductions for tax and national insurance apply.

5.4.2.5 SMP replaces the usual salary while on Maternity Leave.

### **5.5 Occupational Maternity Pay**

#### **5.5.1 Eligibility for Occupational Maternity Pay (OMP)**

5.5.1.1 Eligibility for Occupational Maternity Pay will be 12 months' continuous service with one or more NHS employer at the beginning of the eleventh week before the expected week of childbirth (29<sup>th</sup> week of Pregnancy) and the employee has complied with the notification requirement.

5.5.1.2 Where the employee intends to return to work with the same or another NHS employer for a minimum period of 3 months after the Maternity Leave has ended, the employee will be entitled to Occupational Maternity Pay, receivable

as follows:

- for the first 8 weeks of absence the employee will receive full pay, less any Statutory Maternity Pay or maternity allowance (including any dependents' allowances) receivable;
- for the next 18 weeks the employee will receive half of full pay, plus Statutory Maternity Pay or maternity allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay;
- for the next 13 weeks, the employee will receive any Statutory Maternity Pay or maternity allowance that they are entitled to under the statutory scheme.

5.5.1.3 If the employee decides not to return to work following Maternity Leave, refer to Section 5.13.5.

### **5.5.2 Agreeing to pay Occupational Maternity Pay differently**

5.5.2.1 By prior agreement with Payroll, Occupational Maternity Pay can be paid in a different way, for example fixed amounts spread equally over the Maternity Leave period. Although, please note it is not normally possible to change the method of payment for SMP, therefore the first 6 weeks of Maternity Pay would be paid at the higher rate.

## **5.6 Employees participating in a Salary Sacrifice Scheme**

5.6.1 If the employee is participating in the Childcare Voucher Scheme the employee should contact the Childcare Voucher provider and take advice on the impact of salary sacrifice on the calculation of Maternity Pay. This should be done before the employee is 15 weeks pregnant.

5.6.2 Receipt of Childcare Vouchers whilst on Maternity Leave will be in line with current legislative guidance. At the time of writing, Childcare Vouchers can continue to be deducted during Occupational Maternity Pay (if payable). During Statutory Maternity Pay and during no pay, Childcare Vouchers will not be deducted, and the employee must liaise with the childcare provider directly regarding payment of any childcare costs.

## **5.7 Alternative Contracts e.g. Fixed-Term, Training or Bank**

5.7.1 If the employee is subject to a fixed-term or training contract which expires after the 11<sup>th</sup> week before the expected week of childbirth (29<sup>th</sup> week of Pregnancy) but before the end of the 52 weeks Maternity Leave period, and the employee satisfies the conditions above, the employee shall have their contract extended to receive the 52 weeks Maternity Leave, so as to allow the employee to receive the 39 weeks SMP entitlement, which may include paid Occupational and Statutory Maternity Pay plus 13 weeks unpaid. If the employee is subject to a fixed-term contract which is due to end following the 52 weeks Maternity Leave period, unless otherwise notified, this will end on the planned end date.

5.7.2 If there is no right of return to be exercised because the contract would have ended

if pregnancy and childbirth had not occurred, the repayment provisions will not apply.

- 5.7.3 Absence on Maternity Leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.
- 5.7.4 Employees on fixed-term contracts who do not meet the 12 months' continuous service condition set out in Section 5.5.1.1, may still be entitled to Statutory Maternity Pay.
- 5.7.5 Where the employees partner takes Shared Parental Leave the employees' contract will only be extended to the date that their Maternity Leave ends.
- 5.7.6 If the employee is on a Bank contract and meets the conditions for Maternity Leave and / or Pay (above), the employee should contact the HR Team to discuss entitlement.

## **5.8 Terms and conditions during Maternity Leave**

- 5.8.1 During both Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML) all the employee's normal terms and conditions of employment remain unchanged, except for the employees right to remuneration which is explained above.

## **5.9 Accrual of Annual Leave**

- 5.9.1 Annual Leave is accrued during the Maternity Leave period (paid and unpaid) at the normal entitlement rate. This includes the accrual of Bank Holidays the employee would normally be entitled to.
- 5.9.2 Where unused Annual Leave and Bank Holidays exceed local provisions for carry over to the next leave year, the employee and their Line Manager should make arrangements before commencement of Maternity Leave for the unused annual leave to be taken before and / or after the formal (paid and unpaid) Maternity Leave period
- 5.9.3 Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.

## **5.10 Pensions (Maternity)**

- 5.10.1 If the employee is a member of the NHS Pension Scheme, contributions will be in line with current NHS Pensions guidance, which at the time of writing were:

### **5.10.2 Employee contributions**

- 5.10.2.1 While the employee is on Maternity Leave and receiving SMP and/or any additional contractual maternity pay (e.g. Occupational Maternity Pay), the employees pensions contributions, at the tier the employee was paying before the leave, will be deducted on the amount of pensionable pay / reckonable pay / pensionable earnings the employee actually receives during the leave, i.e. if the employees percentage rate for member contributions is 5.6%, these will be calculated as 5.6% of the amount the employee actually receives.

### 5.10.3 Employer contributions

5.10.3.1 While the employee is on Maternity Leave and receiving SMP and/or any additional contractual maternity pay (e.g. Occupational Maternity Pay) the Organisation will pay contributions based on the pay that the employee would have received had they not been on maternity leave, i.e. the employees basic salary (and any other regular payments but not including bonuses, expenses or overtime)<sup>1</sup>, at the percentage relevant to the employee.

### 5.10.4 Unpaid Maternity Leave – making up contributions

5.10.4.1 Any period of unpaid Maternity Leave will not be treated as pensionable service under the pension scheme, unless the employee makes up the employee's contributions. When the employee returns to work, they can pay the contributions for such period of unpaid Maternity Leave so that it is treated as pensionable. The contributions will be based on the amount of pay they were receiving immediately before they went on to nil pay. The employee should liaise the employees Pensions Team (below) to arrange this.

5.10.4.2 If the employee has any other pension queries, they should discuss these with NHS Pensions (general queries) on 0300 330 1346 or SBS Pensions (personal queries contributions for the Worcestershire CCGs employees) on 0303 123 1144 / MLCSU Employment Services (personal queries contributions for Herefordshire CCG employees) on 01782 872639.

## 5.11 Keeping in Touch (KIT)

5.11.1 Before the employee starts Maternity Leave, the Line Manager will discuss the options for keeping in touch whilst away from work.

5.11.2 The employee can work a maximum of 10 days for the Organisation during their Maternity Leave, should the employee and the Organisation wish this to happen. There is no obligation on the employee to do this and no obligation on the Organisation to provide any work. These days of work are known as 'Keeping In Touch days'.

5.11.3 There are a number of reasons why the employee may complete a KIT day. These might include:

- Training
- Team away days
- Updates on developments in the Organisation
- Involvement in recruitment issues such as interviewing new staff
- Annual appraisals.

5.11.4 This is not an exhaustive list and the kind of work the Organisation might ask the employee to do will vary according to the employee's role. The Organisation stress that whether or not the employee does such work is very much a matter for

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<sup>1</sup> If the employee is a practitioner, the pay that the employee would have received had they not been on Maternity Leave is their pensionable earnings.

discussion between the employee and their manager.

5.11.5 A KIT day will often involve coming into the office, but this will not always be the case and the Organisation may ask if the employee is able to undertake some work from home.

5.11.6 The Organisation will contact the employee during the employee's Maternity Leave if an opportunity arises for the employee to work a KIT day and will give the employee as much notice as possible. If the employee is aware of an event or meeting that they would like to attend for a KIT day, they should contact their Line Manager to discuss it.

5.11.7 The employee may not work a KIT day during the two weeks of compulsory Maternity Leave immediately after the birth of the employees' baby.

#### **5.11.8 Payment of KIT Days**

5.11.8.1 The employee will be paid at their basic rate for the hours worked, less appropriate Maternity Pay for KIT days worked.

5.11.8.2 Working for part of any day will count as one KIT day. If the employee works for the Organisation for only a part of a day, the Organisation will calculate an hourly rate and use this to work out how much is due to the employee. The employees SMP will always count as part of their remuneration in any week and will be deducted before any extra payment is made.

5.11.8.3 Time spent travelling to and from the office will not count as working time when the Organisation are calculating pay due to the employee.

5.11.8.4 To make payment for any KIT hours, the employee should complete the Keeping in Touch Days Application Form (Appendix 6) and notify the Corporate Team with details including the date and number of hours worked.

5.11.8.5 If the employee has any queries, they should contact their Line Manager or the HR Team.

### **5.12 Organisational Change**

5.12.1 If, during the employees Maternity Leave, formal Organisational Change occurs where there is a reduction in the number of the employee's own posts or the employees post is no longer in the structure:

- The employee will be included in an appropriate ring fence where there is a reduction in posts, if applicable
- The employee will be given preference to relevant Suitable Alternative Employment, if the employee is not successful in the ring fence or the employees post is no longer in the structure.

5.12.2 If the employee needs any more information about Organisational Change during Maternity Leave, they should contact their Line Manager or HR Team.

## **5.13 Returning to work after Maternity Leave**

### **5.13.1 Returning on the Expected Return Date**

5.13.1.1 If the employee is returning to work at the end of their Maternity Leave (“Expected Return Date”), the employee doesn’t need to notify the Organisation in writing, although it would be helpful if they would do so.

### **5.13.2 Returning before the employees Expected Return Date**

5.13.2.1 If the employee decides to come back to work before their Expected Return Date they must give the Organisation at least 28 days’ notice.

### **5.13.3 Returning after the employees Expected Return Date**

5.13.3.1 The employee’s entitlement to Maternity Leave is to 52 weeks’ leave. If the employee would like to apply for further time off, the employee should either request Parental Leave or Annual Leave. The Organisation will consider the employees request in line with the organisations policies and usual practice for Parental and Annual Leave.

### **5.13.4 Sickness Absence**

5.13.4.1 If the employee is unable to come back to work because of sickness or injury, the employee’s absence will be treated as sickness absence and the organisations usual Sickness Absence Policy will apply.

### **5.13.5 Deciding not to return**

5.13.5.1 If the employee decides they do not wish to return to work at all, they must give the Organisation written notice as required by the employee’s contract of employment.

5.13.5.2 If the employee fails to return to work with the Organisation or a different NHS employer within 15 months of the beginning of the employee’s maternity leave, the employee will be liable to refund the whole of their maternity pay, less any Statutory Maternity Pay, received. In cases where the Organisation considers that to enforce this provision would cause undue hardship or distress, the Organisation will have the discretion to waive its rights to recovery.

## **5.14 The employee’s rights on return to work**

5.14.1 The employee has the right to return to their job under their original contract and on the same terms and conditions, if the job still exists. If the employee has taken Maternity Leave for more than 6 months, and if it is not reasonably practicable to return to the same role, they can be offered a similar job where terms and conditions are no less favourable.

5.14.2 If, at the end of Maternity Leave, the employee wishes to return to work on different hours, the employee can request this by submitting a Flexible Working Request in line with the Flexible Working Policy. The Organisation has a duty to facilitate this, wherever possible. The employee will return to work on different hours, in the same

job. If this is not possible, the Organisation must provide written, objectively justifiable reasons for this and the employee should return to the same pay band and work of a similar nature and status, to that which the employee held prior to the employees Maternity Leave.

5.14.3 If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours for an agreed temporary period, this will not affect their right to return to their job under their original contract, at the end of the agreed period.

## **5.15 Breastfeeding**

5.15.1 If the employee intends to breastfeed following their return to work, the employee should discuss with their Line Manager as to how this can be facilitated. Where the employee intends to breastfeed following their return to work, a Risk Assessment (Appendix 5) should be undertaken prior to their return to work.

## **5.16 Health & Safety**

5.16.1 The Organisation has a general duty to take care of its employees' health and safety. As part of that duty, the Organisation is required to carry out an assessment of the risks in the workplace to pregnant women, those who have given birth in the last six months or who are still breastfeeding.

5.16.2 If the Organisation identifies any risks that might affect the employee, the Organisation will discuss these with the employee and any steps the Organisation believe are necessary to protect the employees' health and safety (Appendix 5).

## **5.17 Unplanned end of Pregnancy / Premature birth**

### **5.17.1 Pre-term birth**

5.17.1.1 Where the employees' baby is born alive prematurely, the employee will be entitled to the same amount of Maternity Leave and pay as if the employees' baby was born at full term.

5.17.1.2 Where the employees' baby is born before the 11th week before the expected week of childbirth and the employee has worked during the actual week of childbirth, Maternity Leave will start on the first day of the employee's absence.

5.17.1.3 Where the employees' baby is born before the 11th week before the expected week of childbirth and the employee have 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.

5.17.1.4 Where the employees' baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split the employees maternity leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and the rest of their Maternity Leave following the employee's baby's discharge from hospital.

## 5.17.2 Still birth

5.17.2.1 If the employees' baby is stillborn after the 24th week of pregnancy, the employee will be entitled to the same amount of Maternity Leave and pay as if their baby was born alive.

## 5.17.3 Miscarriage

5.17.3.1 Should miscarriage occur before the 25<sup>th</sup> week of pregnancy, normal sick leave provisions will apply. See Sickness Absence Policy.

# 6 Paternity

## 6.1 Paternity (Maternity Support) Leave & Pay

- 6.1.1 Paternity Leave is available to the father of the child (including adoptive fathers), the mother's husband or partner (whether opposite or same sex) or nominated carer.
- 6.1.2 Subject to eligibility requirements in Section 6.4.1, the employee is entitled to two weeks' Paternity Leave. Only one period of Paternity Pay is ordinarily available when there is a multiple birth.
- 6.1.3 Occupational Paternity Pay is paid at full pay less any Statutory Paternity Pay receivable. Eligibility for the two weeks of Occupational Paternity Pay will be 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due.
- 6.1.4 If the employee is not eligible for the two weeks of Occupational Paternity Pay, they may still be entitled to Statutory Paternity Pay subject to meeting the qualifying conditions described in the relevant legislation. Details of the qualifying conditions can be found on <https://www.gov.uk/paternity-pay-leave>.
- 6.1.5 Paternity Leave cannot start before the birth and it must end within 56 days of the birth.
- 6.1.6 In accordance with the requirements for Statutory Paternity entitlements, leave will normally be taken in one block. It cannot normally be taken as odd days or as two separate weeks. The Organisation may agree to this being split in exceptional circumstances, e.g. an employee whose partner has given birth prior to the expected week of childbirth and whose baby is in hospital, subject to the agreement of their manager.
- 6.1.7 Whilst each case may be different and should be treated on its merits, interrupted Paternity Leave shall normally imply taking a short period of leave after the birth, then returning to work whilst the baby is hospitalised, and finally, resuming Paternity Leave upon the baby's discharge.

## 6.2 Ante-natal Leave

6.2.1 The employee is entitled to reasonable paid time off to attend ante-natal classes with their partner. A manager may require evidence of appointments.

### **6.3 Birth or Adoption related Paternity Leave**

6.3.1 There are two types of Paternity Leave:

- Birth related Paternity Leave, and
- Adoption related Paternity leave.

6.3.2 The rules relating to each are different and are described below.

### **6.4 Birth related Paternity Leave**

#### **6.4.1 Is the employee eligible for Paternity Leave on the birth of a child?**

6.4.1.1 The employee is eligible for Paternity Leave on the birth of a child if they meet the following conditions:

- the employee has worked for the Organisation continuously for at least 26 weeks by the end of the 15<sup>th</sup> week before their baby is due, (the 25<sup>th</sup> week of pregnancy), and the employee is still employed by the Organisation when the baby is born;
- the employee is the baby's biological father, or the mother's husband or partner (including same sex partners) or the intended parent (if the employee is having a baby through a surrogacy arrangement);
- the employee has, or expects to have, responsibility for the child's upbringing; and
- the employee complies with the notification requirements set out below.

#### **6.4.2 When can Paternity Leave start?**

6.4.2.1 Leave can't start before the birth. It must end within 56 days of the birth.

6.4.2.2 The employee doesn't have to give a precise date when they want to take leave (for example 1 February). Instead the employee can give a general time, such as the day of the birth or 1 week after the birth.

6.4.2.3 For surrogate parents, Paternity Leave can start on the day the child is born or the day after, if they are working that day

#### **6.4.3 Notification Requirements**

6.4.3.1 It is important that the employee complies with the following notification requirements. If they do not, the employee may lose their entitlement to take Paternity Leave.

6.4.3.2 A Notice of Intention to take Paternity Leave (PAT1) is available on the CCG

intranet (Worcestershire CCG) or the Corporate Team. The employee must notify the Organisation:

- when the baby is expected to be born;
- when the employee wants their Paternity Leave & Pay to start;
- whether the employee wants to take one or two weeks leave
- that the employee is taking leave for the purpose of caring for the child or supporting the child's mother and confirm they meet the eligibility conditions set out above
- that the employee is the baby's biological father or mother's partner and that the employee will have responsibility for the child's upbringing

6.4.3.3 The employee should send the PAT1 Form to the Corporate Team at least 15 weeks before the baby is due (or as soon as the employee can if it was not reasonably practical for the employee to tell the Organisation then).

6.4.3.4 The employees Line Manager must ensure the Corporate Team are aware of the actual dates of the employees Paternity Leave, once known, which will be included on the employees ESR record.

## **6.5 Adoption related Paternity Leave**

### **6.5.1 Is the employee eligible for Paternity Leave on the placement of a child for Adoption?**

6.5.1.1 The employee is eligible for Paternity Leave on the placement of a child for Adoption if the employee meets the following conditions:

- the employee must have worked for the Organisation continuously for at least 26 weeks by the matching week (the end of the week the employee are matched with a child for adoption) or for overseas adoption, the date the child enters the UK or when the employee want the employees pay to start for an overseas adoption, and the employee is still employed by the Organisation when the child is placed for adoption;
- the employee is married to, or the partner of, the child's Primary Adopter (including same sex partners);
- the employee is not taking adoption leave;
- the employee has, or expects to have, responsibility for the child's upbringing;
- the employee complies with the notification requirements set out below.

### **6.5.2 When can Adoption related Paternity Leave start?**

6.5.2.1 The employee can start their Paternity Leave on:

- the date of the child's placement with the adopter (whether this is earlier or later than expected) or
- an agreed number of days after the date of placement or
- the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
- the day the child is born or the day after if the employee is working that day (surrogate parents)

6.5.2.2 Leave must be taken within 56 days of the date of placement or the child's arrival in the UK (overseas adoptions).

6.5.2.3 The employee can only take one period of Paternity Leave even if they have had more than one child placed with them for Adoption as part of the same Adoption arrangement.

### 6.5.3 Notification requirements

6.5.3.1 It is important that the employee complies with the following notification requirements. If they do not, the employee may lose their entitlement to take Paternity leave.

6.5.3.2 A Notice of Intention to take Paternity Leave (PAT1) is available on the CCG intranet (Worcestershire CCG) or the Corporate Team. The employee must notify the Organisation:

- of the date of placement for Adoption
- when the employee wants their Adoption related Paternity Leave and Pay to start
- whether the employee wants to take one- or two-weeks Paternity Leave
- that the employee is taking leave for the purpose of caring for the child or supporting the child's Primary Adopter and confirm they meet the eligibility conditions set out in Section 6.5.1 above
- that the employee is the husband or partner of the Primary Adopter - this includes same-sex partners, and that the employee will have responsibility for the child's upbringing
- that the employee is not receiving Statutory Adoption Pay.

6.5.3.3 The employee should send the PAT1 Form and proof of adoption to the Corporate Team 28 days before the employee want the employees pay to start (for pay) and within 7 days of the employees co-adopter or partner being matched with a child (for leave) or as soon as they can if it was not reasonably practical for them to tell the Organisation then.

6.5.3.4 The employees Line Manager must ensure the Corporate Team are aware of the actual dates of the employees Paternity Leave, once known, which will be included on the employees ESR record.

## **6.6 Changing the start date of the employees Paternity Leave**

6.6.1 The employee can change their mind about the date they want their Paternity Leave to start providing the employee tells the Organisation at least 28 days in advance (unless this is not reasonably practicable).

## **6.7 Paternity Pay**

6.7.1 The employee may be entitled to Occupational Paternity Pay (OPP) or Statutory Paternity Pay (SPP).

### **6.7.2 Eligibility for Occupational Paternity Pay (OPP)– 2 weeks full pay**

6.7.2.1 To be entitled to OPP, the employee must have 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due.

6.7.2.2 Full pay will be calculated based on 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 Paternity Pay is ordinarily available when there is a multiple birth.

6.7.2.3 If the employee is not eligible for the two weeks of Occupational Paternity Pay, the employee may still be entitled to Statutory Paternity Pay subject to meeting the qualifying conditions (below).

### **6.7.3 Eligibility for Statutory Paternity Pay (SPP) – Fixed Statutory Rate**

6.7.3.1 To be entitled to SPP, the employee must be eligible for Paternity Leave (see above) and, in addition:

- the employee's average earnings (based on an 8-week reference period prior to the 15<sup>th</sup> week before the baby is due, the 18<sup>th</sup> – 25<sup>th</sup> week of pregnancy) are not below the lower earnings limit set by the Government; and
- the employee complies with the notification requirements set out below.

6.7.3.2 SPP is paid at a fixed statutory rate set each year by the Government. The usual deductions for tax and national insurance apply.

6.7.3.3 SPP is payable for the length of the employee's paternity leave – either one week or two weeks.

6.7.3.4 If the employee comes back to work before the end of their Paternity Leave period during which SPP is payable, the employee's entitlement to SPP will stop on their return to work.

6.7.3.5 SPP replaces the employee's usual salary while they are on Paternity Leave. All other contractual benefits remain unchanged.

## **6.8 Pensions (Paternity)**

6.8.1 If the employee is a member of the NHS Pension Scheme, contributions will be in line with current NHS Pensions guidance, currently:

### **6.8.2 Employee contributions**

If the employee is a pension scheme member, when on Paternity Leave and receiving SPP or OPP, their pensions contributions, at the tier the employee was paying before the leave, will be deducted on the amount of pensionable pay / reckonable pay / pensionable earnings the employee actually receive during the leave, i.e. if the employees percentage rate for member contributions is 5.6%, these will be calculated as 5.6% of the amount the employee actually receive..

### **6.8.3 Employer contributions**

While the employee is on Paternity Leave and receiving SPP or OPP, the Organisation pay contributions that are based on the pay that the employee would have received had the employee not been on paternity leave, i.e. the employee's basic salary (and any other regular payments but not including bonuses, expenses or overtime)<sup>2</sup>, at the percentage relevant to the employee.

### **6.8.4 Making up contributions**

Any period of unpaid Paternity Leave will not be treated as pensionable service under the pension scheme, unless the employee makes up their contributions. When the employee returns to work, they can pay the contributions for such period of unpaid Paternity Leave so that it is treated as pensionable. The contributions will be based on the amount of pay the employee were receiving immediately before they went on to nil pay. The employee should liaise with the employees Pensions Team (below) to arrange this.

6.8.5 If the employee has any other pension queries, they should discuss these with NHS Pensions (general queries) on 0300 330 1346 or SBS Pensions (personal queries contributions for the Worcestershire CCGs employees) on 0303 123 1144 / MLCSU Employment Services (personal queries contributions for Herefordshire CCG employees) on 01782 872639.

## **6.9 Return to work after Paternity Leave**

6.9.1 The employee is entitled to return to the same job following Paternity Leave.

## **7 Adoption**

The Adoption Process Flowchart is in Appendix 2.

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<sup>2</sup> If the employee is a practitioner, the pay that the employee would have received had the employee not been on Paternity Leave is the employees pensionable earnings.

## **7.1 Adoption Leave**

### **7.1.1 Ordinary and Additional Adoption Leave**

- 7.1.1.1 If a child is due to be placed with the employee for Adoption, and they meet the eligibility conditions explained below, the employee is entitled to 52 weeks Adoption Leave, regardless of their hours of work. However, it is important that the employee gives the Organisation the correct notice. This is explained in more detail below.
- 7.1.1.2 Adoption leave is made up of 26 weeks Ordinary Adoption Leave (OAL) immediately followed by 26 weeks Additional Adoption Leave (AAL).
- 7.1.1.3 Although similar provisions apply to adoptions from overseas, the detailed operation of the scheme is slightly different. If the employee is adopting from overseas, they should contact the HR Team for advice on their rights to Adoption Leave and pay.

### **7.1.2 Is the employee entitled to Adoption Leave?**

7.1.2.1 The employee is eligible for adoption leave if they meet the following conditions:

- the employee is newly matched with a child for adoption by an approved adoption agency; or
- the employee is a member of a couple (including same sex couples) jointly matched with a child for adoption by an approved adoption agency (and the employees' partner is not taking Adoption Leave);
- the employee has notified the agency that the employee is accepting the placement and agreed a date for it to start;
- the employee is employed at the beginning of the week in which they are notified that they are being matched with a child for adoption;
- the employee provides proof of the adoption or surrogacy; and
- the employee complies with the notification requirements set out below.

7.1.2.2 The employee is not eligible for Adoption Leave or Pay if the employee already knows the child, for example, as a step-parent or foster carer or if the employee arranges a private adoption. However, if the employee is adopting under the Fostering for Adoption scheme or concurrent planning, please refer to the Fostering for Adoption section.

7.1.2.3 The partner of the Primary Adopter may be eligible for Paternity Leave and / or Shared Parental Leave.

### **7.1.3 Notification requirements**

7.1.3.1 To ensure that the employee is entitled to take Adoption Leave & Pay they must

comply with certain notification requirements explained in this section.

7.1.3.2 The employee must give the Organisation the following information within 7 days of being matched with a child (or if this is not reasonably practicable, as soon as they can):

- when the child is expected to be placed with the employee;
- when the employee wants their Adoption Leave to start: and
- how much leave they want to take.

7.1.3.3 The Organisation will need to see a “matching certificate” from the adoption agency. The matching certificate should include the following information:

- the name and address of the agency;
- the date on which the employee was notified that they had been matched with the child; and
- the date on which the agency expects to place the child with the employee or, if the placement has already occurred, the date the placement occurred.

7.1.3.4 The employee should make sure that they tell the Organisation in writing about the date on which they expect to start their Adoption Leave (on the A1 Form, available on the Intranet or from the Corporate Team) and submit their Matching Certificate which will be given to them by the Adoption Agency to the Corporate Team at least 28 days before the employees their Adoption Pay to begin.

#### **7.1.4 Starting Adoption Leave**

7.1.4.1 The employee’s adoption leave can start from:

- the date the child is placed with the employee; or
- a date of the employees’ choice, up to 14 days before the date they expect the child to be placed with them.

#### **7.1.5 Changing the start date of Adoption Leave**

7.1.5.1 If the employee needs to change the date on which they want to start Adoption Leave, they must give the Organisation 28 days’ notice (unless this is not reasonably practical, in which they should tell the Organisation as soon as they can).

#### **7.1.6 Confirmation from the Organisation**

7.1.6.1 The employee will be written to by the Organisation within 28 days of receiving the employee’s notification, confirming the employee’s entitlements.

### **7.2 Fostering for Adoption**

### 7.2.1 The Scheme

The Fostering for Adoption scheme, also known as concurrent planning, enables a child to be placed with potential adoptive parents rather than temporary foster carers at a much earlier stage in the process. If the court later decides that the child should be adopted, and the adoption agency approves the 'match' between these carers as adopters and the child, the placement becomes an adoption placement.

### 7.2.2 Entitlement

If the employee is fostering a child under the Fostering for Adoption scheme, the employee may be entitled to Adoption Leave and Pay, in line with ACAS guidance.

## 7.3 Surrogate parents

7.3.1 Intended Parents in Surrogacy agreements that use parental orders may qualify for Leave and Pay, in line with ACAS guidance.

## 7.4 Statutory Adoption Pay

### 7.4.1 Entitlement to Statutory Adoption Pay (SAP)

7.4.1.1 The employee will be entitled to SAP if they meet the qualifying conditions for Adoption Leave (above) and, in addition:

- The employee has worked for the Organisation continuously for at least 26 weeks by the week they were matched with a child;
- the employee's average earnings (based on an 8-week reference period prior to the employee being notified of the adoption) are not below the lower earnings limit set by the Government; and
- the employee complies with the notification requirements set out below.

### 7.4.2 Amount of SAP

7.4.2.1 SAP is payable for 39 weeks in total. If the employee is eligible for SAP, they will receive it during all their OAL and for the first 13 weeks of their AAL (assuming they have not come back to work by then).

7.4.2.2 SAP is paid at a higher and lower rate. For the first six weeks of Adoption Leave, SAP is paid at 90% of their average weekly earnings. For the remaining 33 weeks SAP is payable either as a fixed statutory amount set each year by the Government or 90% of the employee's average weekly earnings (whichever is lower).

7.4.2.3 If the employee come back to work before the end of the 39-week period during which SAP is payable, the employee's entitlement to SAP will stop on the employees return to work.

7.4.2.4 The employee will receive SAP through the normal payroll. The usual deductions for tax and national insurance apply.

7.4.2.5 SAP replaces the employee's usual salary while they are on Adoption Leave.

## **7.5 Occupational Adoption Pay (OAP)**

7.5.1 There may be an entitlement to paid Occupational Adoption Leave for employees wishing to adopt a child who is newly placed for Adoption who will have primary caring responsibilities for that child.

7.5.2 Eligibility for OAP will be 12 months' continuous NHS service ending with the week in which the employee is notified of being matched with the child for adoption providing compliance with notification requirements. This will cover circumstances where the employee is newly matched with the child by an adoption agency.

7.5.3 Where the employee intends to return to work with the same or another NHS employer for a minimum period of 3 months after the employees Adoption Leave has ended, the employee will be entitled to Occupational Maternity Pay, receivable as follows:

- for the first 8 weeks, the employee will receive full pay, less any Statutory Adoption Pay or maternity allowance (including any dependents' allowances) receivable;
- for the next 18 weeks, the employee will receive half of full pay, plus Statutory Adoption Pay or maternity allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay;
- for the next 13 weeks, the employee will receive any Statutory Adoption Pay or maternity allowance that they are entitled to under the statutory scheme.

7.5.4 Please refer to Section 7.15.5 if the employee decides not to return to work following their Adoption Leave.

### **7.5.5 Agreeing to pay Occupational Adoption Pay differently**

By prior agreement with Payroll, Occupational Adoption Pay can be paid in a different way, for example fixed amounts spread equally over the Adoption Leave period. Although, please note it is not normally possible to change the method of payment for SAP, therefore the first 6 weeks of Adoption Pay would be paid at the higher rate.

## **7.6 Employees participating in a Salary Sacrifice Scheme**

7.6.1 If the employee is participating in the Childcare Voucher Scheme should contact the Childcare Voucher provider and take advice on the impact of salary sacrifice on the calculation of Adoption Pay. This should be done as soon as the employee have been informed that the employee has been matched with a child.

7.6.2 Receipt of Childcare Vouchers whilst on Adoption Leave will be in line with current legislative guidance. At the time of writing, Childcare Vouchers can continue to be deducted during Occupational Adoption Pay (if payable). During Statutory Adoption Pay and during no pay, Childcare Vouchers will not be deducted, and the

employee must liaise with the childcare provider directly regarding payment of any childcare costs.

## **7.7 Alternative Contracts e.g. Fixed-Term, Training or Bank**

- 7.7.1 If the employee is subject to a fixed-term or training contract which expires after the beginning of the week in which they are notified that they are being matched with a child for Adoption but before the end of the 52 weeks Adoption Leave period, and they satisfy the conditions above, the employee shall have their contract extended to receive the 52 weeks Adoption Leave, so as to allow them to receive the 39 weeks SAP entitlement, which may include paid Occupational and Statutory Adoption Pay plus 13 weeks unpaid. If the employee is subject to a fixed-term contract which is due to end following the 52 weeks Adoption Leave period, unless otherwise notified, this will end on the planned end date.
- 7.7.2 If there is no right of return to be exercised because the contract would have ended if the Adoption had not occurred, the repayment provisions will not apply.
- 7.7.3 Absence on Adoption Leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.
- 7.7.4 Employees on fixed-term contracts who do not meet the 12 months' continuous service condition set out in Section 7.5.2, may still be entitled to Statutory Adoption Pay.
- 7.7.5 Where the employees partner takes Shared Parental Leave, the employees' contract will only be extended to the date that the employees Adoption Leave ends.
- 7.7.6 If the employee is on a Bank contract and meet the conditions for Adoption Leave and / or Pay (above), the employee should contact the HR Team to discuss entitlement.

## **7.8 Adoption Appointments**

- 7.8.1 The employee is entitled to take paid time off for up to five adoption appointments.

## **7.9 Disruption to Adoption Leave**

- 7.9.1 If, during Adoption Leave:
- the adoption agency informs the employee that the child will not be matched with the employee; or
  - the child dies; or
  - the child's placement with the employee ends.
- the employees Adoption Leave will end eight weeks after the end of the week in which the disruption took place or the end of the employees SAP if sooner. The employees right to SAP will also end at the same time.

## **7.10 Terms and conditions during Adoption Leave**

- 7.10.1 During Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL) all the

employee's normal terms and conditions of employment remain unchanged, except for their right to remuneration which is explained above.

## **7.11 Accrual of Annual Leave**

7.11.1 Annual leave is accrued during the Adoption Leave period (paid and unpaid) at the normal entitlement rate. This includes the accrual of Bank holidays the employee would normally be entitled to.

7.11.2 Where unused Annual Leave and Bank Holidays exceed local provisions for carry over to the next leave year, the employee and their Line Manager should make arrangements before commencement of Adoption Leave for the unused annual leave to be taken before and / or after the formal (paid and unpaid) Adoption Leave period.

7.11.3 Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.

## **7.12 Pensions (Adoption)**

7.12.1 If the employee is a member of the NHS Pension Scheme, contributions will be in line with current NHS Pensions guidance, currently:

### **7.12.2 Employee contributions**

7.12.2.1 While the employee is on Adoption leave and receiving SAP or OAP, the employees pensions contributions, at the tier they were paying before the leave, will be deducted on the amount of pensionable pay / reckonable pay / pensionable earnings they actually receive during the leave, i.e. if their percentage rate for member contributions is 5.6%, these will be calculated as 5.6% of the amount they actually receive.

### **7.12.3 Employer contributions**

7.12.3.1 While the employee is on Adoption Leave and receiving SAP / OAP the Organisation pay contributions that are based on the pay that the employee would have received had they not been on Adoption Leave, i.e. the employees basic salary (and any other regular payments but not including bonuses, expenses or overtime)<sup>3</sup>, at the percentage relevant to the employee.

### **7.12.4 Unpaid Adoption Leave – making up contributions**

7.12.4.1 Any period of unpaid Adoption Leave will not be treated as pensionable service under the pension scheme, unless the employee makes up their contributions. When the employee returns to work, they can pay the contributions for such period of unpaid Adoption Leave so that it is treated as pensionable. The contributions will be based on the amount of pay they were receiving immediately before they went on to nil pay. The employee should liaise with the employees Pensions Team (below) to arrange this.

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<sup>3</sup> If the employee is a practitioner, the pay that they would have received had they not been on Adoption Leave is their pensionable earnings.

7.12.5 If the employee has any other pension queries, they should discuss these with NHS Pensions (general queries) on 0300 330 1346 or SBS Pensions (personal queries contributions for the Worcestershire CCGs employees) on 0303 123 1144 / MLCSU Employment Services (personal queries contributions for Herefordshire CCG employees) on 01782 872639.

### **7.13 Keeping in Touch (KIT)**

7.13.1 Before the employee starts their Adoption Leave, the Organisation will discuss with them the options for keeping in touch while they are away from work.

7.13.2 The employee can work a maximum of 10 days for the Organisation during their Adoption Leave, should they and the Organisation wish this to happen. There is no obligation on the employee to do this and no obligation on the Organisation to provide any work. These days of work are known as 'Keeping In Touch days'.

7.13.3 There are a number of reasons why the employee may complete a KIT day. These might include:

- Training
- Team away days
- Updates on developments in the Organisation
- Involvement in recruitment issues such as interviewing new staff
- Annual appraisals.

7.13.4 This is not an exhaustive list and the kind of work the Organisation might ask the employee to do will vary according to the employee's role. The Organisation stress that whether or not the employee does such work is very much a matter for discussion between the employee and their manager.

7.13.5 A KIT day will often involve coming into the office, but this will not always be the case and the Organisation may ask if the employee is able to undertake some work from home.

7.13.6 The Organisation will contact the employee during the employee's Adoption Leave if an opportunity arises for the employee to work a KIT day and will give the employee as much notice as possible. If the employee is aware of an event or meeting that they would like to attend for a KIT day, they should contact their Line Manager to discuss it.

#### **7.13.7 Payment of KIT Days**

7.13.7.1 The employee will be paid at their basic rate for the hours worked, less appropriate Adoption Pay for KIT days worked.

7.13.7.2 Working for part of any day will count as one KIT day. If the employee works for the Organisation for only a part of a day, the Organisation will calculate an hourly rate and use this to work out how much is due to the employee. The employees SAP will always count as part of their remuneration in any week and will be deducted before any extra payment is made.

7.13.7.3 Time spent travelling to and from the office will not count as working time when

the Organisation are calculating pay due to the employee.

7.13.7.4 To make payment for any KIT hours, the employee should complete the Keeping in Touch Days Application Form (Appendix 6) and notify the Corporate Team with details including the date and number of hours worked.

7.13.7.5 If the employee has any queries, they should contact their Line Manager or the HR Team.

## **7.14 Organisational Change**

7.14.1 If, during the employees Adoption Leave, formal Organisational Change occurs where there is a reduction in the number of the employee's own posts or the employees post is no longer in the structure:

- The employee will be included in an appropriate ring fence where there is a reduction in posts, if applicable
- The employee will be given preference to relevant Suitable Alternative Employment, if the employee is not successful in the ring fence or the employees post is no longer in the structure.

7.14.2 If the employee needs any more information about Organisational Change during Adoption Leave, they should contact their Line Manager or HR Team.

## **7.15 Returning to work after Adoption Leave**

### **7.15.1 Returning on the Expected Return Date**

If the employee is returning to work at the end of their Adoption Leave ("Expected Return Date") they don't need to notify the Organisation in writing, although it would be helpful if they would do so.

### **7.15.2 Returning before the employees Expected Return Date**

If the employee decides to come back to work before the employees Expected Return Date the employee must give the Organisation at least 28 days' notice.

### **7.15.3 Returning after the employees Expected Return Date**

The employee's entitlement to Adoption Leave is to 52 weeks' leave. If they want to apply for further time off, they should either request Parental Leave or Annual Leave. The Organisation will consider the employees request in line with the organisations policies and usual practice for Parental and Annual Leave.

### **7.15.4 Sickness absence**

If the employee is unable to come back to work because of sickness or injury, their absence will be treated as sickness absence and the organisations usual Sickness Absence Policy will apply.

### **7.15.5 Deciding not to return**

If the employee decides not to return to work at all, they must give the Organisation written notice as required by their contract of employment.

If the employee fails to return to work with the Organisation or a different NHS employer within 15 months of the beginning of their Adoption Leave, they will be liable to refund the whole of their Adoption Pay, less any Statutory Adoption Pay, received. In cases where the Organisation considers that to enforce this provision would cause undue hardship or distress, the Organisation will have the discretion to waive its rights to recovery.

## **7.16 The employees' rights on return to work**

7.16.1 The employee has the right to return to their job under their original contract and on the same terms and conditions, if the job still exists. If the employee has taken Adoption Leave for more than 6 months, and if it is not reasonably practicable to return to the same role, they can be offered a similar job where terms and conditions are no less favourable.

7.16.2 If, at the end of Adoption leave, the employee wishes to return to work on different hours, they can request this by submitting a Flexible Working Request in line with the Flexible Working Policy. The Organisation has a duty to facilitate this, wherever possible. The employee will return to work on different hours, in the same job. If this is not possible, the Organisation must provide written, objectively justifiable reasons for this and the employee should return to the same pay band and work of a similar nature and status, to that which the employee held prior to their Adoption Leave.

7.16.3 If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours for an agreed temporary period, this will not affect their right to return to their job under their original contract, at the end of the agreed period.

## **7.17 Employing both parents**

7.17.1 If the Organisation employ both parents, the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer might be entitled to Shared Parental Leave and Pay.

## **8 Shared Parental Leave**

The Shared Parental Leave Process Flowchart is in Appendix 3.

Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption. It provides both parents with the opportunity to consider the best arrangements to care for their child during the child's first year.

The amount of leave available is calculated using the mother's entitlement to Maternity / Adoption Leave, which allows them to take up to 52 weeks' leave. If they reduce their

Maternity / Adoption Leave entitlement, then they and / or their partner may opt into SPL and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother is still on Maternity / Adoption Leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike Maternity / Adoption Leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

## 8.1 What happens to Maternity / Adoption / Paternity Leave?

8.1.1 Parents will remain entitled to take Maternity, Adoption and Paternity Leave. However, an eligible mother or adopter may now choose to reduce their Maternity / Adoption Leave early and opt into SPL.

8.1.2 A birth mother or adopter must take at least two weeks Maternity / Adoption Leave following the birth of a child or date of placement, but otherwise can end their Maternity / Adoption Leave at any stage.

## 8.2 Eligibility for Shared Parental Leave (SPL) and Pay (SPP)

8.2.1 To qualify for SPL a mother / Primary Adopter must:

- have a partner
- be entitled to either 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 (if not eligible for Maternity/Adoption leave).

8.2.2 The Employee must:

- be an employee
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.
- meet the continuity of employment test (below)

8.2.3 In addition, the employees' partner must meet the 'employment and earnings test'.

<b>Continuity of Employment test</b>	<b>Employment and Earnings test</b>
The 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 working for the employer at the start of each leave period.	In the 66 weeks leading up to the baby's expected due date / matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2018) a week in any 13 of the 66 weeks.

8.2.4 Sometimes only one parent will be eligible. 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.

8.2.5 If both parents are employees and both meet the qualifying requirements, then there will be a joint entitlement and the parents determine how to divide the leave entitlement once the mother has decided to curtail their Maternity / Adoption Leave.

8.2.6 The mother can share her leave with only **one** other person.

8.2.7 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 using three separate notices to book leave (more could be allowed at the Managers discretion)
- be taken by the partner, while the mother is still on Maternity / Adoption Leave if the mother reduces their entitlement to Maternity / Adoption Leave.

**Parental leave - how will you share yours?**

If your baby is due from 5 April 2015, mums can end their maternity leave after 2 weeks and split up to 50 weeks of shared parental leave with dads, any way they like.

Both parents take 25 weeks at the same time.

Mum takes 44 weeks, Dad takes the first 6 weeks at the same time.

Mum takes the first 12 weeks, then Dad takes the remaining 38 weeks.

Start planning your #sharedparentalleave at [www.gov.uk/sharedparentalleave](http://www.gov.uk/sharedparentalleave)

### 8.3 Shared (ShPP)

### Parental Pay

8.3.1 A mother, subject to certain criteria, will be entitled to Statutory Maternity Pay / Adoption Pay / Maternity Allowance for up to 39 weeks. If the mother gives notice to reduce their entitlement before they will have received it for 39 weeks, then any remaining weeks could become available as ShPP. ShPP is paid at the same rate as lower rate Statutory Maternity Pay (SMP).

8.3.2 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.

8.3.3 To qualify for ShPP the employee must:

- meet the 'continuity of employment test'
- have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date / matching date
- still be employed with the same employer at the start of the first period of ShPP

8.3.4 The employees' partner must:

- meet the 'employment and earnings test'

8.3.5 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 someone else.

## 8.4 Continuous and Discontinuous Leave

8.4.1 Each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks.

8.4.2 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 the Organisation cannot refuse it.

8.4.3 A discontinuous block means asking for leave over a period of time, with breaks between the leave where the employee return to work. For example, four weeks' SPL followed by three weeks back at work, followed by a further four weeks' SPL. Discontinuous leave, in a single notice, can only be taken with the employer's agreement. The CCG must discuss the request with the employee within 14 calendar days of this being received.

8.4.4 If a request for a discontinuous leave block is not agreed within 14 calendar days:

- the total amount of leave in the request must be taken as one continuous block, at a date chosen by the employee, no sooner than eight weeks from the date the original notification was given or if the employee don't choose, the date the requested discontinuous leave would have first started

or

- the employee may withdraw the employees discontinuous leave notification. If the employee withdraws the request it will not count as one of the employees three notices to book leave.

8.4.5 Having an early discussion with the employee's manager can be helpful to explore options and find out what discontinuous leave arrangements the Organisation may be agreeable to.

Example
<p>Soraya and her partner are adopting a child and whilst her partner will take the main caring role, Soraya would like to be at home for the first few months. They have agreed that her partner's adoption leave will finish after six months and that Soraya will take three months SPL.</p> <p>Soraya works in a shop and knows that she will be able to earn more money during the Christmas period compared to the rest of the year. She discusses the situation with the owner and explains that she is thinking about taking leave in October and November, will work December (while family will be around to help with the care of the child), and will then take SPL again in January when the shop is quieter. The owner thinks the proposal is a good one, especially as it takes into account the needs of the business.</p>

## 8.5 Notification Requirements

- 8.5.1 The employee must provide the Notification of Entitlement Form (Appendix 7) and the Child's Birth / Matching Certificate (if available) to the employees Line Manager, and the Corporate Team at least eight weeks before commencement of leave.
- 8.5.2 The employee is entitled to submit three separate notices to book leave (within the Child's first year), although the Organisation may allow more in exceptional circumstances.
- 8.5.3 If the child has not yet been born, then a booking can specify that it will commence after a period of time following birth. For example, an employee could book two weeks' leave to begin "two weeks after the child's birth".
- 8.5.4 In most circumstances (all continuous leave notifications and agreed discontinuous leave requests) an employee will not need to take any further action and will proceed to take their leave as notified.
- 8.5.5 If the mother is the employee and only the partner will be taking Shared Parental Leave, the mother still must provide confirmation in writing, dated and clearly set out what leave their partner intends to take, to the Line Manager and HR Team, at least eight weeks before commencement of leave.

### What happens if parents change their minds about how they divide their SPL?

If there is a joint entitlement to SPL, parents will have notified their respective employers of how much leave they each intend to take as part of the entitlement notice. They can vary this allocation of leave between them at any stage with a minimum of 8 weeks' notice of when the dates varied begin. To vary this, both parents must notify each employer 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. This will count as one of the three notices.

## 8.6 Shared Parental Leave in Touch (or SPLIT) days

- 8.6.1 The employee can work up to 20 days during Share Parental Leave without bringing it to an end. These are called 'Shared Parental Leave in Touch' (or SPLIT) days. These days are optional.
- 8.6.2 These days are in addition to the 10 'Keeping in Touch' (or KIT) days already available to those on Maternity or Adoption Leave.
- 8.6.3 The Principles for SPLIT Days are equitable to KIT Days. Please refer to Section 5.11 and 5.12 for further details.
- 8.6.4 Payment for SPLIT days will be paid upon return to work and will be paid at the employees' hourly rate, minus any ShPP already received.
- 8.6.5 To make payment for any KIT hours, the employee should complete the Shared Parental Leave in Touch Application Form (Appendix 6) and notify the Corporate Team with details including the date and number of hours worked.

8.6.6 If the employee has any queries, they should contact their Line Manager or the HR Team.

## **8.7 The employees' rights on return**

8.7.1 If the employees total Shared Parental Leave taken is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks, the employee is entitled to return to the same job.

8.7.2 If the employees total Shared Parental Leave taken is more than 26 weeks in aggregate, the employee is entitled to return to the same job, or if that is not reasonably practicable, a similar job on no less favourable terms and conditions.

8.7.3 If the employee needs any more information about the employees Shared Parental rights, the employee should contact the HR Team.

## **8.8 Annual Leave during Shared Parental Leave**

8.8.1 The employee will continue to accrue Annual Leave whilst on Shared Parental Leave.

## **8.9 Employees participating in a Salary Sacrifice Scheme**

8.9.1 If the employee is participating in the Childcare Voucher Scheme, they should contact the Childcare Voucher provider and take advice on the impact of salary sacrifice on the calculation of Shared Parental Pay. This should be done before the employee or the employees' partner is 15 weeks pregnant / matched with a child.

8.9.2 Receipt of Childcare Vouchers whilst on Shared Parental Leave will be in line with current legislative guidance. At the time of writing, Childcare Vouchers will not be deducted during Shared Parental Pay, and the employee must liaise with the childcare provider directly regarding payment of any childcare costs.

## **8.10 Surrogate parents**

8.10.1 Intended parents in Surrogacy agreements who use parental orders may qualify for Shared Parental Leave and Pay, in line with ACAS guidance.

## **8.11 Entitlement if the child dies**

8.11.1 If, a period of leave notice has already been served, this leave can still be taken.

8.11.2 One variation may be given to do one of the following:

- Vary the end date of any period of SPL to reduce the period of leave to be taken, provided that the notice is given at least eight weeks before the new end date.
- Cancel a period or periods of leave.

## **9 Parental Leave (Unpaid)**

### **9.1 Who can take Parental Leave?**

9.1.1 To be eligible for parental leave (unpaid), the employee must be able to answer “yes” to the following questions.

- Has the employee worked for the Organisation continuously for at least a year before the start of the Parental Leave?
- Does the employee have, or expect to have “parental responsibility” for the child or are named on the child’s Birth / Adoption Certificate?
- Is the employee’s child aged under 18?

9.1.2 The HR Team can help if the employee is unsure about whether they have “parental responsibility” for a child.

### **9.2 How much leave is available in total?**

9.2.1 If the employee qualifies for parental leave, the employee can take up to 18 weeks’ leave for each eligible child. So, if the employee has twins, the employee is allowed 18 weeks for each twin.

9.2.2 If the employee works part-time, the employees’ period of leave is reduced in proportion to the number of hours they work.

9.2.3 Remember that the right to Parental Leave is a right to a total of 18 weeks per child. This is the employee’s maximum entitlement per child and is not the entitlement per child from each of their employers if the employee changes jobs. For example, if the employee has taken 10 weeks’ parental leave with their previous employer for one of their children, and they then become eligible for parental leave while working with the Organisation, the employee is entitled to a maximum of 8 further weeks’ leave for that same child.

### **9.3 How much leave can be taken at a time?**

9.3.1 The employee must take Parental Leave in blocks of 1 week, or, if the employees’ child is disabled, in single days if the employee wishes.

9.3.2 The employee can’t take more than 4 weeks Parental Leave per child in any 12-month period.

### **9.4 When can Parental Leave be taken?**

9.4.1 The employee can apply to take Parental Leave as soon as their child is born or adopted, as long as, by then, the employee has worked continuously for the Organisation for a year. If the employee’s child is born or adopted before then, the employee will have to wait until they have completed their first year of employment with the Organisation before taking Parental Leave.

9.4.2 The employee can only take Parental Leave up until the child's 18<sup>th</sup> birthday.

9.4.3 If the Organisation decides to postpone the employees Parental Leave (as the Organisation may do in some cases), the employee will not lose their right to take Parental Leave, even if the employee has to take it after the cut-off dates as detailed above.

## **9.5 Can Parental Leave be postponed by the Organisation?**

9.5.1 The Organisation will always allow the employee to take Parental Leave when the employee asks for it to coincide with the birth of their child, or, in the case of an adopted child, when that child is first placed with the employee for adoption.

9.5.2 In other cases, the Organisation will do their best to allow the employee to take Parental Leave when they ask for it. However, the Organisation may need to postpone the employees leave if:

- the employee has not given the Organisation 21 days' notice of when they would like their leave to start and end; or
- the Organisations would be particularly disrupted because of the dates the employee has requested.

9.5.3 If the Organisation do need to postpone the employees leave, the Organisation will discuss the employees request with them. The Organisation will then write to the employee within 7 days of receiving their request, explaining why the Organisation are postponing their leave and telling them when they may take Parental Leave. Even if the Organisation change the start date for the Parental Leave, the length of the period of leave will be the same as in their original request.

9.5.4 The Organisation will not postpone the employees Parental Leave for more than six months.

## **9.6 Applying for Parental Leave**

### **9.6.1 Request for Parental Leave form**

If the employee wants to apply for Parental Leave the employee should complete an Application for Parental Leave Form (Appendix 8) and send this to the employees Line Manager and Corporate Team. The Organisation will ensure this is recorded on the Absence Return (For Worcestershire CCG) / EASY (for Herefordshire CCG).

### **9.6.2 Timing**

The employee must give the Organisation at least 21 days' notice of when they would like their leave to start and end.

The Organisation recognise that, in some circumstances the employee may not be able to give the Organisation a precise date. For example, if the employee is a father who wishes to take Parental Leave immediately after the employees' child is

born, or, in the case of an adopted child, immediately after the child is placed with the employee for adoption, where the employee doesn't yet know the date of the placement. In those circumstances, the employee should give the Organisation at least 21 days' notice of when the employee expects the birth or adoption is likely to be, or if that isn't possible, as much notice as the employee can.

### **9.6.3 Supporting Evidence**

The first time the employee applies for parental leave with the Organisation, the employee must include evidence of the following:

- the employee's responsibility for the child;
- the child's date of birth, or, if the employee has adopted the child, the date of adoption;

The employee must also tell the Organisation whether they have previously taken Parental Leave for the same child and, if so, how much Parental Leave the employee took while working for any previous employers.

## **9.7 What rights apply during and after a period of parental leave?**

9.7.1 Parental leave is unpaid.

9.7.2 For all other purposes, the employees' contract of employment remains in place.

9.7.3 After Parental Leave of 4 weeks or less, the employee has the right to come back to the same job as before.

## **9.8 Pensions (Parental)**

9.8.1 If the employee is a member of the NHS Pension Scheme, any period of unpaid Parental Leave will not be treated as pensionable service under the pension scheme. When the employee returns to work, they can pay the contributions for such period of unpaid Parental Leave so that it is treated as pensionable. The employee should liaise with the employees Pensions Team (below) to arrange this.

9.8.2 If the employee has any other pension queries, they should discuss these with NHS Pensions (general queries) on 0300 330 1346 or SBS Pensions (personal queries contributions for the Worcestershire CCGs employees) on 0303 123 1144 / MLCSU Employment Services (personal queries contributions for Herefordshire CCG employees) on 01782 872639.

## **10 Due Regard**

**10.1** This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

**10.2** This can be evidenced in Sections 1.1,2, 5.1.1, 5.2.1, 5.3.1.1, 5.7, 5.10.4, 5.14.2, 5.14.3,

5.15, 5.16, 6.8.4, 7.1.1, 7.7, 7.15.5, 7.16.2, 9.1.1 and 9.8.1.

## **11 Implementation and Dissemination of the Document**

**11.1** This document has been fully ratified by the Finance, Performance and Resources Committee (Herefordshire CCG) and the Clinical Executive Team (Worcestershire CCGs) and will be published and made available to all employees via the CCG intranet / via the Corporate Team.

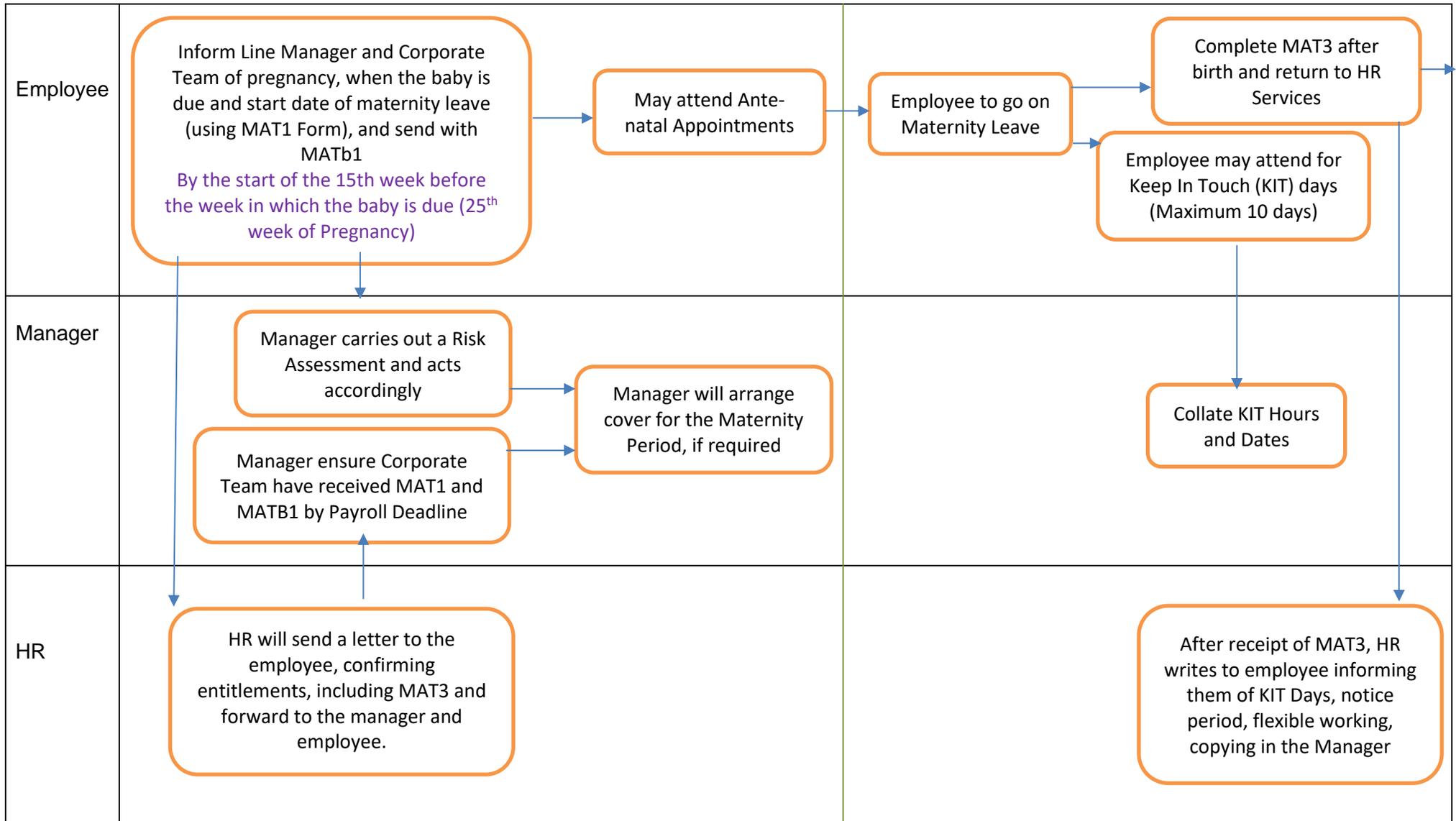
## **12 Monitoring and Review**

**12.1** The policy will be reviewed in line with the review date or before in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance.

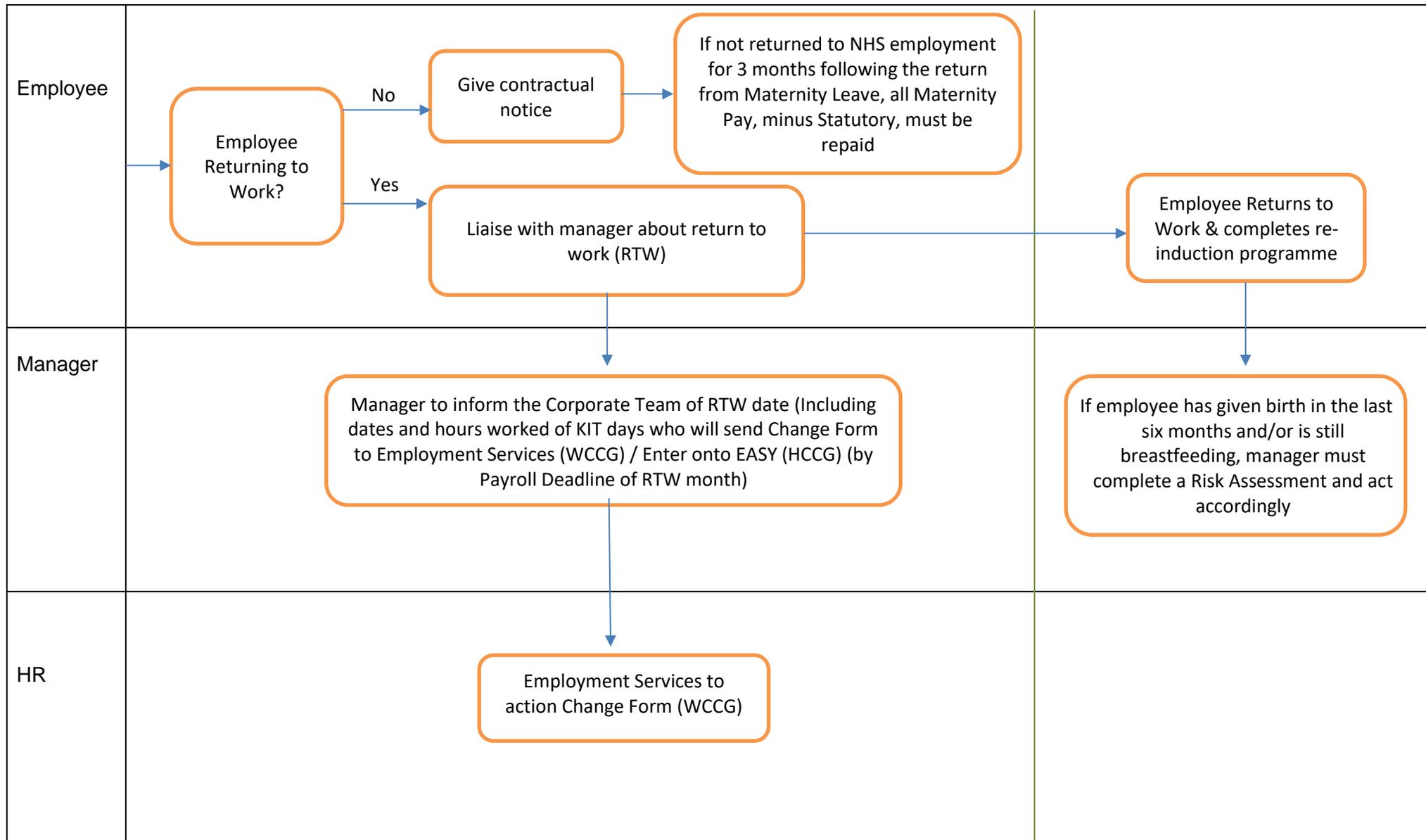
## Maternity Process

### Before Maternity Leave

### During Maternity Leave



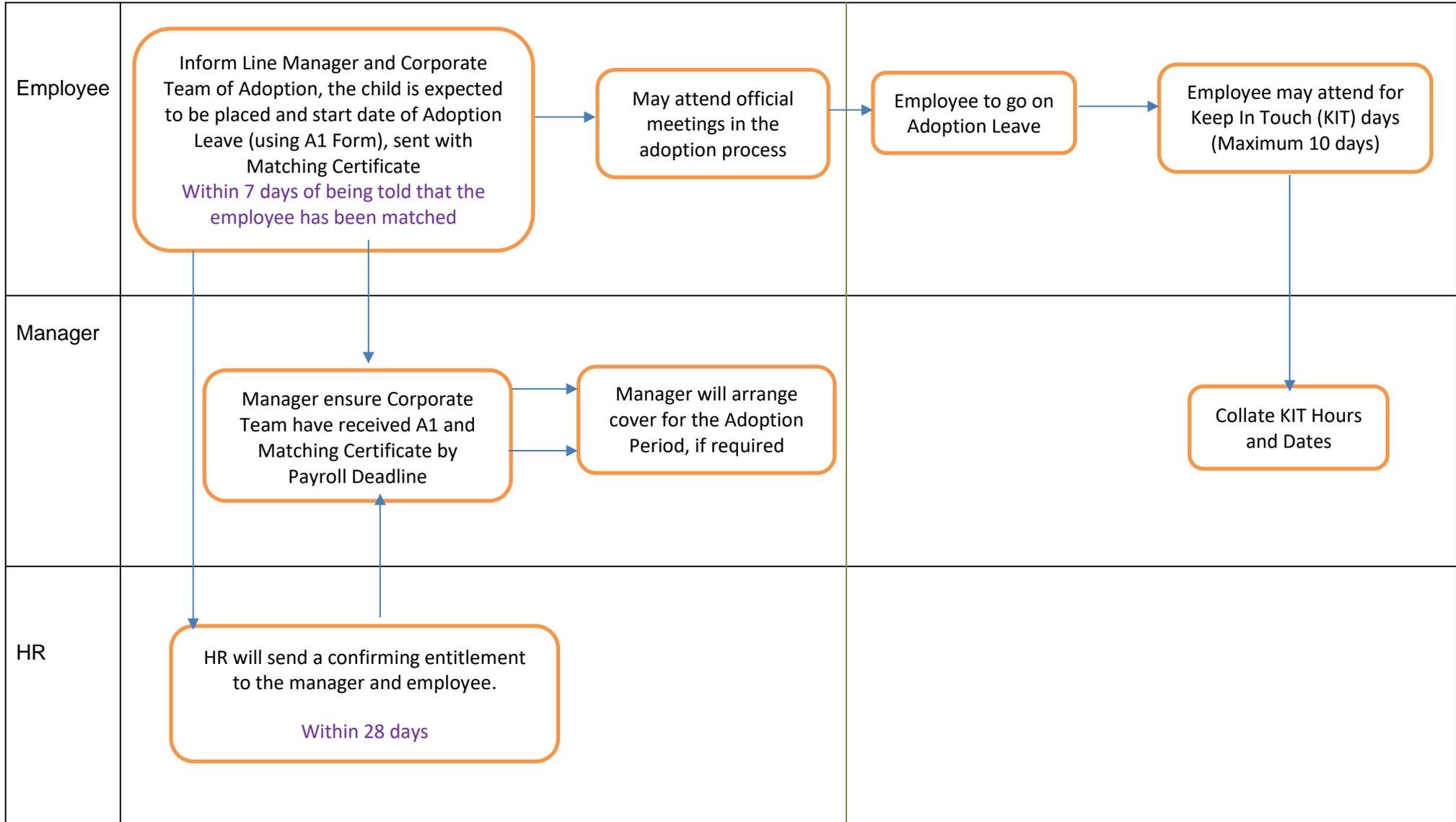
## After Maternity Leave



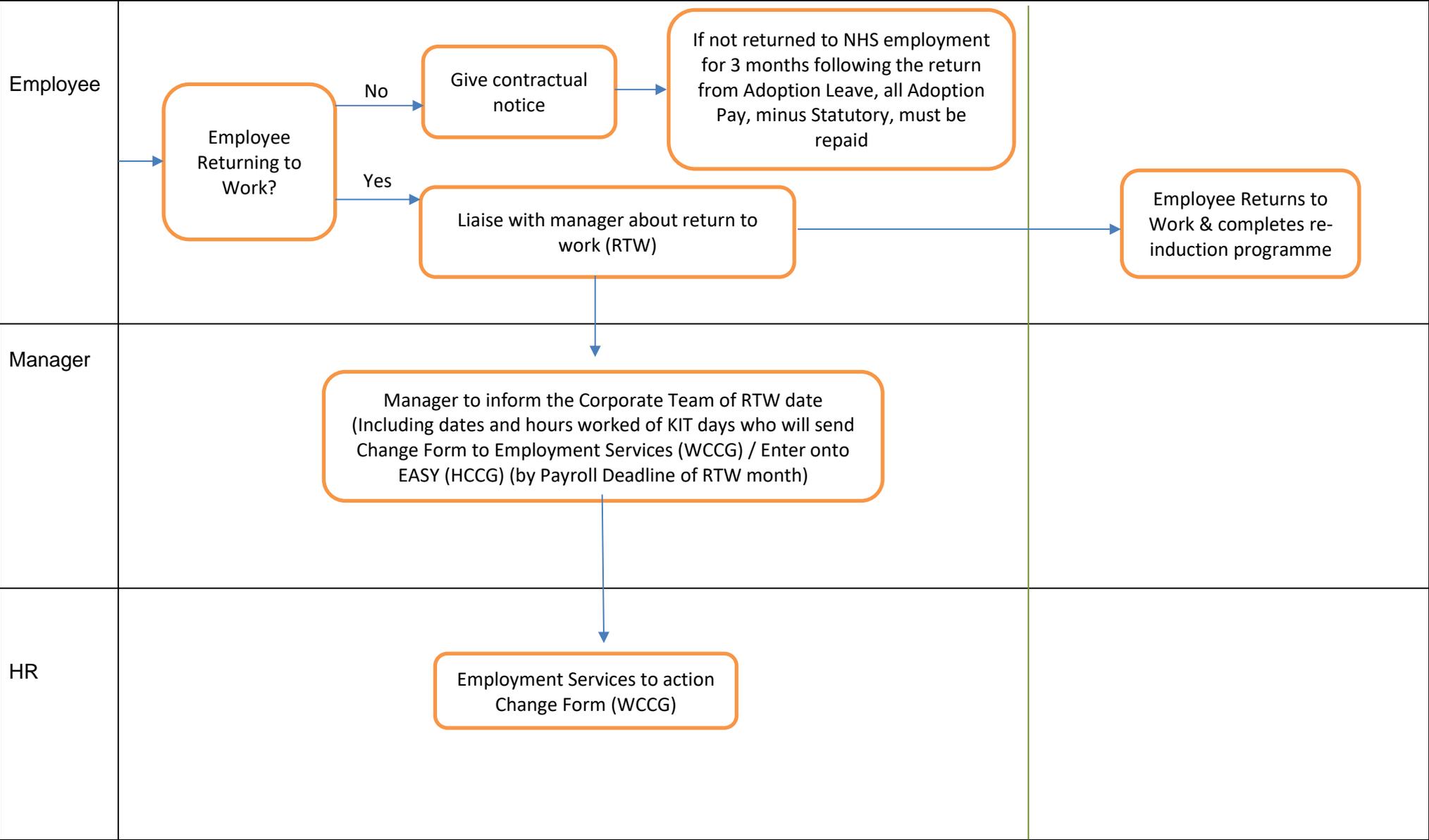
### Adoption Process

#### Before Adoption Leave

#### During Adoption Leave

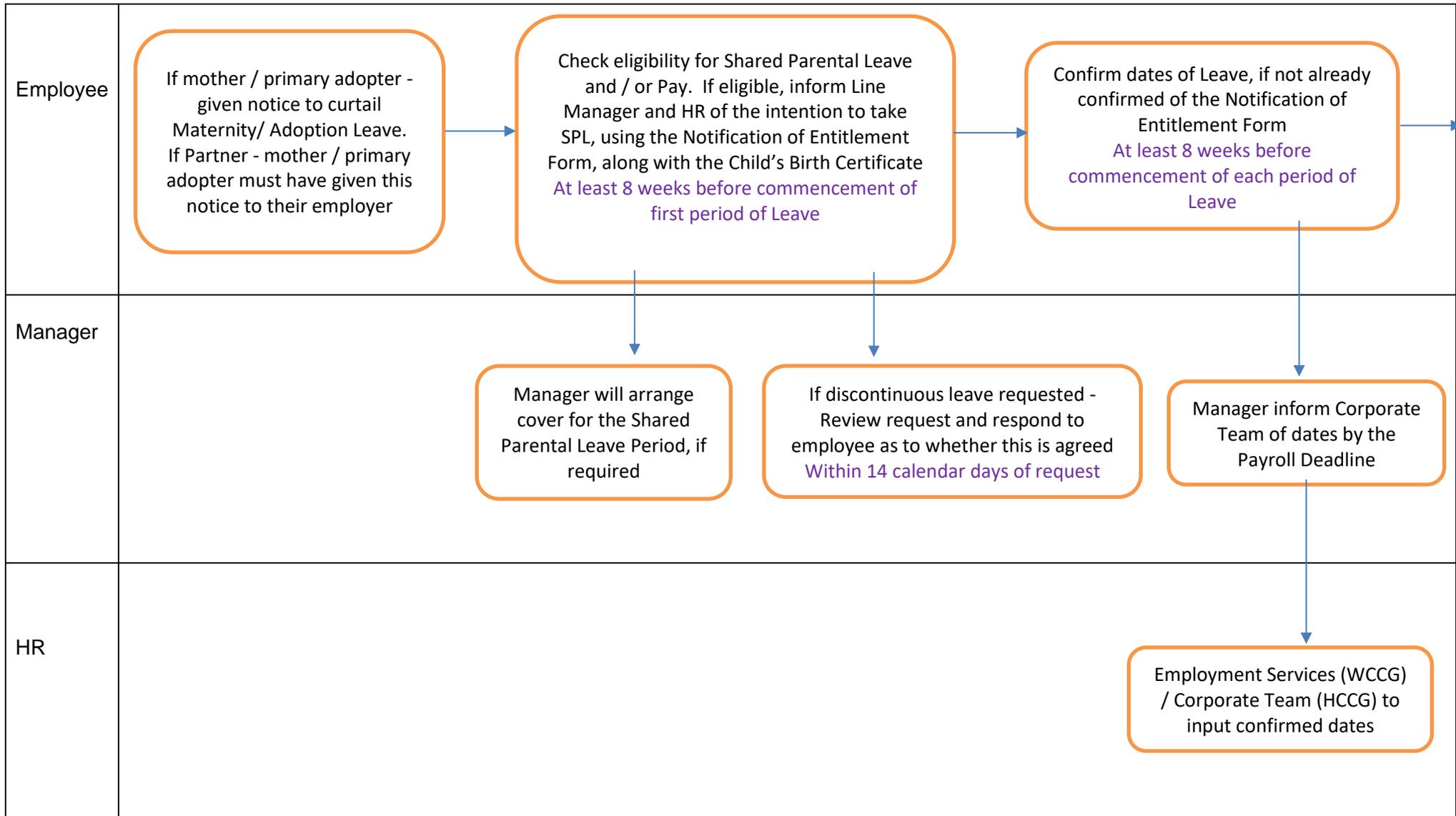


**After Adoption Leave**



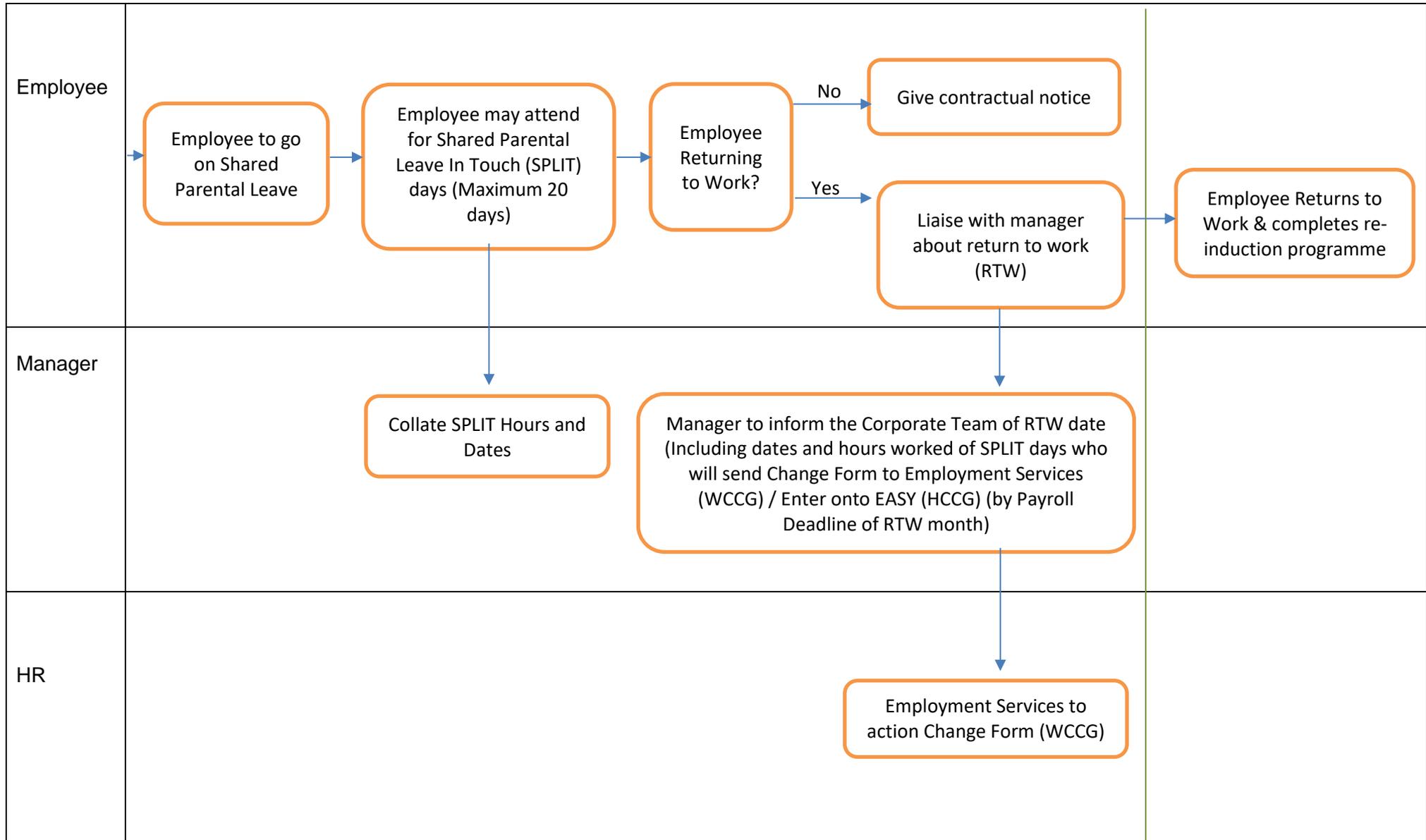
Shared Parental Leave Process

Before Shared Parental Leave



**During Shared Parental Leave**

**After Shared Parental Leave**



## **APPENDIX 4**

### **New and Expectant Mothers at Work Guidance**

It is the Organisation's policy to treat new and expectant mothers fairly. Risk Assessments will be performed on all pregnant workers, and risks will be reduced to a safe level wherever possible. Where this is not possible, employees will be given temporary adjustment etc. (see Management Responsibilities below).

#### **Scope**

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires every employer to assess workplace risks for all their employees and take practical action to control those risks. In addition, employers must take particular account of risks to new and expectant mothers.

#### **Definitions**

The definition of a new or expectant mother is:

- pregnant
- who has given birth within the previous six months (given birth is defined as having given birth to a living child, or a still-born child after 24 weeks of pregnancy)
- breastfeeding

#### **Risk Assessment**

The employer should ensure that new and expectant mothers are not exposed to any significant risk.

Risks include those to:

- The unborn child
- The child of a breast-feeding woman
- The mother

A risk assessment to include physical, biological, chemical and working / environmental hazards should be performed. The risk assessment for new and expectant mothers has been developed for this purpose within the Organisation, see attached.

#### **Management Responsibilities**

The Line Manager will undertake completion of a Risk Assessment for new and expectant mothers with the relevant employee.

If the risk assessment reveals a significant risk the line manager should inform all their

female employees who are pregnant or breast feeding.

If a risk is identified, further advice can be sought from Occupational Health, Human Resources or the Health and Safety Team.

If a significant risk to a new or expectant mother cannot be reduced or eliminated, the line manager, together with the HR Team, should consider the following:

- temporary adjustment to an employees' working conditions or hours
- offer suitable alternative work, if available
- suspend employee (on paid leave), if it is necessary, to protect the safety of her and her child

The Line Manager must regularly review the initial Risk Assessment and conduct further risk assessment if necessary.

The Line Manager must keep suitable records of all Risk Assessments that have been performed.

Suitable rest facilities for pregnant and breastfeeding employees are a legal requirement. Also, although not a legal requirement, employers are encouraged to provide a healthy and safe environment for nursing mothers to express and store breast milk. This could be provided in suitable rest facilities. However, it is not suitable for toilets to be used for this purpose.

Special consideration should be given to new and expectant mothers who work at night. If an employee has a medical certificate stating that night work could affect her health or safety, the line manager should discuss this with Occupational Health and Human Resources to find a solution.

## **Employees Responsibilities**

Employees who are pregnant should inform their line manager as soon as possible to ensure that a Risk Assessment is performed and that they are not exposed to any known risks in the workplace.

Employees must comply with any "safe measures or systems" put in place by their line manager to reduce or eliminate any risk identified.

Employees must inform their line manager of any changes in their health.

Employees must discuss with their line manager any concerns relating to their work.

## **Human Resources**

Human Resources will advise the management on employment issues which may result from the New and Expectant Mothers Risk Assessment.

**APPENDIX 5**

**Expectant Mothers Risk Assessment**

The employee and Line Manager should complete this form together.

Any risk identified must either be eliminated, or steps must be taken to ensure that the employee is not exposed to the risk.

Once completed, the risk assessment should be retained by the line manager for inclusion on the HR file. The employee may receive a copy of the completed risk assessment.

It may be necessary to review and update the initial risk assessment as the employee’s pregnancy progresses.

Further guidance on all aspects of the relevant policy and risk reduction can be sought from Human Resources, Occupational Health, the Health and Safety Team or <http://www.hse.gov.uk/pubns/indg373.pdf>.

Name of expectant mother		Name of Assessor	
Date		Review Date	

Consideration should be given to the following work-related conditions and demands and discussed between manager and the individual as to if and how they may have an effect.

A ticked response in a circle will require more detailed documented assessment including describing the hazards, existing controls in place and action taken

- |    |   | Yes                      | No                       |
|----|---|--------------------------|--------------------------|
| 1  | Does the work normally involve lifting / pushing heavy objects i.e. people, equipment etc.? | <input type="radio"/>    | <input type="checkbox"/> |
| 2  | Does the work normally involve standing / squatting for long periods?                       | <input type="radio"/>    | <input type="checkbox"/> |
| 3  | Does the work normally involve a lot of walking?  | <input type="radio"/>    | <input type="checkbox"/> |
| 4  | Does the work normally involve climbing steep stairs / steps?                               | <input type="radio"/>    | <input type="checkbox"/> |
| 5  | Does the work normally involve the need to enter confined spaces?                           | <input type="radio"/>    | <input type="checkbox"/> |
| 6  | Does the job involve meeting challenging deadlines?   | <input type="radio"/>    | <input type="checkbox"/> |
| 7  | Does the job involve rapidly changing priorities and demands?                               | <input type="radio"/>    | <input type="checkbox"/> |
| 8  | Does the job involve a high degree of concentration?  | <input type="radio"/>    | <input type="checkbox"/> |
| 9  | Can the worker participate in discussions about the pace of work?                           | <input type="checkbox"/> | <input type="radio"/>    |
| 10 | Does the work involve dealing with emergencies?   | <input type="radio"/>    | <input type="checkbox"/> |

- 11 Does the worker have the opportunity to discuss concerns at any time with manager?
- 12 Will any task be made more hazardous to the workers changing shape and size?
- 13 Are there any obstacles in place of work that could cause problems for pregnant workers in the event of emergency evacuation?
- 14 Does the job involve any home working?
- 15 Is there any risk of violence at work?
- 16 Does the job involve dealing with members of the public?
- 17 If so, does it involve dealing with distressed or disturbed people?
- 18 Does the job involve contact with young children or sick people?
- 19 Have emergency procedures (with regard to the pregnancy) been considered and documented?
- 20 Does the job involve working alone or working in isolated conditions?
- 21 Does the job involve unpredictable working hours?
- 22 Is there any form of indoor air pollution e.g. fumes, dust, etc.?
- 23 Is the temperature in the working environment comfortable?
- 24 Will there be enough room for the worker to get in/out of workstation as the pregnancy develops?
- 25 Does the worker have an adjustable seat with a backrest?
- 26 Does the work involve working with chemicals?
- 27 Is there any exposure to vibration e.g. by the use of hand tools?
- 28 Does the worker need to wear any personal protective clothing?
- 29 If yes will this present a problem as the pregnancy develops?
- 30 Are there any specific medical needs or conditions that the employer should consider

Question Number	Hazards	Existing Controls in Place	Action Taken

**This assessment must be reviewed regularly throughout the pregnancy**

**APPENDIX 6**

**Keeping in Touch (KIT) or Shared Parental Leave In Touch (SPLIT)  
Days Application Form**

In accordance with the Organisations Maternity, Paternity, Adoption and Parental Leave Policy an employee may work up to ten “Keeping in Touch” (KIT) days during Maternity or Adoption Leave, or twenty “Shared Parental Leave In Touch” (SPLIT) days without it affecting their Maternity / Adoption / Shared Parental Pay. The employee may not work, by law, during the two weeks immediately following the birth of a child.

The KIT / SPLIT days are optional and are normally to be mutually agreed by the manager and employee **before** starting Maternity or Adoption or Shared Parental Leave. They should agree the days that are worked and if they are to be paid on return to work or taken as time off in lieu.

KIT / SPLIT days can be consecutive, can be shorter than a normal working day and can include training sessions, away or development days with the team, to communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change, etc. Working for a part of any day counts as one of the 10 KIT days.

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.

Name: ..... Assignment Number: .....

KIT / SPLIT Day	KIT / SPLIT Day Worked	Hours worked	Event, Nature or Type of Work	Paid or TOIL	Manager’s Signature & Date (for pay purposes)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Signed by employee: ..... Dated: .....

Signed by manager: ..... Dated: .....

**On return from Maternity / Adoption / Shared Parental Leave, the Line Manager should send form to the Corporate Team who will complete a Change Form if KIT days worked are to be paid. A copy of this form should be added onto the employees HR file.**

**APPENDIX 7**

**Shared Parental Leave - Notification of Entitlement Form**

**SECTION 1 - EMPLOYEE DETAILS**

Organisation								
Assignment number								
Title		Forename(s)			Surname			
Please Circle		Mother			Partner of Mother			

**SECTION 2 – DETAILS OF SHARED PARENTAL LEAVE**

Start Date of Maternity / Adoption Leave					
End Date of Maternity / Adoption Leave					
Total amount of Shared Parental Leave available (a maximum of 52 weeks combined Maternity Leave & SPL)					
Please Circle:					
Expected date of birth	Actual date of birth	Date of placement			
Dates mother intending to take as Shared Parental Leave			Date from	Date to	
Please circle below:			Paid		
Block	Discontinuous		Unpaid		
Dates partner intending to take as Shared Parental Leave			Date from	Date to	
Please circle below:			Paid		
Block	Discontinuous		Unpaid		
Are these dates:	Indicative	Confirmed	If indicative, dates must be confirmed at least 8 weeks before commencement of leave		

**SECTION 3 – PARTNER OF EMPLOYEE DETAILS**

Full Name		Employers Name	
Home Address		Employers Address	
		Employers HR email address	

National Insurance Number		Employers HR phone number	
---------------------------	--	---------------------------	--

### SECTION 4 – DECLARATION

Employee Declaration	Partner of the employee Declaration
<p>I can confirm that:</p> <ul style="list-style-type: none"> <li>• The Organisation will be sharing responsibility for the care of the child</li> <li>• The mother has given notice to end her Maternity entitlement</li> <li>• I meet the continuity of employment test</li> <li>• The information I have given is accurate</li> <li>• I will immediately inform the Organisation if my partner or I no longer satisfy the eligibility conditions</li> </ul>	<p>I can confirm that:</p> <ul style="list-style-type: none"> <li>• I am the father, mother of the child or partner of the mother of the child</li> <li>• I meet the criteria for the employment and earnings test</li> <li>• The Organisation will be sharing responsibility for the care of the child</li> <li>• I consent to the amount of leave and pay that the employee is seeking to take</li> <li>• I consent to the Organisation processing this information, including contacting my employer</li> <li>• The information I have given is accurate</li> </ul> <p>If the mother:</p> <ul style="list-style-type: none"> <li>• I am entitled to SML, SMP or Maternity Allowance and have given notice to end that leave and pay / allowance</li> <li>• I will immediately inform my partner if I no longer satisfy the eligibility conditions</li> </ul>

	Name	Signature	Contact Number	Date
Employee				
Partner of the Employee				
Authorised Signatory				
Input by HR				

Please email a signed, PDF copy of the form, with a copy of the Child's Birth / Matching Certificate to the Corporate Team

#### FOR HRSERVICES USE ONLY

Appendix 7 - Entered on ESR (Date)		Send with the Change Form & copy of Birth Certificate to WIS (Date)	
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#### FOR EMPLOYMENT SERVICES USE ONLY

Change Form entered on ESR (Date)		Send with the Change Form & copy of Birth Certificate to Payroll (Date)	
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**APPENDIX 8**

**Application for Parental Leave**

Name		Assignment number	
Job Title		Date commenced employment with the CCG	

**EMPLOYEE DECLARATION**

Unpaid Parental Leave dates	from		to	
Full number of working weeks Parental Leave				
Previous Parental Leave Taken	Yes	No	If so, number of weeks previously taken	
<ul style="list-style-type: none"> <li>I have read the Maternity, Paternity, Adoption and Parental Leave Policy and confirm that I meet the qualifying conditions for Parental Leave.</li> <li>I understand that I have a duty to inform my manager of any changes relating to the dates or information shown on this form.</li> <li>I declare that the information I have given on this form is correct and complete.</li> <li>I agree that the information I have provided may be exchanged with third parties and agree that the CCG may make enquiries as required in order to validate my request.</li> <li>I understand that providing false information in order to influence the decision relating to my request may constitute criminal and/or disciplinary offences, which, if proven, may result in appropriate criminal and/or disciplinary action being taken against me.</li> </ul>				
Name		Contact Number		
Signature		Date		

**LINE MANAGER AUTHORISATION**

Unpaid Parental Leave dates approved	from		to	
If not approved, reason for non-approval				
Alternative agreed Leave dates	from		to	
Name		Contact Number		
Signature		Date		
Departmental PA informed of Absence dates for Absence return	<input type="checkbox"/> Yes			

**Please email a signed, PDF copy of the form to the Corporate Team.**

**FOR HRSERVICES USE ONLY**

Appendix 8 entered on ESR (Date)		Send with copy of Birth Certificate to Payroll (Date)	
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APPENDIX 9

**MAT1 Form - Application for Maternity Leave & Pay**

**PART 1:**

To be completed by the applicant as soon as possible and by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC).

**Personal Details**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Home Telephone Number: \_\_\_\_\_

Mobile Telephone Number: \_\_\_\_\_

Personal Email: \_\_\_\_\_

Job Title: \_\_\_\_\_

Function: \_\_\_\_\_

Band: \_\_\_\_\_

Contracted Hours per Week: \_\_\_\_\_

Employee Number

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Expected Week of Childbirth \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Continuous NHS Service Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date Intended to Commence Maternity Leave \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

I formally request leave of absence for maternity and confirm I will / will not (delete as applicable) be returning to work.

I understand the options open to me and agree to abide by all relevant conditions relating to this application and acknowledge that failure to follow legal or agreed procedures or to provide timely and accurate information may affect or even remove my entitlements under this Policy.

**Maternity Leave**

All employees will be entitled to 52 weeks Maternity Leave.

Please specify the total months of Maternity Leave you intend to take: \_\_\_\_\_

## Maternity Pay

Current rates of statutory maternity pay and maternity allowance can be found on the following website:  
[www.direct.gov.uk](http://www.direct.gov.uk)

I wish to apply for Option A, B or C (please circle):

### **Option A: Employees with more than 12 months service wishing to return to work:**

**Option A Maternity pay is as follows:**

- 8 weeks at full pay including any SMP, MA or equivalent benefits receivable
- 18 weeks at half pay reduced only where half pay plus any SMP, MA or equivalent benefits exceeds full pay
- 13 weeks at SMP if payable
- 13 weeks unpaid leave

**To receive this Maternity Pay package I confirm that:**

- I have 12 months continuous service (with one or more NHS employer) at the beginning of the 11th week before my EWC.
- I intend to return to work for a minimum period of 3 months (with the same or other NHS employer).
- I have average earnings above the current Lower Earnings Limit and have paid sufficient National Insurance contributions.
- I will submit a statement (Form Mat B1) signed by a registered Medical Practitioner or a practising Midwife at least 28 days before I commence my maternity leave indicating the EDC.

### **Option B: Employees who qualify for full benefits but who do not intend to return to work for the same or another NHS employer:**

**Option B Maternity Pay is as follows:**

- 6 weeks SMP, paid as 90% of full pay (average weekly earnings)
- 33 weeks at the lesser of standard rate SMP or 90% of average weekly earnings
- 13 weeks unpaid leave

**To receive this Maternity Pay package I confirm that:**

- I have 12 months continuous service (with one or more NHS employer) at the beginning of the 11th week before my EWC.
- I have average earnings above the current Lower Earnings Limit and have paid sufficient National Insurance contributions.
- I will submit a statement (Form Mat B1) signed by a registered Medical Practitioner or a practising Midwife at least 28 days before I commence my maternity leave indicating the EDC.

### **Option C: Employees who do not qualify for full benefits under the NHS Scheme**

**Option C Maternity pay is as follows:**

- 6 weeks at 90% of full pay
- 33 weeks at the lesser of standard rate SMP or 90% of average weekly earnings

- 13 weeks unpaid leave

**To receive this maternity pay package I confirm that:**

- I have at least 26 weeks continuous service by the 15<sup>th</sup> week before the EWC
- I have average earnings above the current Lower Earnings Limit and have paid sufficient National Insurance contributions.
- I will submit a statement (Form Mat B1) signed by a registered Medical Practitioner or a practising Midwife at least 28 days before I commence my maternity leave indicating the EDC.

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## Payment of Maternity Pay

I wish for my Maternity Pay to be paid in the following way:

- Full pay and half pay as per my chosen Option above
- Fixed amount spread evenly over the maternity leave period

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## Child Care Vouchers

- Please cancel my childcare vouchers when I commence my maternity leave

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## Signatures

I confirm the information shown on this Application Form is accurate and I enclose the following documents with this completed Application Form:

- Certificate of Childbirth (MAT B1)
- Letter confirming that I intend/do not intend to return to work ( if applicable)

**Signed  
(Employee):** \_\_\_\_\_

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

## PART 2:

**This application form should now be given to your Manager for checking and signature.**

I confirm that I have discussed and agreed this application with the employee.

I have discussed and agreed a voluntary method of contact with the staff member throughout their

maternity leave, this will be as follows:

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I have discussed and agreed how much annual leave will be taken prior to and post maternity leave, this will be as follows:

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I have discussed KIT days with the staff member and details are as follows:

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**Signed (Manager):**

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**Job Title:**

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**Date:**

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This form should now be sent to the Human Resources Department for checking and processing.



## Your Declaration

You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.  
I declare that:

- I am the baby's biological father **or** married to or in a civil partnership with the mother **or** living with the mother in an enduring family relationship but am not an immediate relative.
- I will have responsibility for the child's upbringing.
- I will take time off work to support the mother or care for the child.

I understand the options open to me and agree to abide by all relevant conditions relating to this application and acknowledge that failure to follow legal or agreed procedures or to provide timely and accurate information may affect or even remove my entitlements under this Policy.

I confirm the information shown on this Application Form is accurate.

**Signed  
(Employee):**

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**Date:**

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Depending on your circumstances you may not qualify for SPP and/or paternity leave. For more information on Paternity Leave please see <https://www.gov.uk/paternity-pay-leave>

### **PART 2:**

This application form should now be given to your Manager for checking and signature.

I confirm that I have discussed and agreed this application with the employee.

**Signed (Manager):**

---

**Job Title:**

---

**Date:**

---

This form should now be sent to the Human Resources Department for checking and processing.