

Maternity, Paternity, Adoption and Shared Parental Leave Policy



Please complete the table below:	
<i>To be added by corporate team once policy approved and before placing on website</i>	
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Responsible Executive Director:	Deputy Chief Executive & Chief Finance Officer
Author and Job Title:	HR Manager/HR Business Partner
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Approved by:	Deputy Chief Executive & Chief Finance Officer
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	Yes/No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	Employment Legislation
Has legal advice been sought?	No	
Has HR been consulted?	Yes	
Have training issues been addressed?	Yes	
Are there other HR related issues that need to be considered?	No	
Has the policy been reviewed by SPF?	Yes	
Are there financial issues and have they been addressed?	No	
What engagement has there been with patients/members of the public in preparing this policy?	No	Internal Staff only
Are there linked policies and procedures?	Yes	
Has the lead Executive Director approved the policy?	Yes	
Which Committees have assured the policy?	Yes	Staff Partnership Forum
Has an implementation plan been provided?	Yes	
How will the policy be shared with: <ul style="list-style-type: none"> • Staff? • Patients? • Public? 	Yes	Via the BNSSG internet site – The Hub and dedicated communication to CCG employees
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	Yes	

Contents

1	INTRODUCTION.....	8
2	AIM.....	8
3	OBJECTIVE.....	8
SECTION A: MATERNITY LEAVE		
1	What is Maternity Leave?	8
2	Notification of Pregnancy?.....	9
3	Risk Assessment?	10
4	Entitlement to Maternity Pay and Leave?	10
5	Fixed Term Contracts?	11
6	Rotational Training Contracts?.....	12
7	Antenatal Care	12
8	Sickness and Absence Prior to Childbirth?.....	13
9	Commencement of Maternity Leave?	13
10	Keeping in Touch (Including KIT days)?.....	14
11	Returning to Work?.....	15
SECTION B : ADOPTION LEAVE		
12	What is Adoption Leave?	16
13	Eligibility	17
14	Fixed Term Contracts	17
15	Rotational Training Contracts.....	18
16	Notification of Adoption Leave	18
17	What if an employee wishes to change their Adoption Leave date?.....	19
18	Adoption Pay	19
19	Payments	20
20	Sickness Absence.....	21
21	Contact during Adoption Leave (including KIT days).....	21
22	Return to Work	21
23	What is Paternity Leave?.....	22



24	Notifying your Manager	22
25	Antenatal Care	22
26	Eligibility	22
	Ordinary Paternity Leave and Pay	22
	Statutory Paternity Leave and Pay	22
	Unpaid Leave	23
	Additional Paternity Leave	23
27	Notification of Paternity Leave	23
28	Conditions of Ordinary Paternity Leave	24
29	Conditions of Additional Paternity Leave	24
30	Changing the Paternity Leave date	24
31	What if an employee is no longer eligible for Paternity Leave?	25
32	Keeping in Touch (including KIT days)	25
33	Return to Work	26
34	What is Shared Parental Leave	26
35	Eligibility	26
36	The Shared Parental Leave entitlement	27
37	Notifying the CCG of an entitlement to Shared Parental Leave	28
38	Requesting Further Evidence of Eligibility	28
39	Shared Parental Pay (ShPP)	28
40	Notice period	29
41	Varying or Cancelling Shared Parental Leave	29
42	Shared parental leave in touch (SPLIT) days	29
43	Blocks of leave	30
44	Terms and Conditions	30
4	TRAINING REQUIREMENTS	31
5	EQUALITY IMPACT ASSESSMENT	31

6	MONITORING COMPLIANCE AND EFFECTIVENESS	31
7	COUNTER FRAUD	31
8	REFERENCES, ACKNOWLEDGEMENTS	31
9	APPENDICES	31

Definitions

AAL: Additional Adoption Leave

APL: Additional Paternity Leave. Up to 26 weeks leave, taken within the first year of the birth or placement of your child, provided your partner has returned to work after maternity or adoption leave and has not used their full entitlement.

AQW: Adoption Qualifying week (26 weeks' service at 8 weeks before EDP)

Childbirth: The birth of a live child or the birth of a stillborn child after the 24th week of pregnancy. There is no distinction between live and still births after this date

EDC: Expected Date of Childbirth

EDP: Expected Date of Placement in cases of adoption

KIT: Keeping in Touch Day

MAT B1: Maternity Certificate which will be issued to the expectant mother by their Doctor or Midwife stating the date on which your baby is due.

OAL: Ordinary Adoption Leave

OAP: Occupational Adoption Pay

OPL: Ordinary Paternity Leave. A block of one or two weeks which must be taken after the birth of the child or date the child is placed for adoption, and no later than 56 days after the birth or placement.

Partner: A partner is someone who lives with the mother of the baby or primary adopter in a family relationship but is not immediately related. A partner may include either a male or female partner in a same sex couple.

SC3 form: Becoming a Parent form. (Form from HM Revenue & Customs)

SC4 form: Becoming an Adoptive Parent. (Form from HM Revenue & Customs)

SC6 form: Adopting Abroad. (Form from HM Revenue & Customs)

SMP/SAP: Statutory Maternity/Adoption Pay paid to the expectant mother or main carer of an adopted child according to the statutory scheme. Employees may be entitled to receive a portion of this if their partner returns to work without using all of their entitlement.

ShPP: Shared Parental Pay

SPL: Shared Parental Leave

SSP: Statutory Paternity Pay paid during OPL.

Different Types of Leave

The different kinds of leave and pay available are as follows:-

Maternity leave and pay	applies to pregnant employees and those who have just given birth.
Adoption leave and pay	applies to the child's adopter, if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting and the intended parents in a surrogacy arrangement where they are applying for a parental order.
Paternity leave and pay	applies to fathers (biological or adopted) or partners, including civil partners.
Parental leave	applies to parents, adopters, partners, including civil partners or those with parental responsibilities.
Shared Parental Leave	applies to parents, adopters, partners, including civil partners or those with main caring responsibilities, where the mother has curtailed (ended) their maternity or adoption leave early. Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for shared parental leave but their employed partner may be. Agency workers and or/their partners may be entitled to statutory shared parental pay.
Forms	All forms referred to in this policy can be found on the ConsultHR Portal

1. Introduction

BNSSG is committed to providing members of staff with access to leave arrangements, which support them in balancing work responsibilities with personal commitments. This policy is one in a series of policies, which make up the CCG's approach to helping staff balance work and home life.

2. Aim

The aim of this policy is to ensure that all employees are advised of their rights and support available to them. This policy outlines statutory obligations in relation to Maternity, Paternity and Adoption leave entitlements and regulations as well as NHS provisions. No pregnant employee should suffer any unfair treatment due to her pregnancy.

Changes to this policy will be made in accordance with legislative changes.

3. Objective

To ensure that pregnant employees are informed of their rights surrounding maternity and their employment.

To ensure that the main adoptive carers are informed of their rights surrounding adoption and their employment.

To ensure that partners of expectant mothers / adoptive carers are informed of their rights surrounding paternity and their employment.

To provide the fair consistent and effective application of maternity, paternity and adoption provisions.

SECTION A: MATERNITY LEAVE

1 What is Maternity Leave?

Maternity leave is an employee's right to time off work to have a baby and the right to return to their job under their original contract and on no less favourable terms and conditions. An employee is entitled to 52 weeks' leave, irrespective of their length of service and hours worked.

An employee's entitlements to pay will vary according to their length of service with the organisation and with the National Health Service. Their decision about whether or not to return to work after childbirth will also affect their benefits.

This document outlines an employee's entitlements and the procedure that they will be required to follow when taking maternity leave. It is also designed to answer many of the questions that they may have. However, Human Resources Department is always on hand to discuss individual circumstances.

If an employee's partner works for the organisation they may be eligible for paternity leave (please see Section C of this policy).

2 Notification of Pregnancy

2.1 Informing the Line Manager

Employees must inform their line manager of their pregnancy by the 15th week before the expected date of childbirth.

It is important that the employee discusses maternity leave with their manager as soon as possible so that suitable arrangements can be considered to cover their post whilst they are away and any potential health and safety risks can be identified and addressed. Employees may also find it helpful to discuss any queries they have about their maternity leave and return arrangements with their manager before they plan to take maternity leave. For example, if they wish to vary their working arrangements on their return, then their manager will need time to discuss their options with them and to consider the possibilities. Employees will not however be expected to make any firm decisions at this stage.

Employees may also wish to discuss their entitlements and return to work options with a member of Human Resources.

2.2 Formally Applying for Maternity Leave

Once an employee has discussed it with their manager, they will need to provide written notice of the date they wish to commence maternity leave via the Maternity Leave/Pay application form, which can be found on the BNSSG CCG ConsultHR Portal. This must be returned together with the MATB1 Form, to their line manager ideally no later than the end of the 15th week before their baby is due. (The MATB1 Form confirms the expected week of childbirth and is issued by the GP or Midwife). This form needs to be submitted even if the employee is not eligible for Occupational Maternity Pay (OMP).

The employee's line manager will forward these forms to Human Resources to be processed.

Human Resources will respond to the employee in writing within 28 days of their application, clearly setting out:

- Their paid and unpaid occupational maternity leave entitlements or statutory entitlements as applicable.
- The date they will be expected to return to work if they take their full entitlement to maternity leave (unless they have provided an earlier return date).
- The employee's requirement to give their manager and the Human Resources department at least 8 weeks' notice if they wish to return to work before their expected return date.

Human Resources will send a copy of the employee's MATB1 form on to payroll and a completed change of conditions form to ensure that their pay is adjusted accordingly. The change of conditions form will need to be compiled by the Line Manager and the employee and forwarded to HR for processing. Please note that it is the employee's responsibility to ensure that they sign and return the form to Human Resources promptly, otherwise this may affect their pay.

Please note: Employees do have the right to change their mind about when their maternity leave starts providing that they give their manager 28 days' notice of when they want to take their leave (unless this is not reasonably practicable).

3 Risk Assessment

As soon as notification of an employee's pregnancy is received, it is the responsibility of the manager to complete a risk assessment of the employee's working conditions (please refer to the BNSSG CCG ConsultHR Portal). If it is found, or a medical practitioner considers, that an employee or her child would be put at risk if she were to continue with her normal duties the employer should offer the employee temporary alternative suitable work or alterations to the employee's duties until she commences maternity leave. If it is not reasonably practicable to provide other suitable alternative work for the employee, paid leave will be considered. The risk assessment should be carried out in line with current risk assessment procedures. Please contact the HR department for more information.

4 Entitlement to Maternity Leave & Pay

4.1 Entitlement to Maternity Leave

All employees are entitled to 52 weeks maternity leave; however the pay they receive will depend on their length of service with the NHS and the organisation, and their intention to return to work.

4.2 Entitlement to Maternity Pay

Employees with 12 months continuous service or more with this organisation or another NHS employer (by the 11th week before the expected week of childbirth), will be entitled to 26 weeks Occupational Maternity Pay (OMP) plus Statutory Maternity Pay (SMP).

Employees who intend to return to work will receive (please see flow chart 1 in Appendix A):

- For the first 8 weeks - full pay, less any SMP or Maternity Allowance receivable.
- For the next 18 weeks - half pay plus any SMP or Maternity Allowance receivable, providing the total receivable does not exceed full pay.
- Followed by 13 weeks SMP only
- Eligible employees with 12 month's service who do not intend to return to work for a period of 3 months following the end of their maternity leave will not be entitled to OMP and will receive pay equivalent to SMP (see Appendix A).

Employees with less than 12 months service but have 26 weeks continuous service with this organisation or another NHS employer at the end of the 15th week before the expected week of childbirth may be entitled to SMP. Employees will only be entitled to SMP if their normal weekly earnings are equal or higher than the lower earnings limit for National Insurance Contributions. SMP will be paid at the current rate (as stated by the Department of Work and Pensions) or 90% of the employees' normal weekly earnings if this is lower.

Employees, who have less than 26 weeks service and do not meet the above criteria, will be entitled to take 52 weeks' unpaid leave. If an employee does not qualify to receive SMP, they may be entitled to claim Maternity Allowance. In this case, on receipt of the employee's MAT B1 form, the Payroll Department will return their MAT B1 form to them along with the form SMP1 which they must send directly to their local

Job Centre Plus or Department for Work and Pensions (DWP) to claim Maternity Allowance.

Entitlements will differ if the employee is unsure as to whether they are returning to work or are not intending to return to work (please see flowcharts two and three in Appendix A). If the employee is still currently unsure but at a later date decides to return to work for a minimum of 3 months, OMP will be reimbursed to them. However, if they are unsure and then decide not to return to work, they must give their contractual notice.

If the employee has indicated their intention to return to work and they do not return to this organisation or another NHS organisation for a period of at least three months, they will be required to refund all maternity payments made to them apart from those for which they had a statutory right.

In making their decision about returning to work, the employee may wish to consider the possibilities of varying their working arrangements for when they return. Whilst they do not need to do this until after their baby is born, they may find it helpful to discuss the range of options that may be available to them with their Manager prior to going off on maternity leave. They can also refer to the Work Life Balance policy and / or contact the Human Resources Department for advice.

4.3 Checking Entitlement

The flow charts found at Appendix A have been designed to help an employee to determine their maternity leave and pay entitlements. Please refer to:

Chart 1: Intending to return to work for a minimum of 3 months (Option 1)

Chart 2: Unsure of intention to return to work (Option 2)

Chart 3: Not intending to return to work (Option 3)

The employee will need to state their preferred option on their Maternity Leave/Pay Application Form. Employees should ask their manager or a member of the Human Resources Department if they need any help in calculating their entitlement.

5 Fixed Term Contracts

In line with Agenda for Change Terms and Conditions employees subject to fixed term or training contracts which expire after the 11th week before the expected week of childbirth and who satisfy the eligibility criteria as detailed in this policy, shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid occupational and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave.

Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the employee will not be required to refund the OMP if the organisation has not been able to identify suitable alternative employment for the employee.

There will be an expectation that the employee will engage in the redeployment process and consider suitable alternative roles as soon as reasonably possible. The Human

Resources department will contact the employee 3 months prior to their return to work, to discuss the redeployment process.

Should an employee's fixed term contract expire prior to the 11th week before the expected week of childbirth and they meet the following conditions:

- Do not have one year's continuous NHS service at the 11th week before the expected week of childbirth
- Do have at least 26 weeks continuous service with the organisation up to and including the 15th week before the expected week of childbirth

The employee will be entitled to have their SMP paid by the organisation in a lump sum at the 11th week before the expected week of childbirth, even if their contract expires prior to this.

Due to the employees fixed term contract expiring prior to the 11th week before the expected week of childbirth the employee will not have their fixed term contract extended and will not be eligible for redeployment.

Should an employees fixed term contract expire prior to the 11th week before the expected week of childbirth and they do not have either one year's continuous NHS service or 26 weeks continuous service with the organisation at the 15th week before the expected week of childbirth, the employee will be entitled to apply for maternity allowance from their local Job Centre Plus or Department for Work and Pensions.

The employee will not be entitled to SMP.

Due to the employee's fixed term contract expiring prior to the 11th week before the expected week of childbirth the employee will not have their fixed term contract extended and will not be eligible for redeployment.

6 Rotational Training Contracts

Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, they shall have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy or childbirth had not occurred. In such circumstances the employee's contract will be extended to enable them to complete the agreed programme of training.

7 Antenatal Care

Pregnant employees have the right to paid time off for antenatal care (this may include relaxation and parent craft classes) provided that an appointment has been made and they have requested time off in advance. The employee may be asked to produce:

- an appointment letter or card showing that an appointment has been made,
- a certificate stating that they are pregnant. If the employee has trouble obtaining this then they should advise their Human Resources Department and line manager immediately.

8 **Sickness and Absence Prior to Childbirth**

If an employee is absent due to illness, or becomes ill, with a pregnancy related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the employee last worked whichever is the later.

Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work or a self-certificate, shall be treated as sick leave in accordance with normal sick leave provisions.

Odd days of pregnancy related illness during this period may be disregarded if they wish to continue working until the maternity leave start date previously notified to the employer. If they are absent due to an illness unrelated to their pregnancy then the normal sick leave provisions would apply until their maternity leave begins.

9 **Commencement of Maternity Leave**

9.1 **When can Maternity Leave Commence?**

Maternity leave can commence at any time from the Sunday of the eleventh week before the expected week of childbirth or on the day on which childbirth occurs if the maternity leave has not already commenced.

Or if an employee is absent due to illness, or becomes ill, with a pregnancy related illness, it can commence during the last four weeks before the expected week of childbirth.

Maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the employee last worked whichever is the later.

9.2 **Changing the Maternity Leave date**

If an employee has already agreed their start date and then subsequently wants to change it, they must notify their manager of the change at least 28 days before the new start date (or if this is not possible, then as soon as reasonably practicable beforehand).

9.3 **What if an employee's baby is born prematurely or before Maternity Leave is due to start?**

If an employee's baby is born alive prematurely then they will be entitled to the same amount of maternity leave and pay as if their baby had been born full-term. The employee is required to write and inform their manager as soon as is reasonable the actual birth date of their baby. The employee's maternity pay will then start the day following the date of birth.

If an employee's baby is born before the 11th week before the expected date of childbirth and they have worked during their actual week of childbirth, their maternity leave will start on the day after the day of birth.

If an employee's baby is born before the 11th week before the expected date of childbirth and they have been absent from work on certified sickness absence during the actual week of childbirth, their maternity leave will start on the day after the day of birth.

If an employee's baby is in hospital and was born before the 11th week before the expected week of childbirth, they may split their maternity leave entitlement taking a minimum period of 2 weeks leave immediately after childbirth and the rest of their leave following their baby's discharge from hospital.

In the unfortunate event of a stillbirth after an employee's 24th week of pregnancy, they will retain their original maternity leave and pay entitlements.

If an employee has a miscarriage before their 25th week of pregnancy, then normal sick leave provisions, as detailed in the organisation's Sickness Absence Policy and Procedure, will apply as necessary.

An employee's manager has the discretion to grant special leave with pay on compassionate grounds in case of urgent domestic distress. If appropriate, further unpaid special leave may be considered.

10 Keeping in Touch (including KIT days)

10.1 Notifying the Line Manager

Before going on leave, the employee and manager should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave.

This can include:

- Any voluntary arrangements that the employee may find useful to help them keep in touch with developments at work and, nearer the time of their return
- Keeping the employer in touch with any developments that may affect the employee's return to work

10.2 Optional KIT Days

Optional keeping in touch (KIT) days are now available, on agreement with an employee's manager, which enable the employee to work for up to 10 days at any time during their statutory maternity leave period (apart from the 2 weeks compulsory leave immediately after the birth), without this bringing their maternity leave to an end or affecting their entitlement to receive SMP. KIT days will not extend the maternity leave period. There is no obligation on the employer to offer, or for the employee to accept, such work and there is protection from detriment for refusing to do it. An employee will be paid at their basic daily rate, for the hours worked less appropriate maternity leave payment for KIT days. The line manager must complete a change of conditions form to enable the employee to be paid for these days of work minus maternity pay on their return to work.

Working for part of any day will count as one KIT day.

11 Returning to Work

11.1 When to Return

If the employee is returning to work at the end of their maternity leave period on the date already agreed with the organisation, they will need to make contact with their Manager at least 8 weeks prior to this, so that a change of conditions form can be completed confirming the date they are returning to work.

An employee will be entitled to return to their job under the original contract with terms and conditions that are no less favourable if they have a permanent contract with the organisation. If they wish to return to work sooner or change their intended return date, they must provide 8 week's notice (or if this is not practicable, as soon as possible). An employee must however take at least 2 weeks' maternity leave following the birth of their baby. On returning to work an employee has a right to request to work flexibly and the organisation has a duty to consider this request. Any request to work flexibly will be dealt with under the Ways of Working Policy (Flexible Working).

The employee will need to speak to their manager to discuss their induction back into the workplace.

Should an employee be entitled to have their fixed term contract extended due to this expiring after the 11th week before the expected week of child birth, there will be an expectation that the employee will engage in securing a suitable alternative role three months prior to the end of their maternity leave (see section 5). Should a suitable alternative role not be identified a termination form will need to be completed.

11.2 Returning to work with another NHS employer

The right to maternity leave and pay is not affected if an employee returns to work with another NHS employer, providing that they notify the organisation of their intention to do so no later than 28 days before their maternity leave is due to end. They must also provide the organisation with a copy of their letter of appointment to the other NHS employer within 15 months of the start of their maternity leave. Failure to do this may result in the organisation recovering the OMP that may have been paid to them.

11.3 Returning to work early and Paternity Leave

Employees have the option of sharing their maternity leave with their partner, if they return early from maternity leave. Please refer to section C of this policy for full details of eligibility and entitlements for paternity leave.

11.4 Sickness following Maternity Leave

If an employee has recently given birth or is breastfeeding and unable to return on their intended date because an Occupational Health Doctor considers them either incapable of carrying out all or part of their duties, or that these would be a risk, the organisation will seek to provide temporary alternative work without loss of pay. If this is not possible, special paid leave will be considered.

If they are unable to return to work on their intended date of return due to illness, then the normal provisions of the organisation's Sickness Absence Policy and Procedure will apply.

11.5 Health and Safety on return from Maternity Leave

If necessary, the organisation will take advice from the Department of Occupational Health and carry out a Risk Assessment of an employee's working conditions to ensure that they are not exposed to unsafe work environments, substances or tasks when they return. If appropriate the line manager may alter their duties or move them to another department. The employee's pay would not be affected. If no suitable alternatives can be found then paid leave will be considered. These provisions also apply if an employee is breastfeeding and it is found that their normal duties would prevent them from successfully breastfeeding their child.

If the employee has any concerns, they should discuss them immediately with their manager.

11.6 Breastfeeding Mothers and Post Natal Care

Managers need to conduct a risk assessment for new mothers (who have recently given birth or breastfeeding). This process should also apply to assess any risks that would prevent a mother from successfully breastfeeding her child.

An employee who has recently given birth should have paid time off for post-natal care, such as attendance at health clinics provided that an appointment has been made and they have requested time off in advance. The employee may be asked to produce:

- an appointment letter or card showing that an appointment has been made,
- a certificate stating that they are pregnant. If they have trouble obtaining this then they should advise Human Resources and their line manager immediately.

The organisation supports mothers who need to breastfeed by providing suitable access to a private room to express and store milk in an appropriate refrigerator

Please also refer to the frequently asked questions in Section D for further information regarding working on the bank and annual leave

SECTION B: ADOPTION LEAVE

12 What is Adoption Leave?

Adoption Leave is paid and/or unpaid time off allowed if an employee wishes to adopt a child (under the age of 18) and if they have primary care responsibilities for that child, with the right to return to their job under their original contract and on no less favourable terms and conditions.

In recognising the responsibilities and needs of adoptive parents, the organisation wishes to enable an employee to enjoy similar benefits as those staff that take maternity or paternity leave.

Details of paternity leave in relation to adoption are covered under the paternity leave section of this policy.

Please note that this policy does not apply where a child is not newly matched for adoption. For example when a step-parent is adopting a partner's child(ren) or where there is already an established relationship with the child for example if the child(ren) has already been fostered prior to adoption. In this situation you will only be entitled to time off to attend official meetings and may wish to exercise other leave provisions outlined in the Ways of Working Policy (Flexible Working) Balance Policy.

13 Eligibility

To qualify for adoption leave, the employee must have been formally notified by an approved adoption agency that they have been matched with a child for adoption.

All employees are entitled to 52 weeks' adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave), regardless of their length of service.

To qualify for Occupational Adoption Pay (OAP), an employee must have 12 months continuous service with one or more NHS employers ending with the week in which they were notified of being matched with the child for adoption. This will cover the circumstances where employees are newly matched with the child by an adoption agency.

All other employees who do not have 12 months continuous service with one or more NHS employers but have been continuously employed by the organisation for at least 26 weeks, ending with the week in which they were notified they have been matched with a child for adoption, and have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions, qualify for Statutory Adoption Pay (SAP).

If the employee has 12 months continuous service with one of more NHS employers but has not been continuously employed by the organisation for at least 26 weeks, ending with the week in which they were notified they have been matched with a child for adoption, they would be entitled to occupational adoption leave and pay (less SAP).

If the employee does not have 12 months continuous service with one of more NHS employers and does not have 26 weeks' service with the organisation by the date they are informed by an adoption agency that they have been matched for adoption, they may be entitled to claim benefits directly from the Department for Work and Pensions.

If the same employer employs 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 is entitled to paternity leave and pay.

If the placement ends during the adoption leave period, or if the adoption pay period has begun prior to the child being placed, but the placement does not take place, then the adoption pay period will terminate 8 weeks from the day the placement ended, or the date notification was received that the placement would not take place

Only one period of adoption leave is available at any one time, irrespective of whether more than one child is placed for adoption.

14 Fixed Term Contracts

In line with Agenda for Change Terms and Conditions employees subject to fixed term or training contracts which expire after the 11th week before the expected week of placement and who satisfy the eligibility criteria as detailed in this policy, shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid occupational and statutory adoption pay, and the remaining 13 weeks of unpaid adoption leave.

Absence on adoption leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if placement had not occurred, the employee will not be required to refund the OAP if the organisation has not been able to identify suitable alternative employment for the employee.

There will be an expectation that the employee will engage in the redeployment process and consider suitable alternative roles as soon as reasonably possible. The HR department will contact the employee 3 months prior to their return to work, to discuss the redeployment process.

Should an employee's fixed term contract expire prior to the 11th week before the expected week of placement and they meet the following conditions:

- Do not have one year's continuous NHS service at the 11th week before the expected week of placement
- Do have at least 26 weeks continuous service with the organisation up to and including the 15th week before the expected week of placement

The employee will be entitled to have their SAP paid by the organisation in a lump sum at the 11th week before the expected week of placement, even if their contract expires prior to this.

Due to the employees fixed term contract expiring prior to the 11th week before the expected week of placement, the employee will not have their fixed term contract extended and will not be eligible for redeployment.

Should an employees fixed term contract expire prior to the 11th week before the expected week of placement and they do not have either one year's continuous NHS service or 26 weeks continuous service with the organisation at the 15th week before the expected week of placement, the employee will be entitled to apply for adoption allowance from their local Job Centre Plus or Department for Work and Pensions.

The employee will not be entitled to SAP.

Due to the employee fixed term contract expiring prior to the 11th week before the expected week of placement the employee will not have their fixed term contract extended and will not be eligible for redeployment.

15 Rotational Training Contracts

Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, they shall have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if the placement had not occurred. In such circumstances the employee's contract will be extended to enable them to complete the agreed programme of training.

16 Notification of Adoption Leave

In accordance with statutory requirements, all employees seeking adoption leave must notify the organisation within 7 days of being notified by the adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. The employee should specify the date that the child will be placed for adoption.

At least 28 days before the employee wishes to start their adoption leave the employee must formally confirm when they intend to start their adoption leave and whether they wish to return to work with the organisation. This should be done via the Application for Adoption Leave form.

The manager will respond to the employee within 28 days of receiving notice of adoption and will do so by letter, confirming the start date of the adoption leave, pay details, any annual leave to be taken, and the expected return date.

Employees may choose on which day of the week their SAP and adoption leave begins.

Eligible employees adopting from overseas must inform their employee of:

- their intention to take adoption leave within 28 days of receiving their official notification from the relevant domestic authority
- the date on which official notification was received
- the date the child is expected to enter Britain

Employees must give a copy of the notification if asked to do so and, once the child enters Britain, evidence must be given of the child's arrival, e.g. a plane ticket receipt.

Employees who notify the organisation that they are in the final stages of the adoption process will be given paid time off to attend meetings associated with the final stages of adoption. Employees may be required to produce evidence of these appointments.

The employee may commence adoption leave at any time from 14 days before the child is placed for adoption.

Entitlement to adoption leave will be calculated from the agreed date of cessation of work, or from the actual date of cessation of work, if earlier.

The employee's manager will write to employees within 28 days of receiving notification of adoption leave. The letter will confirm their leave dates, the amount of annual leave that the employee will accrue during their period of adoption leave, and whether they have indicated if they wish to take annual leave prior to, or following adoption leave, or in lieu of some unpaid leave.

17 What if an employee wishes to change their Adoption Leave date?

If the date of placement changes before the employee begins adoption leave, the employee should discuss the situation with their manager as soon as possible and give 28 days' notice to change the start date.

18 Adoption Pay

The amount of pay an employee will receive is dependent on their length of service with the organisation and the NHS and if they are earning enough on average to be relevant for NI purposes. Their OAP (non-statutory) will also depend on their return to work arrangements.

There are three different options they must consider before going on Adoption leave and the option they choose will impact on the amount they are paid and/or when it is paid to them:

Option 1: Intention to return to work for at least three months after adoption leave.

Option 2: Unsure about intention to return to work

Option 3: Do not intend to return to work after your adoption leave

19 Payments

The payments made to the employee (depending on what options they decide to take as outlined above) are explained below:

Option 1: The following pay arrangements (for non-statutory purposes) assume the employee will be returning to work.

- If the employee has one year's NHS Service and have worked for the organisation for 26 weeks at the time approval for adoption was given, they are entitled to:
 - 8 weeks full pay
 - 18 weeks half pay plus Statutory Adoption Pay
 - 13 weeks' lower rate Adoption pay
 - 3 weeks' unpaid leave
- If the employee has one year's NHS Service but have worked for the organisation for less than 26 weeks as at the time of approval for adoption, they are entitled to:
 - 8 weeks' full pay
 - 18 weeks' half pay
 - 26 weeks additional adoption leave.

N.B Payroll will be able to issue the employee with a SAP1 Form so they can apply to their local job centre Plus or Department for Work and Pensions for Adoption Allowance.

- If the employee has 26 weeks' service with the organisation as at the time of approval for adoption was given but less than one year's NHS service, they are entitled to:
 - 6 weeks at the equivalent of the higher rate Statutory Adoption Pay (90% of weekly earnings)
 - 33 weeks Statutory Adoption Pay (a fixed standard weekly rate)
 - 13 weeks' unpaid leave

Option 2: If the employee is unsure about whether or not they will return to work for at least three months after the end of their adoption leave they will initially only receive any Statutory Adoption Pay/allowance for which they are eligible (this is outlined in option 3 below). If the employee does then later decide to return to work, their OAP will be reimbursed to them and the same pay arrangements apply as outlined above.

Option 3: Only SAP will be paid if the employee does not intend to return to work and has 26 weeks' service with the organisation as at the time of approval for adoption was given. The SAP is outlined below:

- 6 weeks at the equivalent of the higher rate Statutory Adoption Pay (90% of weekly earnings)
- 33 weeks Statutory Adoption Pay (a fixed standard weekly rate)
- 13 weeks' unpaid leave

The organisation retains the right to reclaim all or part of the occupational element of adoption pay if the employee states that they will return to work but fails to do so, and to continue in employment for at least three months.

If an employee qualifies for OAP but is unsure whether they will return to work following adoption leave, they are entitled to opt to postpone payment of OAP until their return.

Employees who do not wish to return to work following their adoption leave should submit a resignation letter to their department and copy it to Human Resources, giving at least their contractual notice period. Employees who have resigned will receive SAP as regular monthly payments. Any annual leave accrued will be paid in a lump sum at the end of their contract.

20 Sickiness Absence

If the employee is unable to return to work at the end of their adoption leave due to ill health, this will be dealt with under the arrangements for sick leave. Absences should be supported by a Medical Certificate.

21 Contact during Adoption Leave (including KIT days)

Reasonable contact between an appropriate colleague and the employee on adoption leave is encouraged to facilitate communication. Either party may initiate this contact.

Under the Work and Families Act 2006, employees and their managers can agree to up to 10 'Keeping in Touch' (KIT) days during a period of adoption leave, without bringing the adoption leave to an end. During these days, an employee may attend work, undertake training or keep in touch with work developments through other means.

Arrangements should be agreed with the line manager. Agreed days at work must be structured to ensure they are used productively to the benefit of both the employee and the organisation. Employees will be paid for any KIT days worked under this arrangement in arrears. The department is responsible for completing a KIT form, returning this to Human Resources in the specified timescale.

This provision does not give the organisation any right to require any work to be carried out during the adoption leave period, nor any right on a member of staff to request work during this period. There is no obligation on either the organisation or the member of staff to use all 10 days.

Any amount of hours worked during one day will constitute one full day's work. Any KIT days worked will not have the effect of extending the total adoption leave period.

22 Return to Work

If the employee is returning to work at the end of their adoption leave period on the date already agreed with the organisation, they will need to make contact with their Manager prior to this so that a change of conditions form can be completed confirming the date they are returning to work.

An employee who has stated they wish to return to work after adoption leave may exercise this right at any time within 52 weeks of the commencement of the adoption leave period. If the employee has not taken their full adoption entitlement and wishes to delay their return date, notification must be given at least 8 weeks prior to their original return date. If the employee wishes to return earlier than the date originally agreed, 8 weeks' notice must be given prior to the date they wish to return.

The employee will normally have the right to return to the job in which they were employed under the original contract of employment. In the event of this not being possible, by reason

of organisational change, the situation will be managed in line with the organisational change policy.

The organisation will give consideration to all requests from staff who wish to reduce their hours of work, either to a part-time or job share basis, after adoption leave. The employee should submit their request to their line manager in writing as early as practicable in line with the Ways of Working Policy (Flexible Working) balance policy, but in any event not later than 28 days before the notified date of return to work.

SECTION C: PATERNITY LEAVE

23 What is Paternity Leave?

Paternity (or Partner) Leave is an employee's right to time off work to deal with the responsibilities associated with the birth or adoption of a child. This applies to biological and adoptive fathers, nominated carers, and same sex partners, to be present at the birth of a child, to have time off when the mother and baby are at home, or to have time off following the new placement of a child for adoption.

An employee's entitlements to pay will vary according to their length of service with the organisation and with the National Health Service.

This document outlines an employee's entitlements and the procedure that they will be required to follow when taking paternity leave. It is also designed to answer many of the questions that employees may have.

24 Notifying your Manager

It is important that an employee discusses paternity leave with their manager as soon as possible so that suitable arrangements can be considered to cover their post whilst they are away. They may also find it helpful to discuss any queries they may have about their paternity leave with their line manager before they plan to take paternity leave.

Employees may also wish to discuss their entitlements with a member of the Human Resources Department.

25 Antenatal Care

Employees do not have a legal right to time off to accompany their partner to antenatal appointments. The right to paid time off only applies to pregnant employees. However, an employee can request to take annual leave or unpaid leave.

26 Eligibility

Ordinary Paternity Leave and Pay

Employees who have 12 months continuous service with one or more NHS employers at the beginning of the week in which the baby is due will be entitled to 2 working weeks paternity leave with full pay. Full pay will be calculated on average weekly earnings in the 13 weeks before the date of leave.

Statutory Paternity Leave and Pay

Employees with 26 weeks continuous NHS service (but less than 1 year with the organisation or other NHS organisations) at the beginning of the 15th week before the baby is due will be entitled to 2 working weeks paternity leave.

Employees will be entitled to Statutory Paternity Pay (SPP) if their normal weekly earnings are equal or higher to the lower earnings limit for National Insurance Contributions. SPP will be paid at the current rate from the Department of Work and Pensions or 90% of the employees' normal weekly earnings if this is lower.

Unpaid Leave

Employees who do not meet the criteria for either Ordinary or Statutory Paternity Leave, may request to take up to 2 weeks unpaid paternity leave or alternatively request to take up to 2 working weeks paid annual leave.

Additional Paternity Leave

Employees who have been employed continuously for 26 weeks 15 weeks before the baby is due or who have been notified of a match for adoption on, will be entitled to Additional Paternity Leave (APL) for up to 26 weeks following the mothers return to work.

Statutory Paternity Leave will be paid at the equivalent amount as Statutory Maternity Pay.

Additional Paternity Leave will only be granted if the employee's partner has returned to work without using their full entitlement to maternity or adoption leave.

27 Notification of Paternity Leave

Applying for Ordinary Paternity Leave (OPL) (2 weeks)

In order for the employee to request OPL the application for OPL must be completed and signed by the employee's line manager 15 weeks before their partner's baby is due, or no later than 7 days after receiving the notification of a match for adoption.

The employee will be requested to submit a copy of their partner's MAT B1, a letter from their partners midwife stating the due date, or a copy of the matching certificate for adoption with their application for OPL.

The employee will receive confirmation of their request in writing from the HR Team within 28 days of receiving the request.

Applying for Additional Paternity Leave (APL) (26 weeks)

In order for the employee to request APL the application for APL must be completed 8 weeks prior to the date the employee wishes to begin their APL.

A copy of the babies' birth certificate or documentation from the adoption agency confirming the placement of the child should also be submitted at the time of requesting APL.

The employee will receive confirmation of their request in writing from the HR Team within 28 days of receiving the request.

28 Conditions of Ordinary Paternity Leave

OPL can only be taken in a single block of either one or two weeks within 56 days of the birth, or adoption, of the child.

OPL cannot be taken before the birth of the child, therefore, if OPL has been requested for the due date of the child and the employee taking paternity leave needs to change the date to when the child is actually born, the commencement of the paternity leave can be changed at the line manager's discretion. Ideally as much notice as possible should be given.

Employees are entitled to take either one or two weeks' Ordinary Paternity Leave which cannot be in odd days and if two weeks are taken, they must be taken together. A week is based on their usual working pattern. So if the employee works Mondays and Tuesdays only, a week would be two days or if they work Monday to Friday, a week would be five days.

29 Conditions of Additional Paternity Leave

Employees eligible for APL may be eligible to take up to 26 weeks APL within the first year of their child's life provided that the mother has returned to work before using their full entitlement to maternity leave.

Adoptive parents are also eligible for APL within the first year after the child's placement for adoptions, provided that the child's adopter who elected to take adoption leave has returned to work before using their full entitlement to adoption leave.

The earliest point that APL can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of the placement of the child for adoption, and it must end no later than 12 months after that date. APL must be taken as a single block in multiples of complete weeks.

The minimum period is 2 consecutive weeks and the maximum period is 26 weeks.

Whilst the employee is on APL they will continue to receive all their contractual benefits, except for salary, and annual leave will continue to accrue.

If the employee is eligible to receive APL, they will receive any remaining entitlement based on the date of their partner's return to work. When the statutory pay has been exhausted the rest of the period will be unpaid.

Employees are encouraged to take any outstanding annual leave they are entitled to prior to commencing their APL.

All accrued annual leave should be taken in the leave year that it is accrued.

In the case of multiple births, or if more than one child is placed for adoption at any one time, only one period of paternity leave is available.

Additional periods of unpaid leave may be considered at the discretion of the employee's manager. Or the Parental Leave provisions can be exercised (please refer to the Ways of Working Policy (Flexible Working) balance policy)

30 Changing the Paternity Leave date

To change the date of OPL, employees must give their manager at least 28 days notice.

To change the date of APL or if they no longer wish to take their leave, employees must give their manager at least six weeks' notice. If it is not practical for the line manager, they do not have to allow the employee to change any dates within six weeks of giving notice. For example, this might be the case if they have already provided cover for the employee's leave.

31 What if an employee is no longer eligible for Paternity Leave?

If an employee is no longer eligible for Additional Paternity Leave they must tell their manager as soon as possible. For example because their partner has not returned to work as planned or because they will not be caring for the child

Employees will have to take a period of unpaid leave if:

- they do not give six weeks' notice of the change in their eligibility
- the manager has already arranged cover for their leave

The unpaid leave would start on the date the employee's leave was due to start. It would end no later than six weeks after they gave notice that they were no longer eligible (or the date the leave was due to end if that is earlier).

Please note: In the sad event of a still birth after 24 weeks of the pregnancy, you will not be required to give six weeks notice of the change in your eligibility and will still be entitled to take two weeks Ordinary Paternity Leave

32 Keeping in Touch (including KIT days)

Notifying the Line Manager

Before going on leave, an employee and their manager should discuss and agree any voluntary arrangements for keeping in touch during the paternity leave.

This can include:

- Any voluntary arrangements that the employee may find useful to help them keep in touch with developments at work and, nearer the time of their return,
- Keeping the organisation in touch with any developments that may affect their return to work.

Optional KIT Dates

Optional keeping in touch (KIT) days are now available, on agreement with the line manager, which enable an employee to work for up to 10 days at any time during their additional paternity leave period without this affecting their right to additional paternity leave or pay. KIT days will not extend the paternity leave period. There is no obligation on the employer to offer, or for the employee to accept, such work and there is protection from detriment for refusing to do it. The employee will be paid at their basic daily rate, for the hours worked less appropriate paternity leave payment for KIT days. The employee's manager must complete a change of conditions form to enable them to be paid for these days of work minus paternity pay on their return to work.

Working for part of any day will count as one KIT day.

33 Return to Work

The employee will be expected to return to work on the date confirmed with the organisation. The employee should contact their line manager at least 8 weeks prior to this to organise the change of conditions form to activate the changes on the payroll.

If the employee wishes to return to work from APL earlier than the expected return date, they must give their manager at least eight weeks' notice in writing of their intention to return early.

If the employee decides not to return they must give notice of resignation as soon as possible in line with their contractual notice period.

Any employee who uses their entitlement to OPL and APL and pay will still be entitled to request parental leave from the birth of the child (please see Ways of Working Policy (Flexible Working) balance policy for more information).

Section D Shared Parental Leave

34 What is Shared Parental Leave

Shared Parental Leave (SPL) is designed to enable parents to share leave and to take time off work in a more flexible way.

It allows parents and adopters more flexibility in how they care for their child during the first year. Eligible mothers and fathers will have the right to share up to 50 weeks leave to care for their child (minus the period that the mother has spent on maternity leave).

This does not affect the existing entitlement to statutory maternity leave or ordinary paternity leave, which will continue unaffected. Parents can exercise their right to shared parental leave where the mother curtails her maternity leave, but the mother must take at least two weeks compulsory maternity leave before doing so.

35 Eligibility

Eligible employees will be entitled to Shared Parental Leave. The right to shared parental leave enables mothers and their partners to choose how they share time off work after the child has been born. Shared parental leave is also available to adoptive parents.

SPL can only be used by **two** people:

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

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they

must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;

- the employee must still be working for the CCG at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- The employee must correctly notify their Line Manager of their entitlement and provide evidence as required.

36 The Shared Parental Leave entitlement

The mothers/adopter's entitlement to maternity/adoption leave is 52 weeks.

Legally the mother is required to take 2 weeks of maternity leave after the birth. This means that the remaining 50 weeks can be taken by eligible employees as Shared Parental Leave.

SPL can only be used after the mother/adopter has **either**:

- Already returned to work **or**
- Given notice to their employer confirming when their maternity/adoption leave will end. Notice of the curtailment of maternity/adoption leave is binding so cannot be withdrawn except in certain circumstances.

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

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements as this needs to be taken within 56 days of the actual date of childbirth.

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

37 Notifying the CCG of an entitlement to Shared Parental Leave

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

Part of the eligibility criteria requires the employee to provide the CCG with correct notification.

The employee must complete the Shared Parental Leave Notification form giving the organisation written notice of their entitlement to SPL and ShPP, including:

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

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

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

38 Requesting Further Evidence of Eligibility

The CCG may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

39 Shared Parental Pay (ShPP)

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 Shared Parental Pay (ShPP). ShPP is paid at the same rate as Statutory Maternity Pay (SMP).

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.

To qualify for ShPP you 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

Your partner must:

- meet the 'employment and earnings test'
- 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.

40 Notice period

The employee must give at least 8 weeks' notice of any leave they wish to take. If the child is born more than 8 weeks early, this notice period can be shorter.

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

SPL can:

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

41 Varying or Cancelling Shared Parental Leave

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

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

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

42 Shared parental leave in touch (SPLIT) days

The employee and their partner can both work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days and will be paid. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or

adoption leave. SPLIT days are optional, however both the employee and the organisation must agree to them.

43 Blocks of leave

Employees can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if they aren't sharing the leave with their partner. If the organisation agrees, employees can split blocks into shorter periods of at least a week. If their partner is eligible for SPL, employees can take leave at different times, or both at the same time. Therefore, each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks. The employee must give the organisation at least 8 weeks' notice before they want to begin a block of leave.

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

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

44 Terms and Conditions

During the period of SPL, the employee's contract of employment remains in force and entitlement to receive all contractual benefits, except for salary. Annual leave will continue to accrue throughout SPL, excluding bank holidays.

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

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

4. Training requirements

Training and support will be available to all line managers in the implementation and application of this policy.

5. Equality Impact Assessment

All relevant persons are required to comply with this document and must

demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

6. Monitoring compliance and effectiveness

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

7. Counter fraud

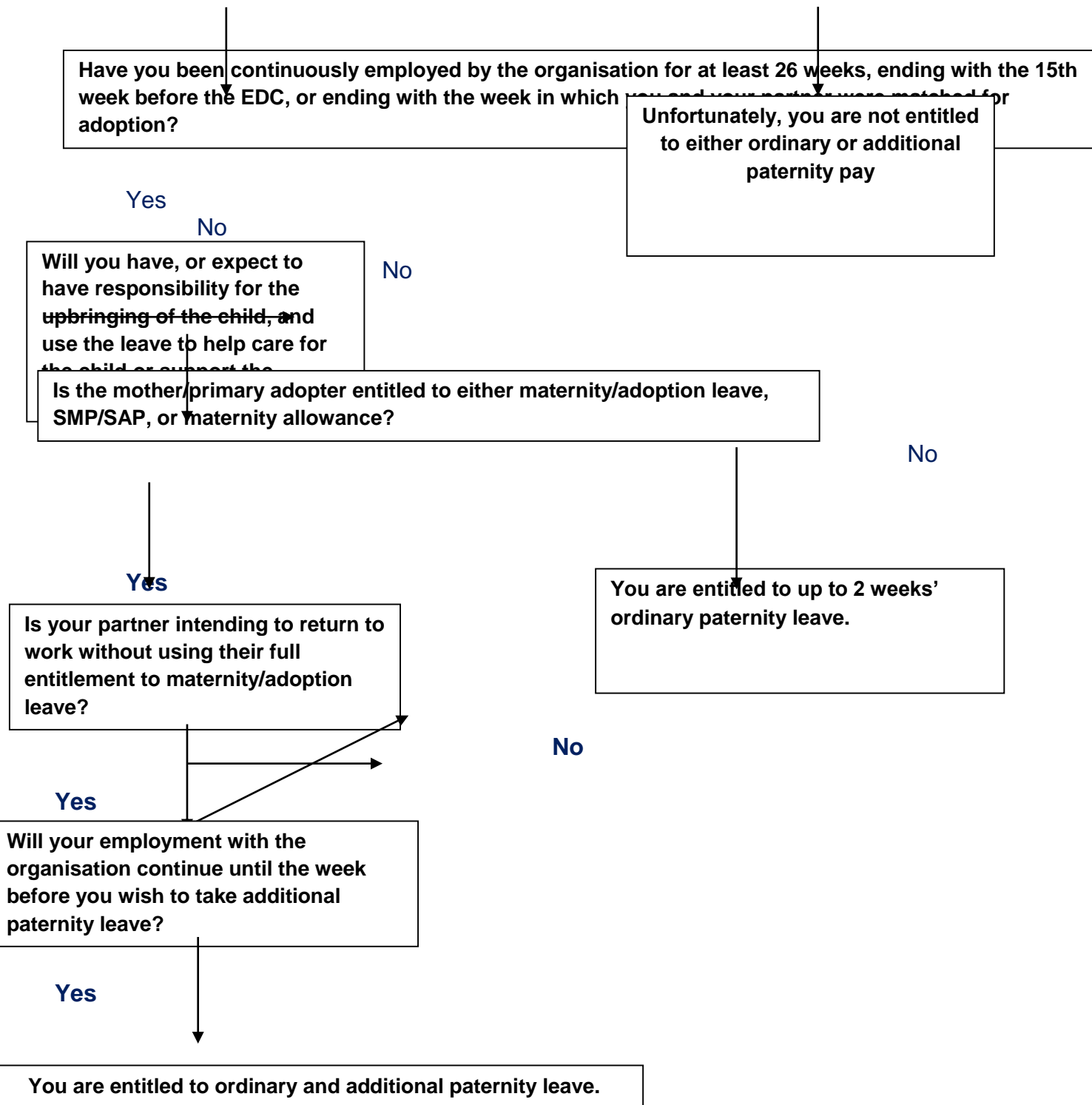
The CCG is committed to reducing fraud in the NHS to a minimum, keeping it at that level and putting funds stolen through fraud back into patient care. Therefore, we have given consideration to fraud and corruption that may occur in this area and our responses to these acts during the development of this policy document.

8. References, acknowledgements and associated documents

Flexible Working

9. Appendices

Appendix 1 What are my entitlements to Paternity Leave and pay?



Appendix 2 FREQUENTLY ASKED QUESTIONS

1 How do I apply?

Have you been continuously employed by the organisation for at least 26 weeks, ending with the 15th week before the EDC, or ending with the week in which you and your partner were matched for adoption?

Please apply using the relevant form as found on the ConsultHR website.

2 How is Maternity, Paternity, Adoption Leave and Shared Parental Leave entitlement paid?

Maternity, paternity and adoption pay will be paid for substantive staff into an employee's bank account the same way as their salary.

This applies for both occupational and statutory pay. Payment will continue to be made on the normal payday and the employee's payslip will be sent to their home address.

For fixed term employees whose contracts are not being extended, payment may be received in a lump sum at the point of termination.

What happens to an employee's pay during Maternity, Paternity, and Adoption Leave?

47.1 What is Full Pay?

The definition of full pay is calculated using the average weekly earnings rules used for calculating Statutory Pay subject to the points in section 15.21 of the National Staff Terms and Conditions Handbook.

47.2 National Insurance

National Insurance Contributions are deductible from the gross pay and gross Statutory Pay. They are not, however, deductible for the unpaid part of maternity, paternity and adoption leave and therefore benefits may be lost. However, employees should contact the Department of Work and Pensions office with a view to obtaining guidance on whether or not contributions should be paid in order to avoid any possible loss of benefits.

47.3 Income Tax

Occupational pay and Statutory Pay is subject to the provisions of income tax.

47.4 Pension Contributions

If employees wish to remain in the pension scheme, absence on paid or unpaid maternity, paternity and adoption leave is pensionable if they are returning to work. They will continue to pay full pension contributions on maternity, paternity and adoption pay whether the pay element is a nine-tenths full pay, half pay or nil pay. However, as pension deductions cannot be made during the unpaid period of maternity, paternity and adoption leave, arrears of contributions will accrue. If they wish, these arrears can be deducted from their salary when they return to duty. These deductions will be made by arrangement with the employee.

However these repayments will normally be deducted over a period not exceeding the length of time they were on unpaid leave. If, on their return to work, the employee does

not wish to continue paying pension contributions, then in normal circumstances no arrears will be requested and the first maternity, paternity or adoption pay day will be treated as a last pensionable day. If they are not returning to duty they will have a choice whether or not to pay pension contributions during their paid leave. Please contact the Payroll Department for further information.

47.5 Tax Rebates

Employees may be entitled to a tax rebate if they are not returning to work. Following their maternity, paternity and adoption pay they will receive a P45, which they should send to the Inland Revenue, along with written confirmation that they have finished work.

47.6 Increments

Absence on maternity, paternity or adoption leave, whether paid or unpaid shall count towards an employee's annual increment. Where there is a gateway, pay progression will take place as normal and their performance will then be reviewed on their return to work. Please refer to the Personal Development Review Policy for further clarification.

47.7 Retrospective Pay Awards

In the event of a pay award (or normal annual increment) being implemented from any date prior to the paid maternity, paternity or adoption leave period, the occupational pay will be calculated as though the pay award had effect throughout the entire Statutory Pay calculation period. If a pay award is agreed retrospectively, the occupational pay should be recalculated on the same basis.

If a pay award (or normal annual increment) is implemented during the paid maternity, paternity or adoption leave period, the occupational pay due from the date of the pay award or annual increment will be increased accordingly. If such a pay award was agreed retrospectively, the occupational pay should be re-calculated on the same basis.

In the case of an employee on unpaid sick leave or on half sick pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for Statutory Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

47.8 Trade Union Deductions

Such deductions cease during the unpaid part of the maternity, paternity or adoption leave and are reinstated upon an employee's return to paid employment unless otherwise agreed.

Does Maternity, Paternity, Adoption and Shared Parental Leave affect continuity of service?

Maternity, paternity, adoption or shared parental leave does not count as a break in service.

What are an employee's contractual rights during Maternity, Paternity, Adoption and Shared Parental Leave?

During their maternity, paternity or adoption leave (both paid and unpaid), an employee will retain all of their contractual rights except remuneration.

Consideration for Annual Leave entitlement



It is recommended that employees take any outstanding annual leave accrued prior to their maternity, paternity or adoption leave, before their maternity, paternity or adoption leave starts.

All accrued leave should be taken in the leave year that it is accrued if possible. If this is not possible, you will need to discuss with your Manager when you intend to take your annual leave.

Employees must ensure they have sufficient leave on their return to cover any customary or bank holidays that may occur from their return until the end of the leave year.

Consideration of Bank Holidays

Employees on paid and unpaid maternity leave retain their right to annual leave and public holidays.

What if an employee's contract needs to be amended during Maternity, Paternity, Adoption and Shared Parental Leave?

If it is necessary to amend an employee's contract during their maternity, paternity or adoption leave, the amendment should be following consultation and should place the employee on no less favourable terms than for existing employees.

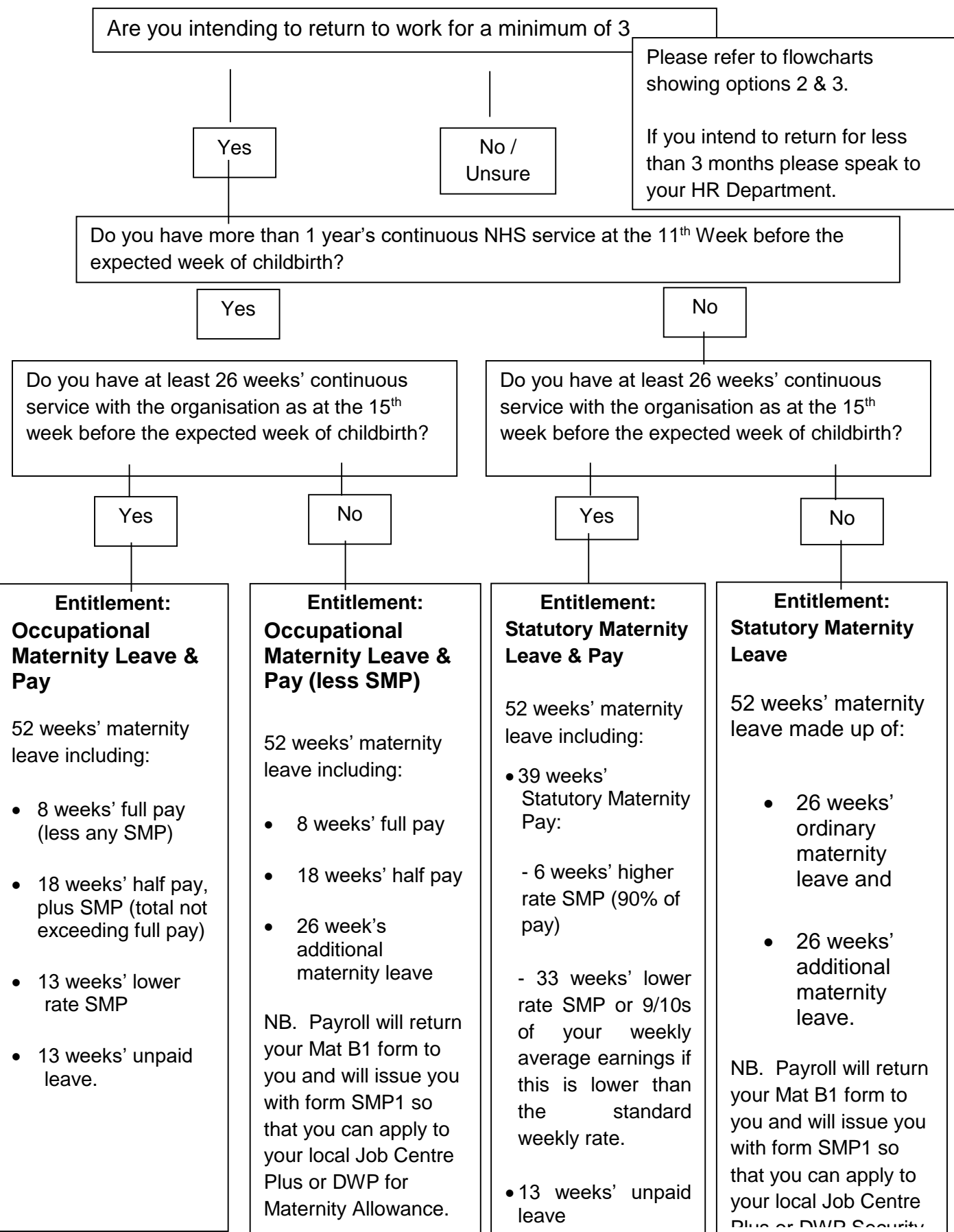
Working on the Bank

Employees will not be eligible to work on the bank whilst on maternity, paternity or adoption leave. This would in effect end their maternity, paternity or adoption leave as they would be deemed to have returned to work.

Does the organisation have childcare provision?

The CCG has access to a Childcare Voucher scheme and information about the scheme is available from Human Resources.

Appendix 3: Flow Charts



Are you unsure whether you will return to work for a minimum of 3 months?

Yes

Do you have more than 1 year's continuous NHS service at the 11th week before the expected week of childbirth?

Yes

Do you have at least 26 weeks' continuous service with the organisation as at the 15th week before the expected week of childbirth?

Yes

**Initial Entitlement:
Occupational
Maternity Leave +
SMP**

52 weeks' maternity leave including:

- 39 weeks' Statutory Maternity Pay :
 - 6 weeks' higher rate SMP (90% of pay)
 - 33 weeks' lower rate SMP or 9/10s of your weekly average earnings if this is lower than the standard weekly rate.
- 13 weeks' unpaid leave.

No

**Initial Entitlement:
Occupational
Maternity Leave**

- 52 weeks' leave including 6 weeks at 90% of pay.

NB. Payroll will return your Mat B1 form to you and will issue you with form SMP1 so that you can apply to your local Job Centre Plus or DWP for Maternity Allowance.

No

Do you have at least 26 weeks' continuous service with the organisation as at the 15th week before the expected week of childbirth?

Yes

**Entitlement:
Statutory
Maternity Leave &
Pay**

52 weeks' maternity leave including-

- 39 weeks' Statutory Maternity Pay:
 - 6 weeks' higher rate SMP (90% of pay)
 - 33 weeks' lower rate SMP or 9/10s of your weekly average earnings if this is lower than the standard weekly rate.
- 13 weeks' unpaid leave

No

**Entitlement:
Statutory
Maternity Leave**

52 weeks' unpaid maternity leave

NB. Payroll will return your Mat B1 form to you and will issue you with form SMP1 so that you can apply to your local Job Centre Plus or DWP for Maternity Allowance.

If you return to work:

If you decide to return to work for a minimum of 3 months, your occupational maternity pay will be reimbursed to you. This payment will be the difference between the Statutory Maternity Pay or Maternity Allowance you will already have received and your full entitlement to Occupational Maternity Pay.

REMEMBER

- **If you decide not to return to work you must give your contractual notice.**

Please note: If you decide to choose this option, you will be giving notice of your intention to leave the organisation and your contract of employment will be terminated at the end of your 52 weeks' maternity leave.

