

## New Parents' Policy (Maternity, Adoption, Shared Parental and Paternity Leave)

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**Instant Information** – eligibility criteria for Maternity, Adoption, Paternity and Shared Parental Leave Pay

**Chart for Maternity, Adoption, Shared Parental and Paternity Pay**

	<i>Eligibility Criteria – Length of Service</i>	<i>Payment Entitlement</i>	<i>Arrangements for Payment</i>
<b>Maternity/Adoption/Shared Parental</b>	Less than 26 weeks' service with the Trust 15 weeks before the expected week of childbirth	Maternity Allowance	Employee to apply via Jobcentre Plus
	At least 26 weeks' continuous service with the Trust <b>either</b> 15 weeks before the expected week of childbirth <b>or</b> by the week they are matched with a child	Statutory Maternity or Adoption Pay	Paid by the Trust who will claim back the money from the HMRC
	12 months' continuous service with the Trust or any NHS employer, at the beginning of the 11 <sup>th</sup> week before the expected week of childbirth <b>and who are</b> intending to return to work for a minimum of three months after their leave.	NHS Occupational Maternity Pay	Paid by the Trust
	12 months' continuous service with the with the Trust or any NHS employer by <b>either</b> the week in which they are notified of being placed with a child for adoption <b>or</b> by the 15 <sup>th</sup> week before the baby's due date if applying via a surrogacy arrangement <b>and who are</b> intending to return to work for a minimum of three months after their leave.	NHS Occupational Adoption Pay	Paid by the Trust
	12 months' continuous service with the Trust or any NHS employer, at the beginning of the 11 <sup>th</sup> week before the expected week of childbirth/placement but <b>who are not</b> intending to return to work for a minimum of three months after their leave.	Statutory Maternity or Adoption Pay	Paid by the Trust who will claim back the money from the HMRC

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	<p>12 months' continuous service with any NHS employer, at the beginning of the 11th week before the expected week of childbirth or by the week in which they are notified of being matched with a child for adoption</p> <p><b>but</b></p> <p>With less than 26 weeks' continuous service with the Trust 15 weeks before the expected week of childbirth/placement.</p>	Occupational Maternity or Adoption Pay and Maternity Allowance	Occupational paid by the Trust and Maternity Allowance to be claimed by the employee via Jobcentre Plus
	<p>26 weeks' continuous service with the Trust <b>either</b> at the end of the 15<sup>th</sup> week before the week in which the child is due <b>or</b> at the week in which they are notified of being matched with a child for adoption</p>	Statutory Shared Parental Pay	Paid by the Trust who will claim back the money from the HMRC
	<p>12 months' continuous service with the NHS <b>either</b> at the beginning of the 11<sup>th</sup> week before the expected week of childbirth <b>or</b> at the beginning of the week in which they are notified of being matched with a child for adoption</p>	Occupational Shared Parental Pay	Paid by the Trust
Paternity (New Parent Support Leave)	<p>12 months' continuous service with the Trust or any NHS employer before the child is expected to be born / before the adoption placement.</p>	New Parent Support Leave / Occupational Paternity Pay	Two weeks' full pay paid by the Trust.
	<p>26 weeks' continuous service with the Trust 15 weeks before the expected week of childbirth/placement.</p>	Up to two weeks' Statutory Paternity Pay	Statutory rate of pay paid by the Trust who will claim back the money from the HMRC

## 1 Introduction & Purpose

### 1.1 Introduction & Purpose

The Great Western Hospitals NHS Foundation Trust (the Trust) is committed to encouraging employees to maintain a work life balance, by supporting employees to share the care of their child in the first year following birth or adoption.

This policy provides a framework for guidance in managing an employee's Maternity and Adoption Leave, Shared Parental Leave and Paternity (New Parent Support) Leave. It applies to all employees who are pregnant (including pregnant surrogates), matched with a child by an adoption agency, seeking to take Shared Parental Leave, or seeking to take Paternity/New Parent Support Leave. It also covers prospective parents who are fostering for adoption and the intended parents in surrogacy arrangements.

### 1.2 Glossary/Definitions

The following terms and acronyms are used within the document:

<b>CQC</b>	Care Quality Commission
<b>EIA</b>	Equality Impact Assessment
<b>IP&amp;C</b>	Infection Prevention and Control
<b>NHS</b>	National Health Service
<b>GWH</b>	Great Western Hospital
<b>HMRC</b>	HM Revenue and Customs
<b>EWC</b>	Expected Week of Childbirth
<b>MATB1</b>	Maternity Certificate, verifying pregnancy and EWC
<b>OML</b>	Ordinary Maternity Leave
<b>AML</b>	Additional Maternity Leave
<b>MA</b>	Maternity Allowance
<b>OMP</b>	Occupational Maternity Pay
<b>SMP</b>	Statutory Maternity Pay
<b>OAL</b>	Ordinary Adoption Leave
<b>AAL</b>	Additional Adoption Leave
<b>OAP</b>	Occupational Adoption Pay
<b>SAP</b>	Statutory Adoption Pay
<b>Qualifying Week</b>	15 <sup>th</sup> week before the Expected Week of Childbirth
<b>SPL</b>	Shared Parental Leave
<b>ShPP</b>	Shared Parental Pay
<b>MA</b>	Maternity Allowance
<b>KIT day</b>	Keeping In Touch day for employees on Maternity/Adoption Leave
<b>SPLIT day</b>	Shared Parental Leave Keeping In Touch day

## 2 Main Contents

### 2.1 Maternity and Adoption

#### 2.1.1 Eligibility for Maternity Leave and Pay

All pregnant employees are entitled to 52 weeks' Maternity Leave (comprising 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave), regardless of length of service, provided

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they continue to be employed until immediately before the beginning of the 11th week before the Expected Week of Childbirth (EWC).

Rates of pay will be dependent upon the employee's individual situation. An employee will be entitled to paid leave under the NHS Occupational Maternity Pay scheme if:

- They have 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth
- They notify their manager in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):
  - (a) Of their intention to take Maternity Leave;
  - (b) Of the date they wish to start their Maternity Leave – they can choose when to start their Maternity Leave – this can usually be any date from the beginning of the 11th week before the baby is born;
  - (c) That they intend to return to work with the Trust or another NHS employer for a minimum period of three months after their Maternity Leave has ended;
  - (d) They provide a MATB1 form from their midwife or GP giving the expected date of childbirth.

### 2.1.2 Eligibility for Adoption Leave and Pay

Statutory Adoption Leave is 52 weeks; consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL). Only one person in a couple can take Adoption Leave, with the other partner able to take Paternity/New Parent Support Leave. Adoption Leave is available to an employee adopting through a United Kingdom (UK) adoption agency or an overseas agency that has been approved by the relevant UK authorities.

An employee will be entitled to paid leave under the NHS Occupational Adoption Pay scheme if:

- They are the primary carer in the adoption arrangement made by an official adoption agency, or they are the intended parent through a surrogacy arrangement and commit to applying for a parental or adoption order.
- They have 12 months' continuous service with one or more NHS employers by either:
  - The beginning of the week in which they are notified of being matched with a child for adoption; or
  - The 15th week before the baby's due date if applying via a surrogacy arrangement and where the employee is eligible and intends to apply for a parental order.
- They notify their employer in writing before the end of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement:
  - Of their intention to take Adoption Leave;
  - Of the date they wish to start their Adoption Leave;
  - That they intend to return with the same or another NHS employer for a minimum period of three months after their Adoption Leave has ended;
  - And provide written confirmation from their placing authority of the matching decision or a parental statutory declaration that they intend to apply for a parental order in the case of a surrogacy arrangement.

### 2.1.3 Maternity and Adoption Leave: Pay Entitlement

#### Occupational Maternity Pay (OMP) and Occupational Adoption Pay (OAP)

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Where an employee fulfils the eligibility criteria outlined in 2.1 or 2.2, and where they intend to return to work for a minimum of three months after their leave, the amount of OMP or OAP receivable is as follows:

- i. For the first eight weeks: full pay, inclusive of any Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance receivable.
- ii. For the next 18 weeks, half-pay plus any SMP, SAP or Maternity Allowance receivable, providing the total receivable does not exceed full pay.
- iii. For the next 13 weeks, SMP, SAP or Maternity Allowance that they are entitled to under the statutory scheme.
- iv. For the final 13 weeks, no pay.

Employees can request to have OMP or OAP averaged out over the period of their Maternity or Adoption Leave. Should the employee subsequently choose to access Shared Parental Leave and Pay, payments will be recalculated to ensure that there has been no over or underpayment of entitlements.

Should the employee opt to receive OMP or OAP and then not return to undertake the three months of work required within this policy, they will be liable to repay the difference between Statutory Pay and the Occupational Pay received.

### Statutory Maternity Pay (SMP)

Employees will be eligible for SMP provided that:

- They have been continuously employed by the Trust for at least 26 weeks at the Qualifying Week (the 15<sup>th</sup> week before the EWC) and have average earnings of not less than the lower earnings limit for National Insurance contributions.
- Employees will remain entitled to SMP if they leave the Trust after the start of the Qualifying Week but before the 11th week before the EWC, provided that the earnings criteria are met, as above.

Employees will receive:

- i. For the first six weeks: the higher rate of SMP, which is 90% of their average weekly earnings. If OMP is being paid, this is included as part of the OMP.
- ii. The next 33 weeks: the lower rate of SMP, as set out by the government, or 90% of their average weekly earnings, whichever is lower.

### Statutory Adoption Pay (SAP)

Employees will be eligible for SAP provided that:

- They have been continuously employed the Trust for at least 26 weeks by the week they were matched with a child.
- Over the eight week period ending with the week in which they are notified of being matched with the child for adoption, they must have average weekly earnings which are not less than the lower earnings limit for National Insurance contributions.
- They give the correct notice and proof of the adoption or surrogacy.

Employees will receive:

- i. For the first six weeks: 90% of their average weekly earnings. If OAP is being paid, this is included as part of the OAP.



- ii. The next 33 weeks: SAP, as set out by the government, or 90% of their average weekly earnings, whichever is lower.

### Maternity Allowance

If employees do not qualify for SMP, they may be entitled to Maternity Allowance. To qualify for Maternity Allowance (MA) for up to 39 weeks, employees must have been employed or self-employed for 26 out of the 66 weeks before the Expected Week of Childbirth and have average earnings at least equal to the MA threshold as detailed by the HMRC.

#### **2.1.4 Calculation of Maternity and Adoption Pay**

Full Occupational Maternity Pay is calculated by taking the average weekly earnings over the eight week period prior to the qualifying week. For monthly paid employees this will include all the pay they receive in the two months up to and including the last normal pay day before the end of the qualifying week. The qualifying week is 15 weeks before the Expected Week of Childbirth.

Full Occupational Adoption Pay is calculated by taking the average weekly earnings over the eight week period ending with the week in which the employee is notified of being matched with the child for adoption.

For those in the salary sacrifice scheme, full pay is the reduced sacrificed salary unless the employee comes out of the scheme before the qualifying period. The amount that is received as a benefit e.g. child care place, childcare vouchers will continue to be provided by the Trust during Maternity/Adoption Leave.

The computer, phone and bike schemes work in a similar fashion but once the employee is in a period of no pay, the payments freeze until they return.

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

Maternity and Adoption pay will be paid into the employee's bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, National Insurance and pension contributions.

#### **2.1.5 Commencement and duration of Maternity/Adoption Leave**

Once the employee has submitted their Application for Maternity or Adoption Leave or Pay (available in the HR Family Friendly Toolkit), the Recruitment Team will confirm in writing the entitlements to the employee, normally within 28 days of receipt of the application.

An employee may begin their Maternity Leave at any time between 11 weeks before the expected week of childbirth (unless the baby is born earlier) and the expected week of childbirth, provided they give the required notice.

An employee should inform the Trust of when they wish to take their Adoption Leave within seven days of having been notified that they have been matched with a child for adoption. Where possible, the employee should give 28 days' notice of when they want the Statutory Adoption Pay period to start.

If the employee subsequently wants to change the date from which they wish their Maternity or Adoption Leave to start, they should notify their employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable).

### 2.1.6 Sickness prior to childbirth

If an employee is off work ill, 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 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 sickness absence in accordance with normal leave provisions.

Odd days of sickness absence during this period may be disregarded if the employee wishes to continue working until the Maternity Leave start date previously notified.

### 2.1.7 Pre-term birth

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

Where an employee's 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.

Where an employee's baby is born before the 11th week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, Maternity Leave will start the day after the day of birth.

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

### 2.1.8 Still birth

In the event where an employee's baby is stillborn after the end of 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. The employee can access Staff Support Services on 01793 815279.

### 2.1.9 Miscarriage

In the event where an employee has a miscarriage before the start of the 25th week of pregnancy, normal sickness absence provisions will apply as necessary. The employee can access Staff Support Services on 01793 815279 and also the Employee Assistance Programme (available 24/7) on 0800 083 3375.

### 2.1.10 Health and Safety of Employees pre and post birth

Where an employee is pregnant, has recently given birth or is breastfeeding, the Trust is committed to ensure that extra provisions are in place to protect the health and safety of its employees. As soon as the Trust is made aware of an employee being pregnant, it will ensure that action is taken to assess the safety requirements of the working environment with specific regard to a pregnant employee. This is likely to take a format of a maternity risk assessment (the link to this can be found in the HR toolkit on the Intranet) and an Occupational Health Referral may be required. The risk assessment must be updated when an employee returns from maternity leave and, if they are breastfeeding, an

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Occupational Health Referral is also highly recommended. Suitable rest facilities must be provided for workers who are pregnant or breastfeeding.

Every employee is expected to keep the Trust informed of significant changes in their circumstances which may affect their safety, provisions or rights under this policy or statutory regulations.

### 2.1.11 Fostering for Adoption

Prospective adopters who have been approved by their adoption agency under a “concurrent” or “fostering for adoption” arrangement may choose to start their Adoption Leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of Adoption Leave is payable per placement.

### 2.1.12 Adoption Disruption

Should the adoption break down (“Be disrupted”), the employee will be entitled to continue their Adoption Leave and receive the appropriate payment for that time.

## 2.2 Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents to choose how to share time off work in the first year after their child is born or after a child is placed for adoption. This could mean that the mother or adopter shares some of the Maternity or Adoption leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

Qualifying mothers and adopters continue to be entitled to Occupational Maternity and Adoption Pay but may also be able to choose to end this early and exchange it for SPL and pay, provided two weeks’ compulsory maternity or adoption leave has been taken first.

### 2.2.1 Eligibility for Shared Parental Leave and Pay

Eligible parents can get up to 50 weeks’ SPL and up to 37 weeks’ Shared Parental Pay (ShPP).

To qualify for SPL, an employee must pass the continuity of employment test detailed below. In turn, the other parent must meet the criteria within the employment and earnings test.

- Continuity of employment test: the person must have worked for the Trust for at least 26 weeks at the end of the 15<sup>th</sup> week in which the baby is due (or at the week in which an adopter was notified of having been matched with a child for adoption), and still employed in the first week that Shared Parental Leave is to be taken.
- Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date (or by the week in which an adopter was notified of having been matched with a child), and have earned above the maternity allowance threshold in any 13 of the 66 weeks.

To qualify for Statutory Shared Parental Pay:

- The employee must pass the continuity of employment test as detailed above.
- The employee must have earned an average salary of the lower earnings limit in force for national insurance contributions for the eight weeks prior to the 15<sup>th</sup> week before the expected due date or matching date.
- The other parent must meet the employment and earnings test as detailed above.

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- The mother/adopter must be/have been entitled to SMP, SAP or MA, and must have reduced their SMP, SAP or MA period.
- The employee must intend to care for the child during the week in which ShPP is payable.

An employee will be entitled to paid SPL under the NHS Occupational Shared Parental Leave and Pay scheme if:

- They have 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement.
- They notify their manager of their wish to take SPL and provide a minimum of eight weeks' notice, through the submission of a Notification of Shared Parental Leave Form (which can be found on the HR Family Friendly Toolkit on the Intranet), which will confirm:
  - (a) Their intention to take SPL;
  - (b) The date(s) they wish to access SPL (noting that two weeks compulsory maternity or adoption leave must be taken by the mother or primary adopter before they can access SPL);
  - (c) That they intend to return to work with the Trust or another NHS employer for a minimum period of three months after their SPL has ended;
  - (d) That the mother or primary adopter has returned to work following Maternity or Adoption Leave, or has provided the binding notice confirming that they intend to bring their Maternity or Adoption Leave and pay entitlements to an early end.
- They confirm that the other parent meets the statutory employment and earnings test as detailed above.

### 2.2.2 Procedure for Shared Parental Leave

In order to access Shared Parental Leave employees will be required to complete the appropriate forms which are available on the HR Family Friendly Toolkit. The Trust may at their discretion require the individual to provide additional information, within 14 days, on their circumstances where this is reasonable and necessary to determine entitlements. This may include:

- The name and business address of the partner's employer (where the employer'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;
- In the case of an adopted child, documentary evidence 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.

It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements; the Trust will have a right to reclaim any overpayment. Providing deliberately inaccurate information may also lead to the Trust taking disciplinary action.

### 2.2.3 Booking and Varying Shared Parental Leave

Shared Parental Leave and Pay must be taken within one year of the birth/placement of the child.

Please note however that a minimum of two weeks' leave must be taken immediately after giving birth or following the placement of a child. This is called Compulsory Maternity/Adoption Leave.

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An employee should provide notice to book a period of leave by completing the appropriate forms, available on the HR Family Friendly Toolkit on the Intranet. The minimum period of notice to book or amend a period of leave is eight weeks, but flexibility may be provided in the event of early and late births, and in the case of adoption placements.

Each eligible parent can provide up to three separate notices to book leave. This includes notices to vary a previously agreed pattern of leave. Each of the three notices to book leave may include a single continuous block of leave (e.g. six weeks in a row) or discontinuous blocks of leave (e.g. working every other week for a period of three months). SPL can only be taken in complete weeks but may begin on any day of the week.

Requests for single blocks of leave cannot be refused. Once submitted, an employee cannot withdraw the notice unless they have their line manager's express permission.

In instances where discontinuous periods of leave are requested, the Trust is not bound to agree the requested pattern. Upon receiving the request, the line manager will usually arrange an informal meeting to discuss it and whether it can be accommodated. The meeting will be attended by a representative from HR, and the employee may be accompanied by a workplace colleague or a trade union representative.

In the limited circumstances where the line manager refuses the requested pattern, they will explain the reason for the refusal. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the Trust has authority over how and when it is taken. For example, the total combined weeks' leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the employee but be no less than eight weeks from the date the original notice was provided to the line manager. In instances where the employee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.

An employee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice, providing an agreement has not been reached with their line manager about when they will be absent from work. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided.

If a notice is withdrawn it will not count towards the three booking notifications cap.

### 2.2.4 Confirming Shared Parental Leave and Pay

Once the application forms for Shared Parental Leave Form have been discussed and agreed with the line manager, it is submitted to the Recruitment Team, who will confirm in writing, normally within 28 days of after the leave notification was made:

- i. the employee's paid and unpaid Shared Parental Leave entitlements;
- ii. the confirmed leave pattern, including start and end dates, for each block of Shared Parental Leave the employee and line manager have agreed will be taken;
- iii. confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended; and
- iv. the length of any period of accrued annual leave which it has been agreed may be taken following the end of Shared Parental Leave.

### 2.2.5 Paid Shared Parental Leave: Amount of Pay

Eligible employees will be entitled to claim up to 37 weeks of Statutory Shared Parental Leave Pay (ShPP), less any weeks of Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Pay or

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Shared Parental Leave Pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, providing two weeks' compulsory Maternity or Adoption Leave has been taken first. ShPP is paid at a rate set by the government each year.

Where an employee intends to return to work after a period of SPL, the maximum joint entitlement of an eligible couple to Occupational Shared Parental Pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity/adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent.

- i) For the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;
- ii) For the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;
- iii) For the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme.
- iv) For the final 13 weeks, the employee will receive no pay.

The Trust will not pay more than 26 weeks, consisting of 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing Occupational Maternity or Adoption or Shared Parental Pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are Trust employees as SPL and pay is a joint entitlement.

### 2.3 Keeping in Touch during the Maternity, Adoption, or Shared Parental Leave period

Before going on leave, the line manager and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's Maternity, Adoption, or Shared Parental Leave, including:

- i) Any voluntary arrangements that may help them keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work;
- ii) Keeping the Trust in touch with any developments that may affect their intended date of return.

It is also important that the line manager and employee have early discussions to plan and make arrangements for "keeping in touch days" (KIT days), or "shared parental leave in touch days" (SPLIT days). KIT / SPLIT days are intended to facilitate a smooth return to work for employees returning from Maternity, Adoption, or Shared Parental Leave.

An employee may work for up to a maximum of 10 KIT days without bringing their Maternity or Adoption Leave to an end. Any days of work will not extend the Maternity / Adoption Leave period.

An employee may work up to a maximum of 20 SPLIT days without bringing their Shared Parental Leave to an end. Any days of work will not extend the Shared Parental Leave period. This will enable employees on leave to work either continuously or on odd days without bringing an end to their leave and pay.

An employee may not work during the two weeks of compulsory Maternity or Adoption Leave.

Work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the Trust nor the employee can insist upon it.

For KIT/SPLIT days worked, the employee will be paid at their basic daily rate for the hours worked, less any Occupational or Statutory Maternity/Adoption/Shared Parental Leave payments. Working for part of any day will count as one KIT/SPLIT day.

If a KIT/SPLIT day is worked in the full pay period, the Trust will make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work. If the KIT/SPLIT day is worked on a day of leave in the half pay period, the Trust will make arrangements to ensure the employee receives a half day of paid leave in lieu once the employee has returned to work.

## 2.4 Terms and Conditions during Maternity/Adoption/Shared Parental Leave

During Maternity, Adoption and Shared Parental Leave, whether paid or unpaid, the employee retains all of their contractual rights except remuneration, and the period shall count as service for the purpose of any service qualification for additional annual leave. Contractual annual leave entitlement will continue to accrue and, where possible, annual leave should be taken in the year that it is accrued so immediately before or after the period of leave.

An employee on Maternity / Adoption / Shared Parental Leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay-step date, the pay-step point should be automatically applied in the individual's absence.

Pension contributions will continue to be made during any period when the employee is receiving Statutory or Occupational Maternity/Adoption/Shared Parental Leave pay. During unpaid leave, pension contributions cannot be processed but contributions due will be deducted from the employee's salary upon their return to work. This will be over a similar length of time as the period covered by the unpaid leave. Employee contributions will be based on actual pay received directly prior to the period of unpaid leave, while the Trust's contributions are based on the salary that the employee would have received had they not been taking Maternity/Adoption/Shared Parental Leave.

If an employee initially intends to return to work and has already paid some contributions during the period of leave, then the last day of membership will be treated as the last day up to which the contributions were last paid.

If the member does not intend to return to work, they are still entitled to pay pension contributions during the period of statutory leave.

## 2.5 Return to Work

An employee has the right to return to their job, on the same terms and conditions of employment, in which they were employed before their period of leave, when they have been on leave for 26 weeks or less. If the period of leave is more than 26 weeks, they are still entitled to return to the same job on the same terms and conditions unless it is not reasonably practicable to do so. In that is the case, then they are entitled to another suitable job that is on terms and conditions no less favourable.

An employee who intends to return to work at the end of their full Maternity or Adoption Leave, or at the end of their Shared Parental Leave, will not be required to give any further notification to the line manager. If they wish to return early from Maternity, Adoption or Shared Parental Leave, they must give at least 28 days' notice.

### 2.5.1 Return to Work Process

Before the employee returns to work, the manager will ensure that:

- The employee is asked if they require an Occupational Health referral prior to returning to work. If so, the manager will make the referral and, after seeing the employee, Occupational Health will write to the manager to inform them of whether any reasonable adjustments/recommendations are required.
- They calculate how much leave the employee has accrued (in consultation with the employee) and agree when the employee plans to take this block of leave. Conversations about returning to work should take place at least eight weeks prior to the start date of any accrued annual leave.
- A change note is completed advising of the date of return (this will be the start date of accrued annual leave if applicable) and forwarded to Payroll and HR.
- A reorientation programme, where appropriate, is drawn up prior to the employee's return and implemented over the first few weeks of return.
- A full analysis of statutory and mandatory training requirements for the employee is undertaken and a programme of training established to ensure safe practice.
- The employee must be fully compliant via Training Tracker and face to face Clinical Mandatory Training (if applicable) if their leave has been for six months or more.
- A risk assessment, where applicable, is carried out prior to the employee's return to work.

### 2.5.2 Returning on Flexible Working Arrangements

If, at the end of Maternity, Adoption, or Shared Parental Leave, the employee wishes to return to work on different hours, please refer to the Trust's Flexible Working Policy (available from the HR Family Friendly Toolkit on the Intranet).

### 2.5.3 Sickness Following the End of Maternity, Adoption, or Shared Parental Leave

In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply.

### 2.5.4 Failure to Return to Work

If an employee who has notified their employer of their intention to return to work for the Trust, or a different NHS employer, in accordance with paragraph 2.1.1, 2.1.2 or 2.2.1, fails to do so within:

- i) 15 months of the beginning of their Maternity / Adoption Leave, or
- ii) three months of the end of their Shared Parental Leave;

they will be liable to refund the whole of their Maternity, Adoption, or Shared Parental Pay, less any Statutory Maternity, Adoption or Shared Parental Pay received.



## 2.6 Fixed-Term Contracts or Training Contracts

Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth, or the date of matching, or the 15th week before the baby's due date if applying via a surrogacy arrangement, and who satisfy the relevant conditions in paragraphs 2.1.1, 2.1.2 or 2.2.1 shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid Occupational and Statutory Maternity / Adoption / Shared Parental Pay, and the remaining 13 weeks of unpaid Maternity / Adoption / Shared Parental Leave.

Absence on Maternity / Adoption / Shared Parental 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 / Adoption / Shared Parental Leave had not occurred or been taken, the repayment provisions set out in paragraph 2.4.4 will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition may still be entitled to Statutory Maternity / Adoption / Shared Parental Pay.

## 2.7 Rotational training contracts

Where an employee is on a planned rotation of appointments with the Trust, as part of an agreed programme of training, they shall have the right to return to work after a period of Maternity, Adoption or Shared Parental Leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth / Adoption / Shared Parental Leave had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

## 2.8 Antenatal Care

The Trust will support pregnant employees with paid time off from work to attend any pregnancy related appointments, clinics and classes on the advice of a registered medical practitioner, midwife or health visitor, subject to service needs and managerial agreement.

The pregnant employee's partner will be entitled to unpaid leave to attend two ante natal appointments. Unpaid leave, up to a maximum of six and a half hours per appointment can be accessed. The pregnant employee's partner includes a spouse, civil partner (of either sex) or a person with whom she is in a long-term relationship.

## 2.9 Pre-adoption Meetings

Employees being assessed for adoption have the right to reasonable paid time off for essential meetings.

## 2.10 Paternity Leave and Pay / New Parent Support Leave and Pay

### 2.10.1 Eligibility

Employees will be eligible for Statutory Paternity Leave if they have or expect to have, responsibility for the child's upbringing and:

New Parents Policy

- Have worked continuously for the Trust for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.
- Are the biological father of the child, or are the spouse, civil partner or partner to the child's mother or individual who has adopted the child, is fostering for adoption or who seeks a parental order in a surrogacy arrangement.
- Have formally notified the Trust of their intention to take Paternity Leave and, where applicable, have produced evidence of their claim for Paternity Leave.

Statutory Paternity Pay for eligible employees is either the weekly Statutory Paternity Leave payment given by HMRC or 90% of their average weekly earnings (whichever is lower).

If an employee has 12 months' continuous service with the Trust or any other NHS employer before they take their leave, this statutory leave is enhanced to two weeks' New Parent Support Leave, which is paid at full pay.

### 2.10.2 Entitlement to Leave and Pay

Paternity Leave will be a period of one or two weeks which must be used in a single block of leave and taken within 56 days of the birth (it cannot start before the birth and must finish within 56 days of the birth), or placement of child for adoption. Employees will qualify for Statutory Paternity Pay during their absence if they have average weekly earnings equal to or greater than the current lower earnings limit for national insurance contributions purposes.

If an employee is eligible for New Parent Support Leave, they will receive full pay, less any Statutory Paternity Pay receivable, during their two weeks of absence.

### 2.10.3 Procedure

Employees should notify their manager of the probable dates at least 28 days before their Intended Start Date or as soon as it is reasonably practicable, if they are not in a position to give the prescribed 28 days' notice.

## 3 Monitoring Compliance and Effectiveness of Implementation

The arrangements for monitoring compliance are outlined in the table below: -

Measurable policy objectives	Monitoring or audit method	Monitoring responsibility (individual, group or committee)	Frequency of monitoring	Reporting arrangements (committee or group the monitoring results is presented to)	What action will be take if gaps are identified
Review applications	Reports	Payroll/HR	Quarterly	Present to Deputy Director of HR/Finance	An action plan will be drawn up and a re-audit taken with

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## 4 Duties and Responsibilities of Individuals and Groups

### 4.1 Chief Executive

The Chief Executive is ultimately responsible for the implementation of this document.

### 4.2 Trust Board

The Trust Board will:

- Allow employees to take their Maternity / Adoption / Shared Parental / Paternity / New Parent Support Leave and Pay.
- Support employees to take time off to care for their child.
- Recognise the importance of supporting employees with a work life balance.

### 4.3 Ward Managers, Matrons and Managers for Non Clinical Services

All Ward Managers, Matrons and Managers for Non Clinical Services will:

- Ensure that employees within their area are aware of this document; able to implement the document and that any superseded documents are destroyed.
- Ensure applications are considered fair and consistent, whilst meeting the needs of the business.
- Inform the Payroll department of any agreement.

### 4.4 Employees

Employees will:

- Ensure the correct process is adhered to.
- Calculate eligibility on [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents)
- Complete the appropriate application form/s (on the HR Family Friendly Toolkit on the Intranet)

### 4.5 Human Resources

Human Resources will:

- Provide advice and guidance on this Policy to all employees within the Trust.
- Review the effectiveness of this Policy.

### 4.6 Payroll

Payroll will:

- Process applications in the first available and relevant pay run.
- Stop any existing pay arrangements and commence with new arrangements.

### 4.7 Recruitment

Recruitment will:

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- Provide appropriate letters outlining any entitlement to leave and pay.
- Liaise with Payroll regarding eligibility for pay. Liaise with Human Resources regarding any further process advice or guidance.

#### 4.8 Trade Unions

Trade Unions will:

- Represent members.
- Provide support and guidance to employees.
- Work in partnership with the Trust to support an open and honest culture.
- Review the effectiveness of the Policy.

#### 4.9 Document Author and Document Implementation Lead

The document Author and the document Implementation Lead are responsible for identifying the need for a change in this document as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national directives, and resubmitting the document for approval and republication if changes are required.

## 5 Further Reading, Consultation and Glossary

### 5.1 References, Further Reading and Links to Other Policies

The following is a list of other policies, procedural documents or guidance documents (internal or external) which employees should refer to for further details:

Ref. No.	Document Title	Document Location
1	Equality Act 2010	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
2	Children and Families Act 2014	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
3	Shared Parental Leave Policy	T drive
4	Leave Policy	T drive
5	Family Friendly Toolkit	<a href="http://gwh-intranet/trust-wide/human-resources/policy-toolkits/family-friendly.aspx">http://gwh-intranet/trust-wide/human-resources/policy-toolkits/family-friendly.aspx</a>
6	Equality and Diversity Policy	T drive
7	HMRC Website	<a href="http://www.hmrc.gov.uk">http://www.hmrc.gov.uk</a>
8	Flexible Working Policy	T drive
9	Further New Parent Employment Information	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
10	Eligibility Information	<a href="http://www.gov.uk/pay-leave-for-parents">www.gov.uk/pay-leave-for-parents</a>
11	Absence Management Policy	T drive
12	Shared Parental Leave Regulations 2014	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
13	Statutory Shared Parental Pay ( General) Regulations	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>

### 5.2 Consultation Process

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The following is a list of consultees in formulating this document and the date that they approved the document:

Job Title / Department	Date Consultee Agreed Document Contents
Divisional Director of Nursing for Women, Children and Outpatients	11/09/2020
Payroll Services System Support Manager	13/08/2020
HR Business Partner	27/07/2020
Recruitment Consultant	17/08/2020

## 6 Equality Impact Assessment

An Equality Impact Assessment (EIA) has been completed for this document and can be found at Appendix A.

## Appendix A - STAGE 1: Initial Screening For Equality Impact Assessment

At this stage, the following questions need to be considered:		
1	What is the name of the policy, strategy or project? New Parents' Policy	
2.	Briefly describe the aim of the policy, strategy, and project. What needs or duty is it designed to meet? This Policy provides a framework for Maternity / Adoption / Shared Parental / Paternity / New Parent Support Leave and Pay.	
3.	Is there any evidence or reason to believe that the policy, strategy or project could have an adverse or negative impact on any of the nine protected characteristics (as per Appendix A)?	<b>No</b>
4.	Is there evidence or other reason to believe that anyone with one or more of the nine protected characteristics have different needs and experiences that this policy is likely to assist i.e. there might be a <i>relative</i> adverse effect on other groups?	<b>No</b>
5.	Has prior consultation taken place with organisations or groups of persons with one or more of the nine protected characteristics of which has indicated a pre-existing problem which this policy, strategy, service redesign or project is likely to address?	<b>No</b>

Signed by the manager undertaking the assessment	
Date completed	
Job Title	

On completion of Stage 1 required if you have answered YES to one or more of questions 3, 4 and 5 above you need to complete a [STAGE 2 - Full Equality Impact Assessment](#)

## Equality Impact Assessment

### Are we Treating Everyone Equally?

Define the document. What is the document about? What outcomes are expected?

Consider if your document/proposal affects any persons (Patients, Employees, Carers, Visitors, Volunteers and Members) with protected characteristics? Back up your considerations by local or national data, service information, audits, complaints and compliments, Friends & Family Test results, Staff Survey, etc.

If an adverse impact is identified what can be done to change this? Are there any barriers? Focus on outcomes and improvements. Plan and create actions that will mitigate against any identified inequalities.

If the document upon assessment is identified as having a positive impact, how can this be shared to maximise the benefits universally?

### Our Vision

Working together with our partners in health and social care, we will deliver accessible, personalised and integrated services for local people whether at home, in the community or in hospital empowering people to lead independent and healthier lives.



### Trust Equality and Diversity Objectives

Better health outcomes for all	Improved patient access & experience	Empowered engaged & included staff	Inclusive leadership at all levels
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