Family Leave Policy

Controlled document
This document is uncontrolled when downloaded or printed

<table>
<thead>
<tr>
<th>Reference number</th>
<th>WHHT: HR070</th>
</tr>
</thead>
<tbody>
<tr>
<td>Version</td>
<td>10</td>
</tr>
<tr>
<td>Author</td>
<td>Christine Taylor</td>
</tr>
<tr>
<td>Date ratified</td>
<td>January 2015</td>
</tr>
<tr>
<td>Committee/individual responsible</td>
<td>Workforce Group / TLEC</td>
</tr>
<tr>
<td>Issue date</td>
<td>January 2015</td>
</tr>
<tr>
<td>Review date</td>
<td>January 2017</td>
</tr>
<tr>
<td>Target audience</td>
<td>All WHHT employees</td>
</tr>
<tr>
<td>Key Words</td>
<td>Maternity leave, adoption, paternity, parental, shared</td>
</tr>
<tr>
<td>Previous Policy Name</td>
<td>Family Leave Policy</td>
</tr>
</tbody>
</table>
CONTRIBUTION LIST

Key individuals involved in developing this version of the document

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christine Taylor</td>
<td>HR Advice Centre Manager</td>
</tr>
<tr>
<td>Amanda Wiles</td>
<td>HR Advisor</td>
</tr>
</tbody>
</table>

Approved by Committee

Change History

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Version 5</td>
<td>August 2009</td>
<td>Annette Behagg &amp; Louise Botha</td>
<td>Out of date policy</td>
</tr>
<tr>
<td>Version 6</td>
<td>December 2010</td>
<td>Annette Behagg &amp; Caroline Lanksheal</td>
<td>Out of date policy</td>
</tr>
<tr>
<td>Version 7</td>
<td>March 2011</td>
<td>Laura Bevan</td>
<td>New legislation requiring compliance</td>
</tr>
<tr>
<td>Version 8</td>
<td>July 2012</td>
<td>Tanishka Norris</td>
<td>Update Additional Paternity Leave</td>
</tr>
<tr>
<td>Version 9</td>
<td>May 2013</td>
<td>Annette Behagg</td>
<td>Addition of car parking permit arrangements</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Update of Childcare vouchers</td>
</tr>
<tr>
<td>Version 10</td>
<td>October 2014</td>
<td>Christine Taylor</td>
<td>New legislation requiring compliance</td>
</tr>
</tbody>
</table>
## Contents

1. Introduction 4  
2. Objective 4  
3. Scope 4  
4. Equality and Diversity Statement 4  
5. Roles and Responsibilities 5  
6. Definitions 5  
7. Maternity Leave 6  
8. Maternity Schemes 9  
9. General Maternity Rules 11  
10. Paternity Leave 13  
11. Paternity Leave Scheme 13  
12. General Paternity Rules 14  
13. Additional Paternity Leave and Pay Scheme 15  
14. Adoption Leave 17  
15. General Adoption Rules 19  
16. Shared Parental Leave 22  
17. Unpaid Parental Leave 25  
18. Evaluation Measures – Monitoring and Audit 26  
19. References 26  
20. Related Policies 27  
21. Review of this Policy 27  
22. Further Information 27  
23. Equality Impact Assessment 27  
24. Policy and Procedure Sign-off Sheet 29

## Appendices

Appendix A  FORM SPL 1 - Period of Leave Notice  
Appendix 1  FORM ML1 (Maternity Leave)  
Appendix 2  FORM PL1 (Paternity Leave)  
Appendix 3  FORM APL&P1 (Additional Paternity Leave and Pay)  
Appendix 4  FORM AD1 (Adoption Leave)  
Appendix 5  Maternity / Adoption Leave Entitlement Flow Chart
1. Introduction

West Hertfordshire Hospitals NHS Trust (the Trust) is committed to ensuring all employees are aware of and able to access entitlements to maternity leave and pay, paternity leave and pay, adoption leave and pay, and parental leave. The Trust is keen to ensure that employees fully understand their rights and the qualification criteria for being eligible.

This policy also details statutory maternity, paternity and adoption provisions.

2. Objective

The purpose of this policy is to equip employees with the knowledge of statutory and occupational entitlements to maternity, paternity, adoption and parental leave.

This policy also details the structured process that must be followed by employees intending to apply for such entitlements as well as the responses and documentation that should be completed by management, and the timescales for which all actions should be completed.

Copies of relevant application forms are enclosed as appendices to this policy.

3. Scope

This policy applies to all Trust employees employed on either a fixed-term or permanent contract.

4. Equality and Diversity Statement

It is the commitment of West Hertfordshire Hospitals NHS Trust to provide a family-friendly working environment where employees are knowledgeable of their entitlements which are consequently applied in a fair and consistent manner.

This document takes into account current employment legislation and must be implemented in conjunction with the Trust's Equalities Framework, The Trust's Equal Opportunities Policy and Procedure and equality and diversity legislation:

- Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Employment Rights Act 1996
- Equal Pay Act 1970 (as amended)
- Human Rights Act 1998
- Part-time Workers Directive 1999
- Employment Act 2008
- EU Directives and Legislation
- The Work and Families Act 2006

This policy has also been developed in consideration to the Trust values that underpin everything we do as an organisation. In particular, writing of this policy has involved specific attention being made to ensure the values of involving others, being transparent, demonstrating leadership, being proud, working in partnership, and adding value are incorporated into the content.
Managers have a particular responsibility to ensure their management practices do not discriminate in the provision of their service or in the employment of staff. The Trust monitors and publishes information on the profile of its workforce based on age, disability, ethnicity, gender and marital status and appropriate actions will be taken by the Equality & Diversity Group to identify and address any problems.

5. Roles and Responsibilities

5.1 Trust responsibilities

- The Trust has a responsibility to comply with current legislation and ensure appropriate policies are in place to support the legislation
- The Trust will ensure that this policy is made available to all existing and new employees

5.2 Line manager responsibilities

- Managers are required to be aware of the different types of leave available to employees
- Managers are required to keep accurate records of the different leave taken by employees
- Managers are required to ensure that leave is granted in a fair and consistent manner
- Managers are required to carry out risk assessments for pregnant workers for each trimester in accordance with the Trust's Policy for Risk Assessments of New and Expectant Mothers

5.3 Employee responsibilities

- Employees are required to have an awareness of the different types of family leave available and request the appropriate leave in a timely way when required
- Employees wishing to request maternity or adoption leave are required to meet with the Trust’s Staff Support Co-ordinator who will be able to discuss maternity provisions and provide further advice. (Please note, if you are a Doctor, you will need to meet with the Medical Staffing Manager instead)

6. Definitions

**Compulsory leave** 2 weeks’ leave that must be taken immediately after giving birth.

**Ordinary maternity leave (OML)** 26 weeks’ leave available to all pregnant employees.

**Additional maternity leave (AML)** This begins from the end of the OML and is for a period of a further 26 weeks.

**Statutory maternity leave (SML)** This is the term for the combined 52 weeks of leave. There is no qualifying period for the 52 weeks of leave but there is a qualifying period for some of the statutory maternity pay.
**Statutory maternity pay (SMP)**
The minimum amount of pay received during the paid element of maternity leave.

**Occupational maternity pay (OMP)**
The amount of pay received from an employer in addition to the statutory minimum.

**Maternity allowance**
Payment made to employees who do not meet the eligibility criteria for statutory maternity pay.

**Expected week of confinement (EWC)**
The week in which the employee’s expected due date falls.

**Keeping in touch days (KIT)**
Days in which an employee may return to work during maternity leave without affecting their entitlements to maternity leave and pay.

**Paternity leave**
The entitlement to leave for which the partner of the mother may apply to take.

**Additional paternity leave (APL)**
Additional entitlements to leave providing the mother of the child has returned to work.

**Statutory paternity pay (SPP)**
The national minimum payment to be received by eligible employees during paternity leave.

**Occupational paternity pay (OPP)**
The pay received from an employer during paternity leave.

**Statutory adoption pay (SAP)**
The minimum amount of pay received during the paid element of adoption leave.

**Occupational adoption pay (OAP)**
The amount of pay received from an employer in addition to the statutory minimum.

**Shared parental leave (SPL)**
Shared leave to be taken after the birth of a baby or adoption.

**Shared parental pay (SPP)**
The payment received during the paid element of shared parental leave.

### 7. Maternity Leave

#### 7.1 Health & Safety at Work for Pregnant or Breastfeeding Employees

The Trust has a statutory obligation to assess the health and safety risks to pregnant employees and address any risks identified. Risk assessments should also be carried out where an employee has recently given birth or is breastfeeding.
In line with the Trust’s Policy for Risk Assessments of New and Expectant Mothers, all pregnant employees must notify management of their pregnancy. Management will then ensure that appropriate risk assessments are carried out and reviewed at least each trimester (every 3 months during the pregnancy), and appropriate action is taken if any risk is identified. Please note that the Staff Support Coordinator will regularly monitor this requirement to ensure compliance. A copy of all risk assessments undertaken should be sent to the Health & Safety Advisor.

A copy of the risk assessment can be found at: http://wghintra01/uploads/out/New%20_Expectant_Mother_v3a_2009.pdf

Occupational Health will provide advice to management, if required, in relation to risk assessments. Occupational Health will also provide advice/support to any pregnant workers at any time when there are concerns either by management or the employees themselves.

If it is necessary to redeploy an employee whilst they are pregnant, they will receive the same rate of pay during any period of redeployment. In exceptional circumstances where no suitable employment is found then the Trust may place the employee on leave with full salary until maternity leave commences. The employee will be expected to accept reasonable alternative duties. If they do not accept the alternative, the implications of this will be discussed with the employee. These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from successfully breastfeeding her child.

7.2 Antenatal Care

All employees who are pregnant have a statutory right to paid time off for antenatal care and cannot be unreasonably refused attendance at their antenatal appointments. Antenatal care may include relaxation and parent-craft classes if these are recommended by the employee's doctor / midwife.

The employee may need to show their manager proof of the appointment and collaborate with them to minimise any inconveniences to the ward/department. The employee should give as much notice as possible (in order to make any necessary arrangements to cover the absence) Where possible, employees should avoid taking time off work when they can reasonably arrange classes or examinations outside working hours.

The employee will receive their normal rate of pay for attending such appointments.

This provision is also available to prospective fathers and partners of those expecting a baby – see Section 10.1.

7.3 Sickness

Sickness prior to the fourth week before the EWC will be treated no differently than sick leave at any other time. However, if after the beginning of the fourth week before the EWC, the employee is sick with a pregnancy related illness, maternity leave will start at the beginning of the 4th week before the EWC or the beginning of the next week after the employee last worked, whichever is the later. If the sickness is not due to pregnancy, the absence will be treated in the normal manner.
7.4 Annual Leave

All pregnant employees accrue annual leave during their maternity leave, whether paid or unpaid but there is no entitlement to bank holidays during this time.

Any outstanding annual leave should be taken before the commencement of maternity leave or, if this is not possible, prior to returning to work especially when carrying leave over into a new financial year. Where employees do not intend to return to work, any outstanding annual leave will be paid to them.

Annual leave cannot be taken directly after paid maternity leave if there is an intention to take unpaid maternity leave.

7.5 Entitlement to Maternity Leave / Pay

All pregnant employees are entitled to 52 weeks maternity leave. However, the right to pay will differ in relation to which scheme applies.

Maternity leave should start no earlier than eleven weeks before the EWC (unless the baby is born premature) but no later than the day the baby is born.

Maternity leave can be arranged to start on any day of the week.

If the employee subsequently wants to change the date from which she wishes her leave to start, she should notify the manager and Staff Support Co-ordinator or Medical Staffing Manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

Once the employee is in receipt of the MATB1 form (provided by GP or Midwife) the employee must contact the Trusts' Staff Support Co-ordinator, or Medical Staffing Manager for medical staff, who will arrange to meet at the earliest possible opportunity to discuss maternity leave and rights and complete the necessary paperwork – see Appendix 1 – ML1 form. This should be no later than the 15th week before the EWC. Following this meeting a letter will be sent confirming entitlements to maternity leave and pay.

For health and safety reasons, employees must take a minimum of two weeks maternity leave after the birth of the baby.

7.6 Premature Birth

Where an employee's baby is born alive prematurely the employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

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

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

7.7 Stillbirth or Miscarriage

Where an employee has a miscarriage before the 25th week of pregnancy, normal entitlements
to sick leave will apply if required.

In the unfortunate event of a stillbirth from the 25th week of pregnancy onwards, the entitlement
to maternity leave and pay is as if the baby had been born alive.

8. Maternity Schemes

8.1 Statutory Maternity Pay (SMP) Scheme

Employees are eligible for the SMP scheme if prior to the 15th week (qualifying week) before
the EWC they have:

- at least 26 weeks continuous service with West Hertfordshire Hospitals NHS Trust
- average earnings in the 8 weeks up to and including the qualifying week have not
  been less than the lower earning levels for National Insurance purposes

Length of service within other NHS authorities will not count to qualify for this scheme.

Under the SMP scheme, employees are entitled to 39 weeks paid maternity leave at the
following rates:

- Weeks 1 to 6 inclusive: 90% of average earnings (calculated on the two months
  prior to the 15th week before the expected date of childbirth)
- Weeks 7 to 39 inclusive: Standard rate of SMP or 90% of average earnings, whichever is lower

Under the SMP Scheme, employees are entitled to a further 13 weeks additional unpaid
maternity leave, which will start immediately after paid maternity leave.

Incremental dates are not affected by the length of maternity leave taken, and employees
will continue to receive their annual pay increment on their increment date.

8.2 Occupational Maternity Pay (OMP) Scheme

Employees are eligible for the OMP scheme if prior to the 11th week (qualifying week) before
the EWC they have:

- at least 12 months continuous service in the NHS and
- wish to return to work within the NHS for at least 3 months after maternity leave

Under the OMP scheme, employees are entitled to 39 weeks paid maternity leave at the
following rates:
Weeks 1 to 8 inclusive: Full pay - calculated on average earnings for the two whole calendar months prior to the 15th week before the expected date of childbirth, less any Statutory Maternity Pay or Maternity Allowance (including any dependents’ allowances) receivable

Weeks 9 to 26 inclusive: Half pay plus any Statutory Maternity Pay or Maternity Allowance (including any dependents allowances) receivable, providing the total receivable does not exceed full pay

Weeks 27 to 39 inclusive: Standard Rate of SMP or 90% of average earnings, whichever is lower

By prior agreement with Payroll, the above entitlement for the full and half pay element of OMP may be paid in a different way, for example as a fixed monthly amount spread equally over the maternity leave period

Under the OMP scheme, employees are entitled to a further 13 weeks additional unpaid maternity leave, which will start immediately after paid maternity leave. Incremental dates are not affected.

Employees must return to work in the NHS in a permanent post for a minimum of three months. Employees will be required to repay the difference between OMP and SMP if this condition is not met. Employees returning to work with another NHS employer must send proof of employment within 15 months of the maternity leave start date otherwise the repayment condition will apply.

8.3 Occupational Maternity Pay only (not eligible for SMP)

If in the 11th week before the EWC, employees:

- have at least twelve months continuous service in the NHS
- wish to return to work within the NHS
- but do not have 26 weeks service with the Trust

they will be entitled to 8 weeks full pay, followed by 18 weeks half pay but will not be entitled to SMP from the Trust. Employees should claim State Maternity Allowance by completing an SMP1 form, which is available from Payroll.

8.4 Maternity Allowance

Employees are entitled to claim a maximum of 39 weeks Maternity Allowance (MA) from the Department of Work and Pensions if they:

- are not eligible for the SMP Scheme
- are not eligible for the OMP Scheme
- have worked and paid National Insurance contributions in 26 weeks out of the 66 weeks ending with the EWC
Together with the MATB1 form, employees need to submit the form MA1 available from the Job Centre and the form SMP1, which is available from Payroll.

The number to call to claim Maternity Allowance is via Job Centre Plus on **0845 6088 595**

If the claim for Maternity Allowance is unsuccessful, employees should contact the Job Centre for further information.

### 9. General Maternity Rules

#### 9.1 Returning to Work

Employees who intend to return to work at the end of full maternity leave are not required to provide their manager with any further notification. However if they wish to return early, they are required to give 28 days’ notice. If employees do not give this notice the Trust may postpone the return by 7 days.

Employees may wish to return on different terms and conditions (e.g. part-time work), either on a temporary or permanent basis. Please refer to the Flexible Working policy: [http://wghintra01/uploads/out/flexible_working_policy_aug_08.pdf](http://wghintra01/uploads/out/flexible_working_policy_aug_08.pdf)

If an employee is sick on the date they are due to return to work, this will be recorded as sickness in accordance with Management of Sickness Absence Policy.

**A Change of Circumstances Form needs to be completed by the manager to ensure that Payroll is informed of an employee’s return date.**

#### 9.2 Keeping in Touch (KIT) Days

Keeping in touch with work during maternity leave can benefit the employee and make it easier when it is time to come back to work. The employee should discuss any plans to do any keeping in touch days with their manager and this discussion should normally take place before the employee’s maternity leave starts.

An employee can carry out up to 10 KIT days without this bringing their maternity leave to an end. Employees will receive their normal basic rate of pay for hours worked on any keeping in touch days, and any maternity payments will be offset against this.

#### 9.3 NHS Professionals/Locum Cover

Employees are permitted to work for NHS Professionals or provide locum cover during Maternity Leave. Two weeks maternity leave must still be taken directly after the birth of the baby before an employee may work for NHS Professionals. Please note that any receipt of pay from working for NHSP / locum at the Trust or for another employer results in loss of maternity pay for that week. Employees must inform their manager and Payroll if they intend to work for another employer.

#### 9.4 Fixed-Term or Training Contracts

Employees on a fixed-term contract or training contract that expires after the 11th week before the EWC and who satisfy the criteria as set out in section 9, shall have their contract...
extended so as to allow them to receive the full 52 weeks maternity leave, which includes paid contractual and statutory maternity pay and the remaining 13 weeks of unpaid maternity leave.

Employees who do not satisfy the maternity leave conditions may still be entitled to SMP. In those cases the employee’s contract shall be extended to allow them to receive SMP.

If there is no right to return to be exercised because the contract would have ended if pregnancy or childbirth had not occurred, there is no requirement to repay maternity pay received, as set out in section 9.2.

Where an employee is participating in a planned rotation or appointment 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 with the same or another employing authority, irrespective of whether the contract would have ended in pregnancy. In such circumstances, the contract will be extended to enable the employee to complete the agreed programme of training.

9.5 The NHS Pension Scheme

During unpaid maternity leave, members of the NHS Pension Scheme may pay the accumulated contributions for this period when they return to work. If the employee is in the pension scheme the amount due for payments that were ‘missed’ whilst on maternity leave will be deducted from their salary on their return to work automatically. If the employee wishes to opt out of this arrangement they should contact the Pensions department.

9.6 Post-natal Care and Breastfeeding

Employees who have recently given birth and have returned to work should have paid time off for post-natal care e.g. attendance at health clinics.

The employee may need to show their manager proof of the appointment and collaborate with them to minimise any inconveniences to the ward/department. The employee should give as much notice as possible (in order to make any necessary arrangements to cover the absence). Where possible, employees should avoid taking time off work when they can reasonably arrange appointments outside working hours.

Employees who are breastfeeding should be provided with a healthy and safe environment that has suitable access to a private room to express and store milk in an appropriate refrigerator.

9.7 Childcare Provisions

For more information on current facilities please contact the Trust’s Staff Support Co-ordinator on 01923 217356.

9.8 Childcare Vouchers

Employees already ordering childcare vouchers (for another child) whilst pregnant, need to be aware that there will be an impact on their maternity pay if they continue to be part of the scheme throughout their pregnancy.
SMP and OMP are calculated on the amount of average weekly earnings during the two full months prior to the 15th week before the expected date of confinement. Therefore any salary sacrifice scheme entered into during this 8 week period will reduce entitlement to SMP and OMP (where payable), as calculations will be based on the lower level of salary.

Childcare vouchers are now seen as a benefit and therefore the Trust is obliged to continue to provide vouchers during maternity leave. This means that vouchers would not be deducted from any type of maternity pay, and the Trust will provide the vouchers.

If the employee decides to withdraw from the Childcare Voucher Scheme at any point during pregnancy, they will not be able to rejoin the scheme until they return to work. Employees will also not be able to increase the value of their voucher order from the beginning of the calculating period (two whole calendar months prior to the 15th week before the expected date of childbirth) until they return to work.

9.9 Surrogacy

If you are considering surrogacy please contact your HR Adviser for specific advice on your entitlements.

10. Paternity Leave

Up to two weeks paternity leave can be taken for the birth of a baby or upon the placement of a child for adoption. Paternity leave allows the employee to attend the birth and/or provide support immediately after the birth of the baby or following the placement of the child.

All employees who are either the biological father, a partner/husband that is not the baby’s biological father or same sex partners are entitled to 1 week’s full pay.

10.1 Antenatal Care

Prospective fathers and partners of those expecting a baby have the right to unpaid time off to attend up to two antenatal appointments.

On occasions the employee may be required to show their line manager proof of the appointment and to collaborate with them to minimise any inconveniences to the ward or department.

It is also the responsibility of the employee to provide their manager with as much notice as possible prior to the appointment.

11. Paternity Leave Scheme

11.1 Statutory Paternity Pay (SPP) Scheme

To be eligible for SPP, employees will need to satisfy the following conditions:
- have worked continuously for the Trust for 26 weeks in the 15th week before the baby is due
- be either the biological or adoptive father, nominated carer, same sex partner
- have responsibility for the child’s upbringing

Employees eligible for SPP will be entitled to 2 weeks paternity leave to be taken either as blocks of one or two weeks, paid as follows:

- 1 week full pay or SPP (dependant on whichever is more favourable)
- 1 week Statutory Paternity Pay – Standard rate of SPP or 90% of average weekly earnings if this is less than SPP

Employees who have average earnings below the Lower Earnings limit for National Insurance purposes will not qualify for SPP.

11.2 Occupational Paternity Pay (OPP) Scheme

To be eligible for OPP, employees will need to satisfy the following conditions:

- be employed by West Hertfordshire Hospitals NHS Trust
- have at least 12 months continuous service in the NHS prior to the 11th week before the EWC
- be either the biological or adoptive father, nominated carer, same sex partner

Employees eligible for OPP will be entitled to 2 weeks paternity leave at full pay to be taken either in blocks of 1 or 2 weeks.

12. General Paternity Rules

12.1 Supporting Documentation

The MATB1 form, birth certificate or adoption papers will be required before paternity leave is granted. Where the individual is the nominated carer, they must also provide a letter from the parent of the child stating that they are their chosen nominated carer and there is no other person receiving paternity pay and leave for the child.

12.2 Notice of Intention to Take Paternity Leave

Employees need to complete a PL1 Form, see Appendix 2, by the 15th week before the baby is expected, unless this is not reasonably practicable.

If the employee is entitled to Statutory Paternity Pay or Occupational Paternity Pay they will also be required to complete an SC3 form available from the Trust’s Staff Support Coordinator.

12.3 When Paternity Leave Must Be Taken

Occupational Paternity Leave must be taken within 3 months of the birth or placement / adoption of the child and may be taken in blocks of 1 week.
Statutory Paternity Leave must be taken within 56 days of the birth or placement/adoption of a child.

Managers should also show due consideration for requests for annual leave at this time.

12.4 NHS Professionals/Locum Cover

Employees are permitted to work for NHS Professionals or provide locum cover during paternity leave and prior to returning to their permanent post. Please note that any receipt of pay from working bank / locum at the Trust or for another employer results in loss of paternity pay for that week. Employees must inform their manager and Payroll if they intend to work on the bank / locum for another employer.

13. Additional Paternity Leave and Pay Scheme

Additional Paternity Leave allows partners who are responsible for/expected to care for the child a greater opportunity to be involved in raising their child. Mothers will have the choice between taking their full maternity leave and returning to work early, allowing their partner to take leave instead. This is in addition to ordinary paternity leave.

The entitlement to Additional Paternity Leave and Pay enables partners who are expected to care for the child to take between 2 and 26 weeks additional paternity leave from when the baby is 20 weeks old if the mother has returned to work. Additional paternity leave must be taken as one continuous period and be for full weeks.

The right to take additional paternity leave and pay also applies in relation to children matched for adoption.

13.1 Entitlement to Additional Paternity Leave

To be eligible for Additional Paternity Leave, employees will need to satisfy the following conditions:

- be the father of the baby and/or the husband or partner (including same-sex partner or civil partner) of a woman who is due to give birth - a partner is someone who lives with the mother of the baby in an enduring family relationship but not an immediate relative
- have, or expect to have, the main responsibility for the baby's / child's upbringing, apart from any responsibility of the mother
- have worked continuously for the Trust for at least 26 weeks by the end of the 15th week* before the baby is due / the end of the week you are notified you are matched with your child (adopting within the UK)/ the date your child enters Great Britain for the purposes of adoption ( adopting overseas) and remain in employment until the week before the APL commences.
- be taking the time off to care for the baby / child during their partner's 39 week statutory maternity pay, maternity allowance or statutory adoption pay.
- provide a minimum of 8 weeks' notice of their intention to take additional paternity leave before the commencement date
The baby's mother must also:

- be entitled to statutory maternity leave, statutory maternity pay, maternity allowance or statutory adoption leave or pay
- return to work

A return to work means the mother has resumed working. A period of annual, sick or parental leave directly after the maternity leave but during the mother's statutory maternity pay or maternity allowance period is not a return to work. However, once the mother has returned to work any subsequent period of leave does not affect entitlement to additional paternity leave or pay.

### 13.2 Additional Paternity Leave and Pay (APL&P) Scheme for Adoptive Parents

To qualify for APL&P in the case of adoption the employee must instead be married to or the partner or civil partner of a person who has chosen to take adoption leave and must not personally have also taken statutory adoption leave or pay.

### 13.3 Multiple births / adoptions

An employee is only entitled to one period of additional paternity leave regardless of the number of children resulting from a single pregnancy or in the case of adoption regardless of the number of children matched with them at the same time.

### 13.4 Entitlement to additional statutory paternity pay

To be eligible for Additional Paternity Leave Pay, employees will need to satisfy the following conditions:

- be taking time off to care for their child during their partner's 39 week statutory maternity pay, maternity allowance or statutory adoption pay period
- their partner must have returned to work and have at least two weeks of the statutory maternity pay, statutory adoption pay or maternity allowance period remaining
- average weekly earnings must be at or above the lower earnings limit for National Insurance contributions in force at the end of the qualifying week (the 15th week before the expected date of birth or in the case of adoption when the adopter is matched with a child)

If these criteria are met, the pay will be equivalent to the Standard Rate of SPP or 90% of average earnings, whichever is lower.

### 13.5 Unpaid Additional Paternity Leave

Unpaid additional paternity leave may be taken where the mother was eligible for statutory maternity leave but not statutory maternity pay or maternity allowance.

### 13.6 Applying for Additional Paternity Leave and Pay

Employees must complete an APL&P1 form, see Appendix 3, at least 8 weeks before they wish their leave to start. Employees should also provide a copy of the child's birth certificate.
or the notification from the adoption agency, including the name and address of the agency; the date on which the adopter or co-adopter was notified of having been matched for adoption and the date that the agency was expecting the placement to begin.

Once this form has been received, the Staff Support Coordinator / Medical Staffing Manager will confirm the dates of the employee’s APL&P within 28 days. If for any reason the employee is considered as not eligible for APL&P, the relevant Human Resources Adviser will contact them to discuss their individual case.

13.7 **Voluntary early return or amendment of dates of APL&P**

Where an employee wishes to return earlier than the agreed end of their additional paternity leave they must give their employer 6 weeks written notice. If the employee attempts to return to work earlier and this notice has not been given, the employer may postpone the return date to a time which gives the required 6 weeks’ notice as long as it is no later than the additional paternity leave period.

The employee may also cancel or vary their additional paternity leave before it has begun provided they give 6 weeks written notice before the cancelled date or before the new date, whichever is earliest.

13.8 **Compulsory withdrawal notice**

A withdrawal notice may be given before or after the additional paternity period has begun and is applicable when an employee loses their entitlement to additional paternity leave in the following circumstances:

- the partner no longer expects to have the main responsibility for the upbringing of the child while the mother is at work
- they discover they are no longer the child’s biological father, no longer married to the mother or no longer the partner/civil partner of the mother
- or the mother has not returned to work

The employee must inform their employer as soon as reasonably practicable of the change in their eligibility to additional paternity leave. Where it is not possible to accommodate the changes, the employer may require the employee to take a period of APL (usually for no more than six weeks)

13.9 **Keeping in Touch (KIT) Days**

Keeping in touch with work during additional paternity leave can benefit the employee and make it easier when it is time to come back to work. The employee should discuss any plans to do any keeping in touch days (up to 10 days) with their manager and this discussion should normally take place before the employee’s additional paternity leave starts.

14. **Adoption Leave**

Employees are entitled to take paid leave when a child is newly placed for adoption by an approved adoption agency. Adoption leave is available to individuals who adopt or one member of a couple where a couple adopt jointly (the couple may choose which partner
takes adoption leave). The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave (see section 11). Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner’s children.

14.1 Adoption Appointments

Employees will be entitled to take time off work, with full pay, to attend up to five adoption appointments.

Where both persons looking to adopt are employees of the Trust then one employee will be entitled to the above provisions, and the second adopter will be entitled to receive unpaid time off work to attend up to two appointments.

14.2 Statutory Adoption Pay (SAP) Scheme

To qualify for SAP, an employee must:

- be newly matched with a child for adoption by an approved adoption agency

Length of service within other NHS authorities will not count to qualify for this scheme.

Under the scheme, employees are entitled to 39 weeks paid adoption leave at the following rates:

- Weeks 1 to 6 inclusive: 90% of your average earnings for the 2 whole calendar months prior to the 15th week before the child is placed
- Weeks 7 to 39 inclusive: Standard Rate of SAP or 90% of your average earnings, whichever is lower

Under the SAP scheme, employees are entitled to a further 13 weeks additional unpaid adoption leave. Unpaid adoption leave will start immediately after paid adoption leave. Incremental dates are not affected.

14.3 Occupational Adoption Pay (OAP) Scheme

To qualify for OAP an employee must:

- be newly matched with a child for adoption by an approved adoption agency
- have at least 12 months continuous service in the NHS leading into the week in which they are notified of being matched with a child for adoption

Under the OAP scheme, employees are entitled to 39 weeks paid adoption leave at the following rates:

- Weeks 1 to 8 inclusive: Full Pay - calculated on average earnings for the 2 whole calendar months prior to the 15th week before the child is placed less any Statutory Adoption Pay or Adoption Allowance (including any dependents’ allowances) receivable
Weeks 9 to 26 inclusive: Half pay plus any Statutory Adoption Pay or Adoption Allowance (including any dependents allowances) receivable, providing the total receivable does not exceed full pay.

Weeks 27 to 39 inclusive: Standard Rate of SAP or 90% of average earnings, whichever is lower.

By prior agreement with Payroll, the above entitlement for the full and half pay element of OAP may be paid in a different way, for example as a fixed monthly amount spread equally over the adoption leave period.

Under the scheme, employees are entitled to a further 13 weeks additional unpaid adoption leave. Unpaid adoption leave will start immediately after paid adoption leave. Incremental dates are not affected.

Employees must return to work in the NHS in a permanent post for a minimum of three months. Employees will be required to repay the difference between OAP and SAP if this condition is not met. Employees returning to work with another NHS employer must send proof of employment within 15 months of the adoption leave start date otherwise the repayment condition will apply.

14.4 Occupational Adoption Pay only

If in the 11th week before the placement of a child, employees:

- have at least 12 months continuous service in the NHS
- wish to return to work within the NHS
- but do not have 26 weeks service with the Trust

They will be entitled to 8 weeks full pay, followed by 18 weeks half pay but will not be entitled to SAP from the Trust. Employees should claim State Adoption Allowance by completing an SAP1 form, which is available from Payroll.

15. General Adoption Rules

15.1 Leave Arrangements

Adoption leave can start on any day of the week and commence either from:

- the date of the child’s placement (whether this is earlier or later than expected), or
- a fixed date which can be up to 14 days before the expected date of placement

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If a child’s placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of placement.
15.2 Notice of Intention to Take Adoption Leave

Employees are required to inform their manager of intention to take adoption leave 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 practical.

The employee must contact the Trusts’ Staff Support Co-ordinator, or Medical Staffing Manager for medical staff, who will arrange to meet at the earliest possible opportunity to discuss adoption leave and rights and complete the necessary paperwork – see Appendix 4 – AD1 form. Following this meeting a letter will be sent confirming entitlements to adoption leave and pay.

Employees are able to change their mind about the date on which they want adoption leave to start providing they tell the manager at least 28 days in advance (unless this is not reasonably practicable in which case they should give as much notice as possible).

15.3 Matching Certificate

Employees are required to provide the Trust’s Staff Support Co-ordinator/Medical Staffing Manager with a ‘matching certificate’, which is available from the adoption agency. The matching certificate will include basic information on matching and expected placement dates.

15.4 Return to Work After Adoption Leave

Employees who intend to return to work at the end of full adoption leave are not required to provide their manager with any further notification. However if they wish to return early, they are required to give 28 days notice. If employees do not give this notice the Trust may postpone the return by 7 days.

Employees have the right to go back to the same job they were in prior to taking adoption leave. However, they may wish to return on different terms and conditions (e.g. part-time work), either on a temporary or permanent basis. Please refer to the Flexible Working policy:
http://wghintra01/uploads/out/flexible_working_policy_aug_08.pdf

If an employee is sick on the date they are due to return to work, this will be recorded as sickness in accordance with Management of Sickness Absence Policy.

A Change of Circumstances Form needs to be completed by the manager to ensure that Payroll is informed of an employee's return date.

15.5 NHS Professionals/Locum Work

Employees are permitted to work for NHS Professionals or provide locum cover during Adoption Leave. Please note that any receipt of pay from working bank / locum at the Trust or for another employer results in loss of adoption pay for that week. Employees must inform their manager and Payroll if they intend to work on the bank / locum for another employer.
15.6 **Annual Leave**

All adopting employees are entitled to accrue annual leave during their period of paid and unpaid adoption leave but there is no entitlement to bank holidays during this time.

Any outstanding leave should be taken before the commencement of adoption leave or, if this is not possible, prior to returning to work especially when carrying leave over into a new financial year. Where employees do not intend to return to work, any outstanding annual leave will be paid to them.

Annual leave cannot be taken directly after paid adoption leave if there is an intention to take unpaid adoption leave.

15.7 **Keeping in Touch (KIT) Days**

Keeping in touch with work during adoption leave can benefit the employee and make it easier when it is time to come back to work. The employee should discuss any plans to do any keeping in touch days with their manager and this discussion should normally take place before the employee's maternity leave starts.

An employee can carry out up to 10 KIT days without this bringing their maternity leave to an end. Employees will receive their normal basic rate of pay for any hours worked on keeping in touch days, and any maternity payments will be offset against this.

15.8 **The NHS Pension Scheme**

During unpaid adoption leave, members of the NHS Pension Scheme may pay the accumulated contributions for this period when they return to work. If the employee is in the pension scheme the amount due for payments that were 'missed' whilst on adoption leave will be deducted from their salary on their return to work automatically. If the employee wishes to opt out of this arrangement they should contact the Pensions department.

15.9 **Childcare Provisions**

For more information on current facilities please contact the Trust's Staff Support Co-ordinator on 01923 217356.

15.10 **Childcare Vouchers**

Employees already ordering childcare vouchers (for another child) whilst planning to adopt another child, need to be aware that there will be an impact on their adoption pay.

SAP and OAP are calculated on the amount of average weekly earnings during the two full months prior to the 15th week before the placement of a child. Therefore any salary sacrifice scheme entered into during this 8 week period will reduce entitlement to SAP and OAP (where payable), as calculations will be based on the lower level of salary.

Childcare vouchers are now seen as a benefit and therefore the Trust is obliged to continue to provide vouchers during adoption leave. This means that vouchers would not be deducted from any type of adoption pay, and the Trust will provide the vouchers.
If the employee decides to withdraw from the Childcare Voucher Scheme at any point during adoption, they will not be able to rejoin the scheme until they return to work. Employees will also not be able to increase the value of their voucher order from the beginning of the calculating period (two whole calendar months prior to the 15th week before the placement of the child until they return to work.

16. Shared Parental Leave

Employees will be entitled to request shared parental leave if their baby is due on or after 5th April 2015, or if an employee has a child placed for adoption on or after this date.

The current regulations with regards to maternity leave and paternity leave will continue to exist, however this entitlement offers employees the flexibility to share the mother’s maternity leave and convert the remaining balance of what she does not intend to take into shared parental leave and pay.

Partners of the mother who have responsibility for the child will still be entitled to two weeks paternity leave and do not have to request and / or take any shared parental leave if this is not their preference.

An employee considering/taking SPL is encouraged to contact their line manager or the human resources department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support them in making the application. They must then complete The SPL Notice at Appendix A of this Policy with their partner, both sign the declaration and then return the form to their Line Manager with a copy to Payroll.

16.1 Eligibility

SPL and shared parental pay (SPP) will be available to employees who satisfy the following eligibility criteria:

- They must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth.
- They must remain continuously employed until the week before any period of shared parental leave starts.
- They already have or expect to have main responsibility for caring for the child.
- The mother is entitled to statutory maternity leave.
- The mother has curtailed her entitlement to maternity leave or has returned to work.
- They have provided their employers with appropriate notice of entitlement and intention to take shared parental leave.
- They have provided any evidence requested by their employer within 14 days of the request. This may include a copy of the birth certificate, or a declaration from the parents confirming the date and place of the child’s birth if the birth certificate is not yet available, and the name and address of the other parent’s employer.
- They have given the employer a period of leave notice (see below).

16.2 Entitlement to Shared Parental Leave

Employees are only entitled to share 50 weeks of the maximum 52 weeks maternity leave, this is because the two weeks immediately following the birth of a child are compulsory maternity leave and cannot therefore be shared with her partner.
Families may choose how to use shared parental leave and this means employees could decide to take shared parental leave at the same time as maternity leave, provided the total number of weeks taken between the mother and her partner does not exceed 52 weeks.

The only other restrictions on how shared parental leave may be taken are that such leave must be requested in blocks of one week and therefore be taken in complete weeks – it is not possible to request single days or ad hoc days as shared parental leave, however not all shared parental leave needs to be taken at the same time and therefore may be requested in discontinuous blocks of one week.

16.3 Requesting Shared Parental Leave

16.3.1 Requesting to End Maternity Leave before 52 Weeks

It is the employee’s responsibility to provide the Trust with 8 weeks’ notice if she intends to finish maternity leave prior to the end of additional maternity leave (52 weeks).

It is not necessary for the mother to wait until her baby is born to provide such notice, and she may consider submitting this prior to the birth.

Any notice that she provides after the birth will be binding, however if notice to end maternity leave is received prior to the birth of the baby then the Trust would consider any amendments the mother would like to make depending on the circumstances arising immediately after the birth. In consequence, the mother may revoke her notice to end maternity leave up to six weeks after the date the baby is born.

16.3.2 Requesting Shared Parental Leave

If one or both parents wish to take shared parental leave they must submit a written ‘notice of entitlement’ (Appendix A) at least eight weeks before the start of the first period of shared parental leave.

The notice should include certain information including:

- the mother’s and father’s names and national insurance numbers,
- the start and end date of any period of statutory maternity leave taken/to be taken by the mother,
- the amount of any statutory maternity pay or maternity allowance received or to be received by the mother,
- the expected week of childbirth and/or actual date of birth of the child,
- the total amount of shared parental leave available, confirmation that the mother/father is sharing child care responsibilities with their partner,
- a non-binding indication of how much shared parental leave both parties intend to take and the proposed start and end dates of such leave, and
- a declaration from each parent to confirm that:
  - the mother satisfies the eligibility criteria,
  - the father satisfies the eligibility criteria,
  - that the information given is accurate, and
  - that if either parent ceases to meet the conditions of entitlement to shared parental leave then they will immediately notify the employer.
16.4 Period of Leave Notice

This notice must be submitted at least 8 weeks prior to the date on which the employee would like shared parental leave to commence, and can detail either a single period of leave or several episodes of shared parental leave.

Employees are restricted to only being able to submit three ‘period of leave’ notices with regards to each birth or adoption.

16.5 Episodes of Shared Parental Leave

Employees who request a single period of shared parental leave will have this granted by the Trust providing they meet the eligibility criteria.

For those who would like to take non-continuous episodes of leave then the detail of this will need to be mutually agreed between the employee and their line manager.

After the period of leave notice is received the line manager will need to respond to the employee within 2 weeks giving confirmation of their decision to agree the leave requested, propose alternative dates, or refuse the request.

Once the dates of shared parental leave have been agreed, should the employee want to change the periods of leave requested they may submit written notice of this to their line manager at least 8 weeks prior to the start date of such leave.

16.6 Shared Parental Pay

Employees will be entitled to share up to 37 weeks’ of shared parental pay which will be paid at the following amounts:

Under the shared parental pay scheme, employees are entitled to a maximum of 27 week’s paid leave at the following rates:

- Weeks 1 to 37 inclusive: Standard rate of shared parental leave pay or 90% of average earnings (calculated on the two months prior to the 15th week before the expected date of childbirth) – whichever is the lower amount
- Weeks 38 to 50 inclusive: No payment to be received

16.7 Holiday Leave during Shared Parental Leave

Full contractual holiday entitlement will continue to accrue during shared parental leave, however employees will not be entitled to accrue leave entitlements for bank holidays that fall during their periods of leave.

16.8 Shared Parental Leave in Touch (SPLiT) Days

In addition to the mother’s entitlement to take 10 KIT days during her maternity leave, each employee taking shared parental leave will be entitled to request up to 20 SPLiT days.
17. Unpaid Parental Leave

Parental leave provides the carer of a child the right to take time off work to look after a child or make arrangements for the child’s welfare. The carer can use it to spend more time with the child and to strike a better balance between their work and commitments. The leave is unpaid.

17.1 Eligibility

To be eligible for Unpaid Parental Leave employees will need to satisfy the following conditions:

- have 12 months service in the NHS and have nominated caring responsibility for a child under the age 14 (18 in cases of adopted or disabled children)

17.2 Length of Parental Leave

Employees will be granted a total of 18 weeks unpaid leave for each child.

Parental leave is for each child, so if twins are born each parent will be entitled to a total of 18 weeks unpaid leave for each child.

17.3 How Unpaid Parental Leave Can Be Taken

Parental leave must be taken in blocks or multiples of 1 week (pro rata for part time staff). However, parents of children with a disability may take their parental leave in blocks or multiples of 1 day (pro rata for part time staff).

In all cases a maximum of 4 weeks leave in respect of any individual child may be taken in any one year.

Employees must provide their manager with 21 days written notice prior to the first day of parental leave being taken.

17.4 Postponement of Unpaid Parental Leave

Parental leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.

Outside of the above, the Trust may postpone an employee’s parental leave in conditions where the service would be particularly disrupted if the leave were taken at the time requested; or, where a significant proportion of employees applying for parental leave at the same time; or, where the employee’s role is such that his or her absence at a particular time would unduly harm the service. In these circumstances parental leave can be postponed for up to 6 months after the beginning of the period that the employee originally wanted to start his or her leave.

Where the leave is postponed, the manager will discuss the matter with the employee and confirm the postponement arrangements in writing no later than 7 days after the employee’s notice to take leave. The manager will state the reason for the postponement and set out
the new dates for the parental leave. The length of the leave will be equivalent to the employee’s original request.

17.5 Right to Return to the Same Job

During parental leave the employee retains all his/her contractual rights, and should return to the same job. Pension rights and contributions shall be dealt with in accordance with the NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

17.6 Records

Managers will keep a record of all periods of parental leave that are taken by employees. These records will be kept in the employee’s personal file.

In the case of new employees, managers will be expected to make enquiries of a previous employer or seek a declaration from the employee about how much parental leave he or she has taken prior to their employment with the Trust.

17.7 Documentary Evidence

A manager may ask to see evidence to confirm the employee is the parent or the person who is the nominated carer responsible for the child. Evidence might take the form of information contained in the child’s birth certificate, papers confirming a child’s adoption or the date of the placement in adoption cases, or in the case of a child with a disability, the award of the Disability Living Allowance for the child.

18. Evaluation Measures – Monitoring and Audit

The HR Department will log all family leave cases and ensure that maternity leave, adoption leave, paternity leave and parental leave are dealt with as per the policy.

19. References


20. **Related Policies**

   Special Leave Policy  
   Flexible Working Policy (Incorporating Career Breaks)

21. **Review of this Policy**

   This policy is expected to be reviewed within 2 years but if this is deemed unnecessary the policy will remain in force until such time as it is reviewed.

22. **Further Information**

   The following websites may provide useful additional information and guidance:

   - Department of Work and Pensions - [www.dwp.gov.uk](http://www.dwp.gov.uk)
   - Job Centre – [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)
   - Health and Safety Executive - [www.hse.gov.uk](http://www.hse.gov.uk)
   - Department of Business Enterprise and Regulatory Reform - [www.berr.gov.uk](http://www.berr.gov.uk)
   - Government website for citizens - [www.direct.gov.uk](http://www.direct.gov.uk)

23. **Equality Impact Assessment**

<table>
<thead>
<tr>
<th></th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the policy/guidance affect one group less or more favourably than another on the basis of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Ethnic origins (including gypsies and travellers)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Nationality</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Culture</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Religion or belief</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Disability - learning disabilities, physical disability, sensory impairment and mental health problems</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Marriage &amp; Civil partnership</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pregnancy &amp; maternity</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2. Is there any evidence that some groups are affected differently?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3. If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>4. Is the impact of the policy/guidance likely to be negative?</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>5. If so can the impact be avoided?</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes/No</td>
<td>Comments</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6.</td>
<td>What alternatives are there to achieving the policy/guidance without the impact?</td>
<td>n/a</td>
</tr>
<tr>
<td>7.</td>
<td>Can we reduce the impact by taking different action?</td>
<td>n/a</td>
</tr>
</tbody>
</table>

If you have identified a potential discriminatory impact of this procedural document, please refer it to (Insert name and position) together with any suggestions as to the action required to avoid/reduce this impact.

For advice in respect of answering the above questions, please contact (Insert name and position).
24. **Policy and Procedure Sign-off Sheet**

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Name</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## APPENDIX A

### FORM SPL 1 - Period of Leave Notice

<table>
<thead>
<tr>
<th>Full names of mother and partner</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Start &amp; end dates of any statutory maternity/adoption leave</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total amount of shared parental leave available</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Child’s expected week of birth, actual date of birth or date of placement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Amount of shared parental leave mother &amp; partner wish to take</strong></td>
<td></td>
</tr>
<tr>
<td><strong>When you intend to take shared parental leave</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Name &amp; address of partners employer</strong></td>
<td></td>
</tr>
</tbody>
</table>

| Partners National Insurance number |  |

To be signed by the employee seeking the shared parental leave:-

I, declare that I will be sharing responsibility for the care of the child and I have given notice to end my maternity entitlement. I confirm that to the best of my knowledge I have met the continuity of the employment test, all information I have given above is correct and that should I cease to be eligible I will immediately inform my employer. I will also immediately inform my partner should I cease to satisfy the eligibility conditions.

Signed: ___________________________ Date: ___________________________

Print name: ___________________________

To be signed by the partner seeking the shared parental leave:-

I, confirm that I am of and my National Insurance number is: _____________. I confirm that I am the father/mother/partner (delete as appropriate) of the child and that I meet the criteria for the employment and earnings test. I understand that the employee is entitled to statutory maternity leave/statutory pay/maternity allowance (delete as applicable) and has given notice to end that leave and pay/allowance. I consent to the amount of leave and pay that the employee is seeking and consent to the employer receiving this declaration to process the information contained within it. I undertake to forward a copy of this declaration to my current employer.

Signed: ___________________________ Date: ___________________________

Print name: ___________________________
## Appendix 1

WEST HERTFORDSHIRE HOSPITALS NHS TRUST

FORM ML1 (Maternity Leave)

### SECTION 1 – TO BE COMPLETED BY EMPLOYEE 15TH WEEK BEFORE EWC AT MEETING WITH STAFF SUPPORT COORDINATOR / MEDICAL STAFFING MANAGER:

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Name:</td>
<td></td>
</tr>
<tr>
<td>Job Title:</td>
<td></td>
</tr>
<tr>
<td>Department:</td>
<td></td>
</tr>
<tr>
<td>Line Manager:</td>
<td></td>
</tr>
<tr>
<td>Division:</td>
<td></td>
</tr>
<tr>
<td>Base:</td>
<td></td>
</tr>
<tr>
<td>Ext:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
<tr>
<td>Band:</td>
<td></td>
</tr>
<tr>
<td>No. of Hrs:</td>
<td></td>
</tr>
<tr>
<td>Home address:</td>
<td></td>
</tr>
<tr>
<td>Home Tel No:</td>
<td></td>
</tr>
<tr>
<td>Start date with Trust:</td>
<td></td>
</tr>
<tr>
<td>Start date with NHS:</td>
<td></td>
</tr>
<tr>
<td>Expected week of confinement:</td>
<td></td>
</tr>
<tr>
<td>Expected start date maternity leave:</td>
<td></td>
</tr>
</tbody>
</table>

**PLEASE COPY FORM AND FORWARD TO YOUR MANAGER AND BARBARA LEON-HUNT IN HUMAN RESOURCES, WATFORD.**

**PLEASE NOTE IF YOU ARE A DOCTOR, SEND FORM TO ROS BUND, MEDICAL STAFFING MANAGER, WGH**
SECTION 2 – TO BE COMPLETED BY STAFF SUPPORT CO-ORDINATOR OR MEDICAL STAFFING MANAGER AT MATERNITY INTERVIEW

<table>
<thead>
<tr>
<th>Maternity Leave starts:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternity leave pay category:</td>
<td>(Circle accordingly)</td>
</tr>
<tr>
<td>OMP  OMP only  SMP  Maternity Allowance</td>
<td></td>
</tr>
<tr>
<td>Paid maternity leave finishes:</td>
<td></td>
</tr>
<tr>
<td>How many unpaid weeks is employee planning to take:</td>
<td></td>
</tr>
<tr>
<td>Is employee planning to return to work?</td>
<td>YES  NO  UNKNOWN</td>
</tr>
<tr>
<td>Last day of service: (if known)</td>
<td></td>
</tr>
<tr>
<td>1. (If appropriate) The applicant has 1 years’ service by 11 weeks before EWC Last day of service will be 26 weeks after employee stops work.</td>
<td></td>
</tr>
<tr>
<td>2. The applicant has 26 weeks service at qualifying week, last day of service will be at the end of the 6 weeks pay at the higher rate of SMP.</td>
<td></td>
</tr>
<tr>
<td>3. The applicant has less that 26 weeks service with Trust last day of service will be last day of work</td>
<td></td>
</tr>
<tr>
<td>Expected date of return:</td>
<td>(If known)</td>
</tr>
</tbody>
</table>

SECTION 3 - TO BE COMPLETED BY EMPLOYEE AT MATERNITY INTERVIEW

I acknowledge receipt of a copy of the Trust's Family Leave Policy and apply for maternity leave in accordance with this document. I understand that I may be liable to refund the whole of the Maternity Pay received, less any Statutory Maternity Pay and NHS Maternity Benefits to which I may be entitled, if I do not return to work having stated that I would.

Signed:_____________________________________________________________
Date: ______________________________________________________________

Staff Support Co-ordinator/ Medical Staffing Manager:_______________________________
Date:__________________________________________________________Contact Number:________________

Please copy and forward original to payroll with MATB1 form
# West Hertfordshire Hospitals NHS Trust

## FORM PL1 (Paternity Leave)

### SECTION 1 – TO BE COMPLETED BY EMPLOYEE BY 15TH WEEK BEFORE EWC:

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Name</td>
<td></td>
</tr>
<tr>
<td>Job Title</td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td></td>
</tr>
<tr>
<td>Division</td>
<td></td>
</tr>
<tr>
<td>Line Manager</td>
<td></td>
</tr>
<tr>
<td>Base</td>
<td></td>
</tr>
<tr>
<td>Ext</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Band</td>
<td></td>
</tr>
<tr>
<td>No. of Hrs</td>
<td></td>
</tr>
<tr>
<td>Home address</td>
<td></td>
</tr>
<tr>
<td>Home Tel No</td>
<td></td>
</tr>
<tr>
<td>Start date with Trust</td>
<td></td>
</tr>
<tr>
<td>Start date with NHS</td>
<td></td>
</tr>
<tr>
<td>Expected week baby due</td>
<td></td>
</tr>
<tr>
<td>Expected start date of paternity leave</td>
<td></td>
</tr>
</tbody>
</table>

**ACTUAL START DATE WILL BE CONFIRMED ON CHANGE OF CIRCUMSTANCES FORM BY LINE MANAGER**

<table>
<thead>
<tr>
<th>Dated:</th>
<th>Signed:</th>
</tr>
</thead>
</table>

**PLEASE COPY FORM AND FORWARD TO MANAGER AND BARBARA LEON-HUNT (TOGETHER WITH COPIES OF MATB1 FORM OR MATCHING CERTIFICATE).**

**PLEASE NOTE: IF A DOCTOR PLEASE FORWARD COPY OF FORM AND MATB1 FORM OR MATCHING CERTIFICATE TO ROS BUND, MEDICAL STAFFING MANAGER, WGH.**
**SECTION 2 – TO BE COMPLETED BY STAFF SUPPORT CO-ORDINATOR OR MEDICAL STAFFING MANAGER**

<table>
<thead>
<tr>
<th>Paternity Leave Pay Category:</th>
</tr>
</thead>
</table>

**Entitlement Dependent on Service:**  
(Please tick box accordingly)

- 1 Weeks Full Pay
- Statutory Paternity Pay SPP – 1 Week Full Pay or SPP (dependent on most favourable) & 1 week SPP
- Occupational Paternity Pay – 2 Weeks Full Pay

**Staff Support Co-ordinator/Medical Staffing Manager:**

<table>
<thead>
<tr>
<th>Signed:</th>
<th>Ext:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**FORM TO BE COPIED AND FORWARDED TO PAYROLL DEPARTMENT WITH MAT B1 FORM/MATCHING CERTIFICATE AND IF APPLICABLE SC3 FORM**
Appendix 3

WEST HERTFORDSHIRE HOSPITALS NHS TRUST

FORM APL&P1 (Additional Paternity Leave and Pay)

SECTION 1 – to be completed by employee 8 weeks before leave to start
SECTION 2 – to be completed by mother / employee’s partner 8 weeks before leave to start
SECTION 3 – to be completed by staff support coordinator / medical staffing manager

### SECTION 1

<table>
<thead>
<tr>
<th>Full Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title:</td>
<td></td>
</tr>
<tr>
<td>Department:</td>
<td></td>
</tr>
<tr>
<td>Division:</td>
<td></td>
</tr>
<tr>
<td>Line Manager:</td>
<td></td>
</tr>
<tr>
<td>Base:</td>
<td></td>
</tr>
<tr>
<td>Ext:</td>
<td></td>
</tr>
<tr>
<td>No. of Hrs:</td>
<td></td>
</tr>
<tr>
<td>Home address:</td>
<td></td>
</tr>
<tr>
<td>Home Tel No:</td>
<td></td>
</tr>
<tr>
<td>Start date with Trust:</td>
<td></td>
</tr>
<tr>
<td>Start date with NHS:</td>
<td></td>
</tr>
</tbody>
</table>

**Expected week baby due / date notified of adoption match:**

**Actual date of baby’s birth / placement for adoption:**

**Expected start date of additional paternity leave:**

**Expected end date of additional paternity leave and pay (if appropriate):**

**Employee Declaration**

I can confirm that:

- the purpose of the leave will be to care for the child
I am the father of the child / husband / civil partner / partner (including same sex partner) of the child's mother / adopter / co-adopter

I have, or expect to have, the main responsibility for the upbringing of the child apart from the mother's or partner's responsibility / I have been matched for adoption with the child

Dated: \hspace{1cm} Signed:

SECTION 2

Mother / Employee's Partner's Details:

<table>
<thead>
<tr>
<th>Full Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home address (inc postcode):</td>
</tr>
<tr>
<td>National Insurance Number:</td>
</tr>
<tr>
<td>Employer's Name:</td>
</tr>
<tr>
<td>Employer's Address:</td>
</tr>
<tr>
<td>Employer's Contact Telephone Number:</td>
</tr>
<tr>
<td>Date maternity / adoption leave commenced or is planned to commence:</td>
</tr>
<tr>
<td>Date statutory maternity pay, maternity allowance pay or statutory adoption pay period started (if applicable):</td>
</tr>
<tr>
<td>Date returning to work following maternity / adoption leave:</td>
</tr>
</tbody>
</table>

Mother / Employee's Partner's Declaration:

I can confirm that:

- I have notified my employer of my intention to return to work on the date stated above
- I was eligible for statutory maternity pay, maternity allowance or statutory adoption leave or pay (please delete as appropriate)
• the employee as detailed above is my spouse, partner or civil partner and is the father / adopter / co adopter of the child / has main responsibility for the upbringing of the child apart from myself
• the employee as detailed above is the only person to take additional paternity leave or pay in respect of the child
• I consent to you processing the information given in this application form

Dated:                     Signed:

PLEASE COPY FORM AND FORWARD TO MANAGER AND BARBARA LEON-HUNT (TOGETHER WITH COPIES OF MATB1 FORM / BIRTH CERTIFICATE OR MATCHING CERTIFICATE).

PLEASE NOTE: IF A DOCTOR PLEASE FORWARD COPY OF FORM AND MATB1 FORM / BIRTH CERTIFICATE OR MATCHING CERTIFICATE TO ROS BUND, MEDICAL STAFFING MANAGER, WGH.

SECTION 3 – TO BE COMPLETED BY STAFF SUPPORT CO-ORDINATOR OR MEDICAL STAFFING MANAGER

Additional Paternity Leave:

Dates for additional paternity leave to be granted:
From: ........................................ To: .............................................................

Dates for entitlement to pay in accordance with the scheme (if appropriate):
From: ........................................ To: .............................................................

Staff Support Co-ordinator/Medical Staffing Manager:
Signed:

FORM TO BE COPIED AND FORWARDED TO PAYROLL DEPARTMENT WITH MAT B1 FORM / BIRTH CERTIFICATE OR MATCHING CERTIFICATE
SECTION 1 – TO BE COMPLETED BY EMPLOYEE

<table>
<thead>
<tr>
<th>Full Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title:</td>
<td></td>
</tr>
<tr>
<td>Department:</td>
<td></td>
</tr>
<tr>
<td>Division:</td>
<td></td>
</tr>
<tr>
<td>Base:</td>
<td></td>
</tr>
<tr>
<td>Ext:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
<tr>
<td>Band:</td>
<td></td>
</tr>
<tr>
<td>No. of Hrs:</td>
<td></td>
</tr>
<tr>
<td>Home address:</td>
<td></td>
</tr>
<tr>
<td>Home Tel No:</td>
<td></td>
</tr>
<tr>
<td>Start date with Trust:</td>
<td></td>
</tr>
<tr>
<td>Start date with NHS:</td>
<td></td>
</tr>
<tr>
<td>Expected date child to be placed for adoption:</td>
<td></td>
</tr>
<tr>
<td>Expected start date of adoption leave:</td>
<td></td>
</tr>
</tbody>
</table>

PLEASE COPY FORM AND FORWARD TO MANAGER AND Barbara Leon-Hunt, Staff Support Co-ordinator at WGH.

PLEASE NOTE, IF A DOCTOR, FORWARD TO ROS BUND, MEDICAL STAFFING MANAGER, WGH.
## SECTION 2 – TO BE COMPLETED BY STAFF SUPPORT CO-ORDINATOR OR MEDICAL STAFFING MANAGER AT INTERVIEW

<table>
<thead>
<tr>
<th>Adoption Leave starts:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption leave pay category:</td>
<td>(circle accordingly)</td>
</tr>
<tr>
<td>Paid adoption leave finishes:</td>
<td></td>
</tr>
<tr>
<td>How many unpaid weeks is employee planning to take:</td>
<td></td>
</tr>
<tr>
<td>Is employee planning to return to work?</td>
<td>YES NO UNKNOWN</td>
</tr>
<tr>
<td>Last day of service:</td>
<td></td>
</tr>
<tr>
<td>1. (If appropriate) The applicant has 1 year service at qualifying week last day of service will be 26 weeks after employee stops work.</td>
<td></td>
</tr>
<tr>
<td>2. The applicant has 26 weeks service at qualifying week, last day of service will be at the end of the 6 weeks pay at the higher rate of SAP.</td>
<td></td>
</tr>
<tr>
<td>3. The applicant has less than 26 weeks service with Trust last day of service will be last day of work</td>
<td></td>
</tr>
<tr>
<td>Expected date of return:</td>
<td>(If known)</td>
</tr>
</tbody>
</table>

## SECTION 3 – TO BE COMPLETED BY EMPLOYEE AT ADOPTION INTERVIEW

I acknowledge receipt of a copy of the Trust’s Family Leave policy and apply for Adoption Leave in accordance with this document. I understand that I may be liable to refund the whole of the Adoption Pay received, less any Statutory Adoption Pay and NHS Adoption Benefits to which I may be entitled, if I do not return to work having stated that I would.

Signed ……………………………………………………………..    Dated ………………….

Staff Support Co-ordinator/Medical Staffing Manager___________________________________

Date: ________________________________Contact Number: ____________

**FORM TO BE COPIED AND FORWARDED TO PAYROLL DEPARTMENT WITH MATCHING CERTIFICATE**
Appendix 5

MATERNITY / ADOPTION LEAVE ENTITLEMENT FLOWCHART

Will you have 12 months continuous NHS service by the 11th week before the EWC or leading into the week in which you are notified of being matched with a child for adoption?

YES

Will you have 26 weeks service with the Trust by the beginning of the 15th week before the EWC or leading into the week in which you are notified of being matched with a child for adoption?

YES

Will you have 26 weeks service with the Trust by the beginning of the 15th week before the EWC or leading into the week in which you are notified of being matched with a child for adoption?

NO

Will you have 12 months continuous NHS service by the 11th week before the EWC or leading into the week in which you are notified of being matched with a child for adoption?

NO

Occupational Maternity / Adoption Pay scheme excluding SMP
- 8 weeks full pay
- 18 weeks half pay plus SMP/SAP
- 13 weeks SMP/SAP only

Statutory Maternity / Adoption Pay (SMP) / (SAP)
- 6 weeks at 9/10th of full pay
- 33 weeks at SMP (not to exceed average weekly earnings)
- 13 weeks unpaid leave which immediately follows paid leave

Do you make N.I contributions (i.e. do you earn over £97 per week)?

YES

Occupational Maternity / Adoption Pay scheme excluding SMP
- 8 weeks full pay
- 18 weeks half pay
- SMP / SAP can be claimed directly from DWP using the SMP1 / SAP1 form available from Payroll

NO

Maternity Allowance
If you are not entitled to Occupational Maternity Pay, you may be able to apply for Maternity Allowance by completing an SMP1 available from Payroll. (Claimed from DWP)

YES

NO

Please note - rate of SMP / SAP and NI contributions correct as at November 2010. These figures will increase from 1st April 2011.