



Parenting Leave Policy

This procedural document supersedes: Parental Leave Policy – CORP/EMP 15 v.12

Please Note: This policy is currently under review and is still fit for purpose.



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Executive Sponsor	Karen Barnard - Director of People and Organisational Development
Author/reviewer: (this version)	Tully Monk/ Joanne Dixon – HR Business Partners
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Amendment Form

Version	Date Issued	Brief Summary of Changes	Author
Version 13	3 Sept 2021	<u>Amendment</u> <ul style="list-style-type: none"> Change of payroll provider. Policy amended to reflect payroll provider move to Victoria Pay Services. 	Elizabeth Watkinson
Version 12	4 December 2019	<u>Amendment</u> <ul style="list-style-type: none"> NHS Employers comprehensive, published guidance on shared parental leave, referenced and added under section 7.1. 	Tully Monk
Version 11	23 Sept 2019	<ul style="list-style-type: none"> Change of name Complete review of policy to ensure legislative compliance and compliance with national terms and conditions Additional information to explain pay calculations Review of all forms and guidance and inclusion of a standard letter for managers 	Tully Monk/ Joanne Dixon
Version 10	April 2015	Addition of Shared Parental Leave and Statutory Shared Parental Pay at section 6a. End date of Additional paternity leave added.	Tracey Davies
Version 9	20 August 2014	Complete review of policy, and combined with other policies.	John Scott
Version 8	June 2012	Section 11- Amendment to detail how accrual of annual leave whilst on Maternity Leave does include Bank Holidays	Kerstie Stevens
Version 7	February 2012	Addition of Appendix 8 – confirmation of return to work date	Jayne Lang
Version 6	October 2011	<ul style="list-style-type: none"> General Update References updated Appendix 1 updated and re-designed Appendix 7- New information on Doctors on Rotation 	Kerstie Stevens
Version 5	May 2010	<ul style="list-style-type: none"> Item 2 - Duties and Responsibilities added and paragraphs re-numbered accordingly. Paragraph 5 amendment to wording Paragraph 7 clarifications that for the purpose of calculating maternity leave and pay, the EWC will commence on the day your baby is due. Paragraph 15 amended to reflect extension of non-cash benefits up to 52 weeks. Appendix 4 - Application to change hours- amendments for monitoring purposes/ to mirror flexible working policy request form Paragraph 10 - amended to reflect changes in requesting flexible working Paragraph 11- Premature birth - changes for a child who may remain in hospital for a particular period 	Kerstie Stevens

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1. INTRODUCTION

We want to support you to deliver our service for patients by providing you with clear and accessible guidance on your employment terms, entitlements and arrangements. By providing you and your manager with a clear, up-to-date and accurate policy, you can make informed decisions regarding your future.

The Trust will ensure that your leave does not cause you any long-term disadvantage in relation to training needs and/or self-development. Taking a period of maternity/adoption/ shared parental or paternity leave will not affect your incremental date, pay awards or your continuous NHS or Trust service.

If you feel aggrieved by the interpretation or application of this policy, you should refer to the Trust's Grievance Procedure.

2. PURPOSE

This policy covers arrangements for maternity leave, paternity, adoption and shared parental leave. The terms of this policy apply equally to same sex partnerships. A glossary of definitions used in this policy is included in Appendix B.

This Policy is intended to give you and your manager relevant information and is not an exhaustive account of all the regulations. This policy applies to all Trust employees.

3. POLICY AND PROCESS AT A GLANCE

Maternity/Adoption	Paternity	Shared Parental	Parental (Unpaid)
<p>What is it?</p> <p>Up to 52 weeks maternity leave (Ordinary Maternity/Adoption leave is 26 weeks, followed by Additional Maternity/Adoption Leave). By law you must take a minimum of two weeks leave after childbirth.</p> <p>Statutory Maternity/Adoption Pay (SMP/SAP) is for 39 weeks. First six weeks at 90%, of AWE followed by 33 weeks at SMP rate or 90% of AWE whichever is lower. Occupational Maternity/Adoption pay is 8 weeks full pay, 18 weeks half pay plus SMP/ SAP, and 13 weeks SMP / SAP only.</p> <p>A right to return to work: to your own job (if you come back to work within 26 weeks), or to a similar job (if you come back after 26 weeks).</p> <p>Paid time off to attend antenatal care appointments/official adoption meetings.</p>	<p>What is it?</p> <p>Two weeks paid time off to provide care for a new-born baby/newly placed adopted child.</p> <p>It can start from the date of the baby's birth or any day of the week following the birth and must be taken within 56 days of the birth of the child.</p> <p>You will return to the same job; on the same terms and conditions; and will not be subjected to any disadvantage, unfair treatment or dismissal.</p> <p>You are also entitled to further unpaid parental leave and to request flexible working.</p>	<p>What is it?</p> <p>It allows parents to choose how they wish to share up to 50 weeks leave to care for a new born baby/newly placed adopted child.</p> <p>It allows parents to choose how they wish to share up to 37 weeks of pay plus up to an additional 13 weeks of unpaid leave in order to care for a new born baby/newly placed adopted child. Leave and pay must be taken before the child's first birthday</p> <p>A right to return to work: to your own job (if you come back to work within 26 weeks), or a similar job (if you come back after 26 weeks).</p> <p>You may also be entitled to any unused statutory maternity/adoption pay up to a maximum of 37 weeks</p>	<p>What is it?</p> <p>Up to 18 weeks unpaid leave to look after or to make arrangements for your child (children). It must be taken by the child's 18th birthday.</p> <p>It can be taken in week blocks up to 18 weeks in total.</p> <p>You will return to the same job; on the same terms and conditions; and will not be subjected to any disadvantage, unfair treatment or dismissal.</p>

Maternity/Adoption	Paternity	Shared Parental	Parental (Unpaid)
Who does this apply to? The leave applies to anyone who is pregnant, or the primary carer in adoption.	Who does this apply to? The father can be either the baby's biological father, or the partner (same sex)/husband of the mother, or someone who has, or expects to have, responsibility for the baby's upbringing.	Who does this apply to? SPL can only be used by two people: The mother/adopter and one of the following: - the father of the child (in the case of birth) or - the spouse, civil partner or partner of the child's mother/ adopter. The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements.	Who does this apply to? Natural or adoptive parents or people with parental responsibility under the Children's Act.
To receive statutory maternity/adoption leave pay, you must have 26 weeks' continuous service (at the 15 th week before the week the baby is due/child is due to be placed). To receive Occupational Maternity/Adoption Pay you must have one year's continuous NHS service by the 11 th week before the due date/ placement date.			
How do I apply/get more information? Read this guidance.	How do I apply/get more information? Tell your manager that you plan to take paternity leave before the end of the fifteenth week, before the baby is expected.	How do I apply/get more information? Read this guidance and see information provided via the links to the internet.	How do I apply/get more information? First application to your manager 21 days before you plan to take the leave.
Tell your manager that you are pregnant and the likely dates of absence/date of placement in your family.	Tell your manager: when the baby is due; when you plan to take the time off; and how long you are taking.	Tell your manager that you intend to apply for shared parental leave and complete the forms included in this guidance.	

4. DUTIES AND RESPONSIBILITIES

4.1 Employees

- Co-operate with the requirements of the leave procedures.
- Make every effort to attend meetings arranged.
- Ensure you give reasonable and sufficient notice of your intention take leave or pay to your manager in accordance with this policy.

4.2 Managers

- Deal promptly with requests for leave.
- View any applications with an open mind and follow a fair and justifiable decision making process.
- Maintain appropriate records of applications in line with best practice for information governance.
- Ensure any agreed arrangements are communicated to VPS (Victoria Pay Services) in a timely manner so that pay and leave may be applied correctly.
- Ensure VPS are notified of any return to work and entitlement to payment for KIT/ SPLIT days upon the employee's return.
- Ensure pregnancy risk assessments are completed promptly and regularly in accordance with Health and Safety regulations.

4.3 HR Department/VPS

- Provide support, advice and guidance on all matters relating to the operation of this policy
- To advise managers on the processing of any maternity/adoption/shared parental leave and paternity leave applications
- HR will review and maintain the policy through agreed forums within the Trust

5. MATERNITY LEAVE

5.1 Leave Entitlement

You are entitled to take up to 52 weeks Maternity Leave. This consists of two parts: 26 weeks of Ordinary Maternity Leave (including 2 weeks compulsory maternity leave), followed by 26 weeks of Additional Maternity Leave.

By law, you may not return to work until two weeks after the birth of your child.

5.2 Notifying Your Manager

When you are aware that you are pregnant you should inform your manager of the expected week of childbirth (EWC) as soon as reasonably practicable. The point at which you inform your manager of your pregnancy should take into account your work environment and any potential hazards or risks. You should discuss with your manager the date on which you want to begin your maternity leave. This cannot be earlier than the 11th week before the EWC. Your manager will then arrange a risk assessment for you.

You will then need to complete the application form for Maternity Leave no later than the end of the 15th week before the EWC. You must attach your formal documentation (the original MAT B1 form signed by your GP or midwife). Your manager will write to you within 28 days to confirm the arrangements for your leave. Your manager will submit your application form for Maternity Leave and your original MATB1 to VPS so that VPS are able to calculate your pay entitlements.

5.3 Antenatal Appointments

You have a statutory right to receive reasonable paid time off for antenatal care, regardless of your length of service or the number of hours you work, where the appointment falls in your normal working hours. That can include relaxation and parent-craft classes recommended by your doctor, midwife or health visitor.

After your first appointment, you should show your manager your appointment card and discuss the time off that you will need, so that your manager may arrange cover. For exceptional operational reasons, you may be asked to change appointments, and you should comply with this if practical. Similar arrangements apply for paid time off for post-natal care.

5.4 Starting Your Leave

You may start your maternity leave any time between the 11th week before the EWC and the date of birth, providing that you have notified your manager. You can vary the date later if you give at least 28 days' notice.

Your maternity leave will begin automatically if you are absent from work for any pregnancy related illness during the four weeks prior to your EWC, regardless of when your maternity leave was planned to begin. The first date of maternity leave will be the day after the first day of your absence. If you are sick earlier than this, or as a result of a reason other than your pregnancy, the absence will be recorded as sickness in the normal manner.

Your leave will also commence automatically if you give birth before your maternity leave period was due to start. Please notify the Trust in writing as soon as is reasonably practicable of the date you gave birth, and your maternity leave will begin from the day after birth. If your baby is born prematurely (before the 11th week before the EWC), you can agree with your line manager for your leave to be split, taking a minimum of two weeks maternity leave immediately after

childbirth and the rest when your baby is discharged from Hospital. Your manager will confirm any date changes in writing.

5.5 Maternity Pay

Your Maternity Pay Entitlements will be dependent on your individual situation. Refer to Appendix K for the flow chart detailing Maternity Pay Entitlements.

5.6 Statutory Maternity Pay And Maternity Allowance

If you have at least 26 weeks' continuous service at the start of the 15th week before your child is born, and you meet the lower earnings limit (LEL), you will normally be entitled to receive SMP whether or not you intend to return to work.

SMP is payable at two rates for a maximum of 39 weeks. For the first six weeks a rate of 90% of average weekly earnings (AWE) salary is paid, the following 33 weeks is paid at SMP rate or 90% of AWE whichever is the lower.

Statutory pay rates can be found on the HM Revenues and Custom website:

[Maternity pay and leave: Pay - GOV.UK](#)

If you have less than 26 weeks continuous service at the start of the 15th week before your child is born you may be entitled to claim Maternity Allowance (MA). More information is available on the Gov.UK website [Maternity Allowance - GOV.UK](#). You will need to contact your local job centre plus to obtain information on how to apply. You will require an SMP1 form, which VPS will provide to you directly.

5.7 Occupational Maternity Pay

You will receive this if you have 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the EWC and intend to return to work for a minimum of 3 months. It is paid as follows: 8 weeks full pay, followed by 18 weeks half pay plus SMP, followed by 13 weeks of SMP only. The final 13 weeks are unpaid.

Full pay is calculated by taking the average over the eight week period prior to the qualifying week. This will include all the pay you receive in the 2 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.

Should you opt to receive Occupational Maternity Pay and then do not return to NHS employment for a minimum of 3 months following the end of your maternity leave, you may be liable to repay the difference between Statutory Pay and the Occupational Pay received. If you

return to another NHS Employer other than DBTH you must provide evidence of your employment to your manager.

Maternity pay will be paid into your bank account on the same date that you would have received your salary and will be subject to the usual deductions for tax, National Insurance (NI) and pension contributions.

5.8 The Calculation of Pay

In order to qualify for SMP your average weekly earnings must be at least equal to the lower earnings limit (LEL). The LEL that applies to you is the one which is current on the Saturday at the end of your qualifying week. The LEL changes each year and is determined by the government.

To calculate your average weekly earnings VPS will average your gross earnings over a period of at least eight weeks up to and including the last payday before the end of your qualifying week. The qualifying week is the 15th week before the week your baby is due.

For the purposes of working out SMP, 'pay' is taken to mean the gross pay that is due to you before any tax, NI or pension deductions. VPS will take into account your gross pay that you received in the set period, as long as it counts for National Insurance (NI) contributions (or would count if you earned enough or were old enough to pay NI contributions).

If you receive sick pay, overtime payments, enhancements or arrears of pay or holiday pay this is all included to work out your SMP, if you receive them within your set period. It is when you get paid the money that counts, not when it was actually earned.

If you have a salary sacrifice arrangement in place during the period used to work out your SMP, the average weekly earnings calculation will be based on your contractual earnings that count for NI contributions. This means that your average weekly earnings will be based on your pay after your salary sacrifice is deducted. This could also mean that your average weekly earnings may not reach the lower earnings limit for the payment of statutory maternity pay.

For additional information on the impact of any salary sacrifice and lease car arrangements during the period of your maternity leave please refer to your contractual documentation you signed at the time of taking your salary sacrifice. Any additional queries regarding the impact on your maternity pay please contact VPS on 0114 305 2220.

Entitlement to maternity pay may be affected where staff become pregnant again before their current maternity leave has finished. Maternity leave does not break continuity of service so you will have the same right to take maternity leave as with your first pregnancy. However, if you do not return to work (or do not return for very long) you may not earn enough to qualify for Statutory Maternity Pay (SMP) for your second period of maternity leave. This is because your SMP entitlement is based on your average earnings over the eight week period before the 15th week before the baby is due (your qualifying weeks). The same applies to the calculation for

Occupational Maternity Pay. Even if you do not qualify, you are likely to qualify for Maternity Allowance (MA) instead. Maternity allowance is determined by the government.

Returning to work for at least the eight week qualifying period for SMP may boost the pay you receive for your second maternity leave period. This is because the first six weeks of SMP are paid at 90% of the average earnings you received during the eight week qualifying period, and Occupational Maternity Pay is based on the same eight week qualifying period. By contrast, MA is capped at £145.18 a week throughout (April 2018 rates), or 90% of your average weekly earnings before tax if less.

For further information on how your maternity pay is calculated please see Section 15 of the NHS Agenda for Change Terms and Conditions of Service Handbook Section “Calculation of Maternity Pay”.

5.9 Miscarriage and Stillbirth

A stillbirth occurs if the baby is stillborn after the end of the 24th week of pregnancy. If a still birth occurs you will be entitled to the same amount of Maternity Leave as if your baby was born alive. You will need to submit evidence to your manager to be entitled to leave and pay (for example, a stillbirth certificate issued by the registrar, or a certificate or notification for the registration of a stillbirth issued by the attending midwife or doctor).

If you have a miscarriage before the end of the 24th week of pregnancy, normal sick leave provisions apply.

6. ADOPTION LEAVE

6.1 Leave Entitlement

Statutory Adoption Leave is 52 weeks. It consists of:

- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave.

You will **not** be eligible for Adoption leave or pay if you:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a stepchild
- Adopt a family member or stepchild

- Are a foster carer

6.2 Notifying Your Manager

You must notify your manager within 7 days of being matched with a child. You must inform your manager in writing:

- How much leave you require
- Your leave/start date
- The date of placement(the date the child is to be placed with you)

If you use a surrogacy to have a baby you must tell your manager the due date and when you wish to start your leave at least 15 weeks before the expected week of birth. You must provide this in writing.

6.3 Adoption Appointments

The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

6.4 Starting Your Leave

Adoption leave can start up to 14 days before the date the child starts living with you (for UK adoptions), when the child arrives in the UK or within 28 days of this date (overseas adoptions), or the day the child is born or the day after (if you have used a surrogate to have a child).

You must give 28 days' notice of when you wish to start Adoption Leave/ Pay. Your manager must then respond within 28 days confirming arrangements. You must tell your manager within 28 days if the date for placement changes. Your manager will submit your application form for Adoption Leave/ Pay and your original matching certificate to VPS so that VPS may calculate your pay entitlements.

6.5 Statutory Adoption Pay

In order to be eligible to receive Statutory Adoption Pay you must:

- Have worked for your employer continuously for at least 26 weeks by the week you were matched with a child.
- Provide proof of the adoption. Proof of the adoption must show the following:
 - your name and address and that of the agency
 - the match date – e.g. matching certificate
 - the date of placement –e.g. a letter from the agency

- the relevant UK authority's official notification confirming that you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK –e.g. a plane ticket (overseas adoptions only)
- If you use a surrogacy you must have worked continuously for your employer for at least 26 weeks by the 15th week before the baby's due date; intend to apply for a parental order and expect the order to be granted. You must provide a written statement to confirm you have applied for or will apply for a parental order within 6 months after the child's birth. This must be signed in the presence of a legal professional.

If you are not eligible for adoption pay then VPS will give you a SAP1 form explaining why you are not eligible.

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of your average weekly earnings for the first 6 weeks
- 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

6.6 Occupational Adoption Pay

Where the child is below the age of 18 then adoption leave and pay will be in line with the maternity leave and pay provisions set out in this policy.

Eligibility for occupational adoption pay will be 12 months' continuous NHS service ending with the week in which you are notified of being matched with the child for adoption. This will cover the circumstances where employees are newly matched with the child by an adoption agency.

6.7 How Statutory Adoption Pay is Calculated

This is calculated on the "relevant period". This is usually an 8 week period before the Matching Week (MW). The end of the relevant period is the last normal payday on or before the Saturday of the MW. The start of the relevant period is the day after the last normal payday falling at least 8 weeks before the end of the relevant period. Pay is calculated in the same way that maternity pay is calculated see section page 10 above.

7. SHARED PARENTAL LEAVE (SPL) AND SHARED PARENTAL PAY (SHPP)

Parents now have a greater choice in how they share time off work and care in the first year of their child's life. The new rules also apply to adoption or surrogacy. Shared Parental Leave and Pay may be available if you or your partner has ended your maternity or adoption leave or pay early. A mother must take a minimum of 2 weeks' maternity leave following the birth. The remaining leave will be available as SPL. The remaining pay may be available as Shared Parental Pay.

More information including Statutory Pay Rates can be found on the Gov.UK website:
[Shared Parental Leave and Pay: What you'll get - GOV.UK.](#)

7.1 Eligibility

If a woman decides not to take her full maternity leave entitlement, she and the partner can opt-in to shared parental leave. Both parents must meet a set of 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 notice of entitlement and their intention to take shared parental leave (see below).
- 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.
- Give correct notice including a declaration that your partner meets the employment and income requirements that permit you to receive SPL. At least 8 weeks before the start of the leave period.

If you are eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, you can:

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

You can take SPL in up to 3 separate blocks. You may also share the leave with your partner if they are eligible. Parents can choose how much of the SPL each of them will take. The employee cannot be prevented from taking the amount of SPL they have requested with relevant notice however, the Trust has authority over how and when it is taken. The Agenda for Change Handbook Section 15 sets out the process for booking and varying of shared parental leave.

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption). Where a mother or adopter takes 51 weeks or more of the 52 weeks of maternity or adoption leave that is available to him or her, then no shared parental leave can be created.

NHS Employers has published comprehensive guidance on how Shared Parental Leave and Pay may be taken or shared by using a number of worked examples. This guidance has been listed on the Trust Hive under Policies and Procedures: Employment and Work Life Balance and can also be found at the following link:

<https://www.nhsemployers.org/case-studies-and-resources/2019/09/shared-parental-leave-scenario-guidance>

7.2 Statutory Shared Parental Pay

You can be eligible to receive Statutory ShPP if one of the following applies:

- you qualify for Statutory Maternity Pay or Statutory Adoption Pay
- you qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay

Where a mother or adopter takes 38 weeks or more of statutory maternity or adoption pay or maternity allowance, then no statutory shared parental pay can be created. ShPP is paid at the Statutory Pay Rate or 90% of your average weekly earnings, whichever is lower.

7.3 Occupational Shared Parental Pay

From 1st April 2019 Shared Parental Pay will be enhanced to the same levels as occupational maternity/adoption pay.

Eligibility for this enhanced level of pay will mirror current eligibility requirements for occupational maternity/adoption pay, as set out in Section 15 of the NHS Agenda for Change Terms and Conditions of Service.

The Trust will not pay more than 26 weeks (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 NHS Employees as shared parental leave and pay is a joint entitlement.

7.4 How to Apply for SPL/ShPP

You must give your employer 8 weeks' written notice of your entitlement to SPL and ShPP, including:

- your partner's name
- start and end dates for maternity or adoption leave and pay
- the total amount of SPL and ShPP available and how much you and your partner intend to take
- confirmation that you're sharing childcare responsibility with your partner

You must also include a signed declaration from your partner stating:

- their name, address and National Insurance number
- that they satisfy the qualifying requirements for SPL and ShPP
- that they agree to you taking SPL and ShPP

To apply for Shared Parental Leave/Pay please complete the form in Appendix D.

After receiving this notice, your manager has 14 days to request:

- a copy of the child's birth certificate
- The name and address of your partner's employer.

You must provide this information within 14 days if it is requested. Following discussion the manager should confirm in writing:

- The employee's paid and unpaid shared parental leave entitlements (statutory and/or occupational);
- The confirmed leave pattern, including start and end dates, for each block of shared parental leave the manager and employee have agreed will be taken;
- Confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended; and
- The length of any period of accrued annual leave which it has been agreed may be taken following the end of shared parental leave.

8. OTHER TERMS RELATING TO MATERNITY, ADOPTION, SHARED PARENTAL LEAVE/PAY

8.1 Agency or Bank Work (including NHS Professionals)

Agency or bank work (including with NHS Professionals) does not count as continuous NHS Employment and therefore cannot be counted as service for the purposes of leave and pay under this policy.

8.2 Fixed Term or Training Contracts

If your contract expires after the 11th week before the expected week of childbirth, or after notification of being matched for adoption, or during your maternity/ adoption/ shared parental leave, you may be entitled to the same maternity/adoption/ shared parental pay as if you had a permanent contract (subject to the eligibility criteria as stated above). If you have the required service to entitle you to maternity/ adoption/ shared parental pay, your fixed term contract will be extended so you can take 52 weeks of Maternity/Adoption/ Shared Parental leave.

If your contract expires between the 11th and 15th weeks before your baby is due, or before notification of being matched with a child for adoption, you may qualify for statutory pay only (subject to the eligibility criteria as stated above) and your contract will be extended to the date that the statutory pay ceases.

If you are not eligible for maternity/ adoption/ shared parental pay your contract will terminate on the existing date of termination. VPS will provide you with an SMP1/ SAP1 detailing the reason why you are not entitled to statutory pay and you may be entitled to Maternity Allowance (contact your local job centre plus for further information).

Where your contract expires during your maternity/adoption/ shared parental leave, you will not be entitled to return to work.

If you are a medical practitioner or are participating in a planned rotation of appointments as part of your training programme, you have the right to return to the same post or in the next planned post with the same or another authority, irrespective of whether your contract would have ended if pregnancy and birth had not occurred. In this case, your contract will be extended to enable you to complete the training programme. Further information on maternity/adoption/ shared parental leave for Doctors in Training can be found on the NHS Employers website at: www.nhsemployers.org

8.3 Annual Leave and Bank Holidays

Your entitlement to annual leave and bank holidays accrues during your maternity/adoption/ shared parental leave, whether it is paid or unpaid. If you have outstanding annual leave, you should agree with your manager whether you should take some or all of it before your maternity/adoption leave starts. If this is not possible, you should discuss the possibility of taking accrued annual leave when you return from maternity/adoption/ shared parental leave, either in a single period or to allow a short period of part-time working, especially where you may be carrying annual leave/bank holidays over into a new leave year.

If you do not intend to return to work, you should ideally take all your outstanding annual leave for the entire period of maternity/ adoption leave prior to start of your maternity/ adoption leave.

You cannot take annual leave during your period of maternity/ adoption leave. If you do so this will bring your maternity/ adoption leave to an end. You may request to take a period of annual leave following the end date of your maternity/ adoption leave by applying for annual leave in the usual way. Following the end of your maternity/ adoption/ shared parental leave you may also make an application for a period of unpaid leave in line with the career break policy or for a period of statutory unpaid parental leave, details of which are given in this Policy under Section 10 for Unpaid Parental Leave.

8.4 NHS Pension

Your pension rights and contributions are dealt with in line with the provisions of the NHS Pension Scheme. During periods of paid maternity/adoption/ shared parental leave, you and the Trust will continue to make pension contributions.

During periods of unpaid maternity/adoption/ shared parental leave, your occupational pension rights will continue to accrue. If you are already making contributions to the NHS Pension Scheme and you decide to take the option of unpaid maternity/adoption/ shared parental leave, you will be required to pay the accumulated contributions to cover the period of unpaid maternity/adoption/ shared parental leave. VPS will automatically make arrangements to deduct the contributions from your unpaid period of maternity/adoption/ shared parental leave in your first monthly salary following your return to work.

If you change your mind and decide not to return to work, you will still be liable for contributions to the scheme and arrears may be payable. If you have any queries regarding pension arrangements during your maternity/adoption/ shared parental leave please contact VPS.

8.5 Keeping in Touch Arrangements

Your manager will discuss voluntary arrangements for keeping in touch if you are planning to return to work. You may wish to attend work, receive occasional work-related updates, or attend for training/development.

For those on maternity and adoption leave you can attend work for up to 10 Keeping in Touch (KIT) days to facilitate a smooth return to work.

For shared parental leave (SPL) both you and your partner may work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Any days of work will not extend the maternity/ adoption/ shared parental leave period. Keeping in touch days are optional - both you and your manager must agree to them.

Days can be taken consecutive and can be shorter than a normal working day, though working for a part of any day counts as one of the KIT/ SPLIT days. KIT/ SPLIT arrangements must be agreed by both you and your manager and neither can insist on KIT/ SPLIT days being used.

KIT/ SPLIT days are paid at your normal hourly rate as if you were at work if taken during the unpaid part of your maternity/adoption/ shared parental leave. If a KIT/ SPLIT day is taken during paid maternity/adoption/ shared parental leave then you will be paid at the normal hourly rate with an adjustment made to the SMP/ SAP/ ShPP and OMP/ AOP/ ShPP calculation for that week.

For work areas that use E-Roster your line manager should keep a record of any KIT/ SPLIT days worked by using the Keeping in Touch option on E-Roster. Areas that do not utilise E-Roster should keep a clear record of KIT/ SPLIT days in accordance with local procedures. Please note that payment of KIT / SPLIT days will be made following your return to work from maternity/adoption/ shared parental leave. Your manager will notify VPS on your return to work of the number of KIT/ SPLIT days, the dates these were worked and the number of hours. Your manager must do this by completing an “ad hoc change form” and submitting it to VPS. This applies to all areas of work regardless of whether E-Roster is in use.

8.6 Professional Registration

Professional Registration must be maintained or renewed in line with the Professional Registration Policy COPR/EMP 11. You will not be allowed to work KIT/ SPLIT days if your professional registration is not maintained.

8.7 Return to Work

If you return to work during or at the end of the first 26 weeks of Ordinary leave, you are entitled to return to your job on the same terms and conditions as previous. If you take additional leave (more than 26 weeks) and it isn't reasonably practicable to return to the same job, you are entitled to return to a suitable job on terms and conditions that are no less favourable.

If there is no right to return because your contract of employment would have ended if pregnancy and childbirth had not happened, the repayment provisions set out above will not apply.

You should specify with your manager (and on your applications form) whether you intend to return to work and also the date on which you intend to return to work. If you wish to return to work at an earlier date you must give your manager 8 weeks' notice. You are encouraged to discuss your return to work date at the earliest possible opportunity, so that suitable arrangements may be put in place.

If you do not provide the required notice of an early return to work the Trust may postpone your return until a date that would secure the 8 weeks' notice. If you still return to work before this date, the Trust is under no obligation to pay you during the period of postponement.

If you are sick and are unable to return to work on the date agreed, the Trust's normal procedures for managing sickness absence will apply and you should notify your manager in the usual way.

If you wish to resign during or after a period of maternity/adoption/ shared parental leave, you should provide written notice in the usual manner to your manager. This may result in you being required to repay some or all of your occupational maternity/adoption/ShPP.

If you want to apply for a period of unpaid parental leave, career break or a flexible working arrangement after your period of maternity/adoption/ shared parental leave, you should refer to Section 10 in this Policy on Unpaid Parental Leave or the Trust's Flexible Working Policy CORP/EMP 48.

There is no automatic right for you to reduce your hours or return to work on different conditions, but your manager will consider your request in line with the Trust's Flexible Working Policy and explain their decision in writing.

When you return to work, your manager will update you on developments in your absence, including new and amended policies and arrange any necessary training.

Your line manager will need to complete the VPS Maternity Return to Work Notification Form to ensure that your assignment is correctly updated by VPS.

For the purposes of repayment of occupational maternity/ adoption/ ShPP, the following do not constitute a return to work:

- Career break
- Unpaid parental leave

A list of frequently asked questions and answers in relation to maternity, adoption, shared parental leave/pay are included in Appendix H. In addition to this a fact sheet on maternity rights can be found on the Working and Families website: [Working Families | Advice & information](#)

9. PATERNITY LEAVE

9.1 Eligibility

You must be taking time off to look after the child and be one of the following:

- the baby's biological father
- the partner/husband of the mother (or adopter), this includes same sex partners
- the child's adopter
- the intended parent (if you are having a baby through a surrogacy arrangement)
- employed by the Trust up to the date the child is born or placed with the adopting parents.

The flow chart in Appendix L summarises entitlement to Paternity Leave/Pay.

You are still eligible to Paternity Leave or Pay if your baby is stillborn after the end of the 24th week of pregnancy, or born alive at any point during the pregnancy.

You cannot get Paternity Pay and Leave if you've taken paid time off to attend adoption appointments.

You cannot take Paternity Leave after Shared Parental Leave.

9.2 Rates of Pay

Rates of pay for Paternity Leave depend on your individual situation.

9.3 Statutory Paternity Pay

You are entitled to two weeks paid Statutory Paternity Pay if you have worked continuously for the Trust for either 26 weeks ending with the 15th week before your baby is due; or the end of the week in which the adopter is matched with the child. Statutory Paternity Pay is paid at the nationally set rate of statutory paternity pay or 90% of your earnings, whichever is lower.

If you are not eligible for Statutory Paternity Pay then VPS will notify you using the SPP1 form.

9.4 Occupational Paternity Pay

This provision builds on statutory paternity leave and pay and applies to the father of the child (including adoptive fathers), the mother's spouse or partner (whether opposite or same sex) or nominated carer.

If you have twelve months continuous service with the NHS before your child is expected to be born, or placed into Adoption, you will be entitled to Occupational Paternity Pay. This is paid at full pay for two weeks.

9.5 Leave Entitlement

You can choose to take either 1 or 2 weeks. You get the same amount of leave if your partner has a multiple birth (such as twins).

You must take your leave in one go. A week is the same amount of days that you normally work in a week - for example, a week is 2 days if you only work on Mondays and Tuesdays.

The leave cannot commence before the baby is born and must end within 56 days of the birth.

There are separate rules and arrangements if you wish to take paternity leave in relation to an adoption or surrogacy. In these circumstances paternity leave may start:

- on the date of placement

- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
- the day the child is born or the day after if you're working that day (surrogate parents)
Leave must be taken within 56 days of the date of placement or the child's arrival in the UK (overseas adoptions).

9.6 Antenatal Appointments

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany 2 ante-natal appointments. You can take up to 6.5 hours per appointment. There is no legal right to paid time off for antenatal appointments. However, your manager may allow you to take annual leave, swap shifts or make time up.

9.7 Notifying Your Manager

Tell your manager by the end of the fifteenth week before the baby is expected. Include when the baby is expected, the date you want to start your leave and how long you want to take.

You must complete and submit the application form (Appendix E) to your line manager at least 28 days before the date you expect your leave to start. Your manager may ask for medical evidence, such as a copy of the MAT B1 form or Matching Certificate.

9.8 Right to Return

You will return to the same job on the same terms and conditions.

10. UNPAID PARENTAL LEAVE

10.1 Entitlement

Natural or adoptive parents or people with parental responsibility under the Children's Act may take up to eighteen weeks unpaid leave to look after or to make arrangements for the good of a child or children. This leave may be taken up to the child's 18th birthday. You must have one year's continuous service with the NHS, be a named parent on the birth certificate, or have or expect to have formal parental responsibility, as defined by the Children's Act 1989 or the Children's (Scotland) Act 1995. Foster parents do not have the right to Parental Leave.

You must take your leave in blocks of one week up to eighteen working weeks. However, if your child has a disability, you can take shorter periods, including individual days. 18 weeks is

available for each child. The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

Parental leave applies to each child not to an individual's job.

A period of unpaid parental leave will count as continuous employment with the Trust, although pay and most contractual benefits are suspended. You will not accrue annual leave during unpaid parental leave. Your occupational pension rights are preserved until you return to work but if you want the period to be counted for pensionable service, you must make up the necessary employer's and employee's contributions via VPS Pensions. It is your responsibility to make the necessary arrangements. In order to do this please contact VPS.

10.2 Notifying Your Manager

You must provide 21 days' notice before the intended start date of parental leave. If you or your partner are having a baby or adopting, it is 21 days before the week that the baby or child is expected.

Your first application for parental leave for each child should be supported by evidence of parental responsibility: either the child's birth certificate, adoption matching certificate/official notification, or documents from a court detailing acquired formal parental responsibility.

If you wish to take parental leave immediately after the birth of your child, you must also provide a copy of the MAT B1 certificate and a copy of your child's birth certificate. This is in addition to any entitlement to paternity leave. It is recommended that you talk to your manager as early as possible so that covering arrangements can be made.

Apply using the form in Appendix F. Your manager will confirm whether or not it can be agreed and advise VPS so that the period of parental leave can be recorded and pay deducted accordingly.

10.3 Delaying the Parental Leave

Your manager will agree to the leave wherever possible. If they refuse, they must be able to demonstrate a significant reason, such as serious disruption to the service. This must be communicated to you within 7 days of your original written request. Your leave can be postponed for up to six months and your entitlement will not be lost if it is postponed by the Trust beyond your child's 18th birthday at the request of your employer.

If you have given 21 days' notice, the Trust will not postpone any period of unpaid parental leave immediately after the birth or adoption of a child. The leave will start on the day your child is born, regardless of whether your child is born early or late.

You may ask to change the dates of agreed parental leave, and your manager should agree to changes, if reasonably practicable.

Your manager will keep a record of any parental leave taken on your personal file using the parental leave record sheet (see Appendix G).

Your manager may ask your previous employer about any previous periods of parental leave or may ask you to sign a declaration about the amount of parental leave you have already taken.

10.4 Return to Work

You are entitled to return to the same job. A period of parental leave cannot count towards the obligation of a mother to return to work for three months to qualify for the higher maternity benefits as provided by the NHS maternity scheme.

If you do not wish to return to work after a period of parental leave you should resign in writing to your manager in the usual manner giving your contractual notice.

11. HEALTH & SAFETY FOR NEW AND EXPECTANT MOTHERS

Management of Health & Safety at Work Regulations 1999 places a legal requirement on employers to assess the risks/hazards to both mother and unborn child and breastfeeding women, and to take steps to eliminate or reduce the risks as far as is reasonably practicable. A specific additional risk assessment must be carried out for every pregnant employee using the guidance in Appendix I. So it is best practice to inform your manager as early as possible.

12. TRAINING AND SUPPORT

There is no formal training in support of this policy. However, support in the interpretation and application of the policy can be obtained in the first instance from your line manager or from the HR Services Department.

In addition staff should contact VPS regarding any individual queries about pay related to the above terms.

13. DATA PROTECTION

Any personal data processing associated with this policy will be carried out under 'Current data protection legislation' as in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016).

For further information on data processing carried out by the trust, please refer to our Privacy Notices and other information which you can find on the trust website:

<https://www.dbth.nhs.uk/about-us/our-publications/uk-data-protection-legislation-eu-general-data-protection-regulation-gdpr/>

14. MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
<ul style="list-style-type: none"> That the use of maternity, adoption, shared parental, paternity and parental leave is actively managed and there is documentary evidence of this; Decisions regarding the allocation of maternity, adoption, shared parental, paternity and parental leave have been fairly applied in line with policy and there have been no successful challenges of those decisions 	Divisional/ Directorate Managers will monitor with support from HR Business Partners	Annually	Any significant issues will be escalated to the Divisional/ Directorate Director and/or to the Deputy Director of P&OD or to the Director of People and Organisational Development.

15. DEFINITIONS

A full glossary can be found in Appendix B.

16. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment for All Policy CORP/EMP 4.

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified and a copy of the EIA is in Appendix A.

17. ASSOCIATED TRUST PROCEDURAL DOCUMENTS

- Special Leave Policy CORP/ EMP 47

- Flexible Working Policy CORP/EMP 48
- Grievance and Dispute Procedure CORP/EMP 3
- Equality Analysis Policy CORP/EMP 27
- Fair Treatment For All Policy CORP/EMP 4

18. REFERENCES

Pay queries please contact VPS on 0114 305 2220 or via the appropriate email address on the Trust intranet.

NHS Terms and Conditions of Service

[Home - NHS Employers](#)

Gov.UK website

[Welcome to GOV.UK](#)

Support for Families

[Working Families | Advice & information](#)

Maternity and Parental Leave Regulations 1999 and amendments:

[The Maternity and Parental Leave etc. Regulations 1999](#)

Shared Parental Leave Regulations 2014:

[The Shared Parental Leave Regulations 2014](#)

This Policy is intended to give you and your manager relevant information and is not an exhaustive account of all regulations. You should make reference, where necessary to Sections 15 and 35 of the Agenda for Change Terms and Conditions of Service handbook on Maternity, Paternity, Adoption, Parental and related leave which includes maternity provisions contained in the Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002. Reference should also be made to the Health & Safety Executive (HSE) Pregnancy guide.

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

19. APPENDICES

Appendix A – Equality Impact Assessment

Appendix B - Definitions / Glossary of Terms Used

Appendix C - Maternity / Adoption Leave / Pay Application Form

Appendix D - Shared Parental Leave / Pay Application Form

Appendix E - Paternity Leave / Pay Application Form

Appendix F - Unpaid Parental Leave Application Form

Appendix G – Unpaid Parental Leave Record Sheet

Appendix H - Frequently Asked Questions – Maternity / Adoption Leave

Appendix I - Risk Assessment Guidance and Risk Assessment Form

Appendix J - Manager's Confirmation Template Letter

Appendix K - Maternity and Adoption Leave Pay Flow Chart

Appendix L - Entitlement to Paternity Leave Pay Flow Chart

Appendix M – Guidance for Managers on Breast-Feeding

APPENDIX A - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Policy	Division/Executive Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP 15 – Parenting Leave Policy	People and Organisational Development	Joanne Dixon	Existing	September 2019
1. Who is responsible for this policy? Human Resources				
2. Describe the purpose of the policy? Process/guidance on implementation of maternity, adoption, paternity, parental leave & pay legislation.				
3. Are there any associated objectives? Provide consistent approach to implementation of legislation and terms & conditions across the Trust				
4. What factors contribute or detract from achieving intended outcomes? Staff may be unaware of their contractual and legislative rights				
5. Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? Yes, for Gender				
<ul style="list-style-type: none"> If yes, please describe current or planned activities to address the impact The policy complies with legislative requirements 				
6. Is there any scope for new measures which would promote equality? No				
7. Are any of the following groups adversely affected by the policy?				
a. Protected Characteristics	Affected?	Impact		
b. Age	No			
c. Disability	No			
d. Gender	No			
e. Gender Reassignment	No			
f. Marriage/Civil Partnership	No			
g. Maternity/Pregnancy	No			
h. Race	No			
i. Religion/Belief	No			
j. Sexual Orientation	No			
8. Provide the Equality Rating of the service/ function/policy /project / strategy				
Outcome 1 ✓	Outcome 2	Outcome 3	Outcome 4	
Date for next review: September 2022				
Checked by: Tully Monk			Date: September 2019	



APPENDIX B – DEFINITIONS/ GLOSSARY

Additional Maternity Leave/Adoption Leave (AML/OAL)

The entitlement to a further period of up to 26 weeks unpaid leave regardless of how long you have worked for the Trust.

Antenatal care

Antenatal care refers to pregnancy-related care provided during in the course of your pregnancy by health professionals.

Average Weekly Earnings

An employee's "average weekly earnings" for the purposes of calculating statutory maternity pay (SMP) are their earnings during the eight-week period prior to their qualifying week (the qualifying week is the 15th week before the expected week of childbirth). Earnings for these purposes include any remuneration on which the employer is liable to pay Class 1 national insurance contributions. They therefore include bonus payments, overtime and commission.

Childbirth

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 completed weeks.

Compulsory Maternity Leave

These are the two weeks immediately following the date of childbirth. No employee may work in these two weeks.

Continuous Service

Service with Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust, or any other NHS Trust as listed in Annex 1 of the NHS Agenda for Change Handbook, including the Northern Ireland Health Service, is counted for Occupational Maternity Pay. A break of less than 3 months will not constitute a break in service.

Expected Date of Childbirth (EDC)

This is the date on which your baby is due

Expected Week of Childbirth (EWC)

The Expected Week of Childbirth means the week, beginning at midnight between Saturday and Sunday, in which it is expected that your baby will be born.

Keep in Touch (KIT) Days / Shared Parental Leave in Touch Days SPLIT

Keeping in Touch Days are formal arrangements to allow you to undertake work of some kind during maternity / adoption / or shared parental leave. You cannot be required to take up Keeping in Touch days – participation is not compulsory. The statutory provision allows for up to ten Keeping in Touch Days in any period of maternity or adoption leave. You and your partner can both work up to 20 shared parental leave in touch days (SPLIT) during Shared Parental Leave. These days are

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

Working more than the 10 KIT and/ or 20 SPLIT days will bring the maternity/ adoption/ shared parental leave and pay to an end. The number of days and the activity to be undertaken must be agreed between you and your line manager.

Matching Certificate

This is the certificate that confirms that a child has been matched for adoption and when the child is expected to be placed for adoption with you.

Maternity Certificate (Form MAT B1)

This is the certificate completed by the doctor or midwife that confirms the date on which the baby is due.

Medical Evidence

Your doctor or midwife will issue you with a form MAT B1 form, usually in your 24th to 26th week of pregnancy. This should be handed in as soon as possible to your manager so that the Trust has formal confirmation of your expected week of childbirth. The Trust cannot start paying maternity pay under either scheme without this certificate.

You do not need to produce documentation to show that you are fit to work past your 29th week of pregnancy, although you should still discuss this with your Doctor or Midwife, and only work for as long as he/she recommends. In exceptional circumstances your manager may ask you to see an Occupational Health Adviser to ensure that the work you do will not cause any harm to either you or your baby.

Occupational Maternity / Adoption Pay (OMP/OMA)

This is a payment, paid by the Trust which is dependent on your length of service with the NHS.

Ordinary Maternity/Adoption Leave (OML/OAL)

The entitlement to a period of 26 weeks leave regardless of how long you have worked for the NHS. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity allowance.

Paternity Leave (PL)

Paternity leave is a period of two weeks leave, to be taken following your child's birth/adoption, this applies if you are the biological or adoptive fathers, nominated carer or same sex partner. It must be taken within 56 days of the birth of the child.

Qualifying Week

This is the 15th week before the EWC.

SAP1 Form

This form is for VPS to fill in and give to employees who are not entitled to Statutory Adoption Pay.

Statutory Maternity/Adoption Pay (SMP/SAP)

Statutory Maternity Pay is an allowance paid by the Trust on behalf of the Department for Work and Pensions (DWP) if you have been working for the Trust for at least 26 weeks at your 25th week of pregnancy and you pay National Insurance contributions.

Statutory Maternity/Adoption Allowance (SMA/SAA)

Allowance paid by Department of Work and Pensions to those employees, who do not qualify for Statutory Maternity/ Adoption Pay.

Shared Parental Pay/Leave

If you're eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can take the rest of the 52 weeks of maternity or adoption leave as Shared Parental Leave (SPL) or take the rest of the 39 weeks of maternity or adoption pay (or Maternity Allowance) as Statutory Shared Parental Pay (ShPP).

SMP1 Form

This form is for VPS to fill in and give to employees who are not entitled to Statutory Maternity Pay.

SPP1 Form

This form is for VPS to fill in and give to employees who are not entitled to Statutory Paternity Pay.

The Lower Earnings Limit (LEL)

The lowest point of earnings at which you still are obligated to contribute National Insurance. The LEL that applies to you is the one which is current on the Saturday at the end of your qualifying week. The LEL changes every year.



APPENDIX C – MATERNITY/ ADOPTION LEAVE/PAY APPLICATION FORM

Name:		Assignment No:	
Post:		Hours:	
Department:		DBTH Start Date:	
		NHS Start Date:	
I have attached a copy of my MATB1 / Matching Certificate			Yes/No
Expected week of childbirth/ adoption placement:			
My employment status is (please circle)			Fixed term/ permanent
If fixed term – my contract end date is:			

Section A – Options for Pay Please select one option from the list below for Pay options. Please ensure you have read the Parental Leave Policy, which explains eligibility for occupational maternity / adoption pay IF YOU ARE NOT SURE WHICH SCHEME YOU ARE ELIGIBLE FOR PLEASE SEE FLOWCHART 1		Please tick appropriate scheme
Scheme 1	You are eligible for Occupational Maternity Pay <u>and</u> Statutory Maternity Pay <u>AND</u> You intend to return to work in the NHS for a minimum of 3 months after maternity / adoption leave (you are paid your full salary for 8 weeks and half salary for 18 weeks plus any SMP entitlement, plus 13 weeks SMP)	
Scheme 2	You are eligible for Occupational Maternity Pay <u>and</u> Statutory Maternity Pay <u>AND</u> You do not intend to return to work (or are not sure) (you are paid 90% of your full pay for 6 weeks and 33 weeks SMP entitlement. If you do return to work for 3 months following your maternity / adoption leave, then you will be paid the difference between what you were paid and what you would have been paid had you taken Scheme 1)	
Scheme 3	You are eligible for SMP only (not OMP) (you are paid 90% of your salary for 6 weeks plus 33 weeks SMP)	
Scheme 4	You are eligible for Occupational Maternity Pay but <u>NOT</u> Statutory Maternity Pay (You are paid 8 weeks full pay, plus 18 weeks half pay by the Trust. On receipt of your SMP1 form, from VPS, you should take this to your local job centre plus to determine if you are eligible for Maternity Allowance)	
Scheme 5	You are <u>NOT</u> eligible for Occupational Maternity Pay <u>OR</u> Statutory Maternity Pay (you are entitled to 52 weeks unpaid maternity leave. You may be entitled to Maternity Allowance via your local job centre plus)	



Section B – Please Circle the statement that applies to you:	
I intend to return to work	Yes / No
I have yet to decide about returning to work, should I return to work the full entitlement will be paid	Yes / No
I do not intent to return to work	Yes / No
I have discussed my annual leave entitlement and agreed a plan with my manager to utilise my leave before and/ or after my maternity/ adoption leave	Yes / No
I am aware that if I am a member of the NHS Pension Scheme, I shall be liable for payments during any unpaid period of maternity leave I might take. [These will be deducted by VPS on my return from maternity leave.]	Yes / No

Please complete the information below:		
Date of commencement of * Maternity / *Adoption leave:		
If intending to return to work, please give expected date of return:		
Declaration: If you do intend to return to work or if you are not sure I understand that if I fail to return to work for a minimum period of 3 months after the expiry of *Maternity / *Adoption leave, I am liable to refund occupation maternity/adoption payments received less any Statutory Maternity / Adoption Pay entitlements; unless I submit a copy of my letter of appointment to another NHS employer after the expiry of my maternity / adoption leave (excluding staff on fixed term contracts) I have read the section on Maternity / Adoption benefits, which I understand and accept.		
Signed		Date

Declaration: If you do NOT intend to return to work (Scheme 3 or Scheme 5) I have read the section on Maternity / Adoption benefits, which I understand and accept. I also understand that completion of this form does not replace the normal requirements for notice and that, if I have not already done so I am required to submit my resignation stating the date I intend to terminate my employment		
Signed		Date



Declaration: All employees

I understand that a change in my circumstances during payment of SMP may affect my entitlement and therefore I agree to notify my manager of any of the following as soon as possible:

1. If my actual week of childbirth is not the expected week of childbirth as stated on Mat B1 certificate (at the latest this information must be sent within 21 days of the actual date of childbirth)
2. If I start work for another employer after the birth/adoption of my baby
3. If I go abroad outside the EC
4. If I am taken into legal custody

Signed		Date	
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Application for Maternity / Adoption Leave and Pay authorised by:

Signed		Date	
Name		Job title	

This form should be completed and submitted to your line manager, a copy should be kept on your personal file, and a copy submitted to VPS.



APPENDIX D – SHARED PARENTAL LEAVE/PAY APPLICATION FORM

Name:		Assignment No:	
Post:		Hours:	
Department:		DBTH Start Date:	
		NHS Start Date:	
I have attached a copy of the Birth / Matching Certificate			Yes/No

The Baby / Placement is Due on:			
I wish to take:-	Shared Parental Leave	From	Until
		From	Until
		From	Until
	Shared Parental Pay	From	Until

For Shared Parental Leave/Pay requests, please complete the details below			
Partner's Name		Partner's National Insurance Number	
Partner's Address			
Date Maternity /Adoption Leave Commenced			
Date Maternity / Adoption Leave to End			
Date Maternity/Adoption Pay Commenced			
Date Maternity/Adoption Pay to End			
Total Number of weeks SPL remaining (max. 50)			
Total Number of weeks ShPP remaining (max. 37)			
Number of weeks leave partner to take			
Number of weeks leave you will take			
Number of weeks pay partner to take			
Number of weeks pay you will take			



Declaration: You must be able to place a tick in all three of the bullet points below to get Shared Parental Leave and Shared Parental Pay			
• I am	The baby's Mother/Adopter		<input type="checkbox"/>
	Or		
	The baby's biological Father		<input type="checkbox"/>
	Or		
	Married to or partner of the Mother / Adopter		<input type="checkbox"/>
	Or		
	Living with the Mother / Adopter in an enduring family relationship, but am not an immediate relative		<input type="checkbox"/>
• I have responsibility for the Child's upbringing			<input type="checkbox"/>
• I will take time off work to support the mother or care for the child			<input type="checkbox"/>
Signed		Date	

Partner Declaration: You must be able to place a tick in all four of the bullet points below to get Shared Parental Leave and/or Shared Parental Pay			
NAME			
• I have	Been an employed or self-employed earner in Great Britain for a total of 26 weeks in the 66 week period leading up to the child's expected week of birth or adoption matching date and have earned an average of £30 or more during 13 of those weeks.		<input type="checkbox"/>
	• I/My partner has curtailed their Maternity/Adoption leave.		<input type="checkbox"/>
	• I/My partner has curtailed their Maternity/Adoption pay.		<input type="checkbox"/>
	• I meet the earnings and eligibility test and qualify for Shared Parental Leave and Pay – check your eligibility at: https://www.gov.uk/shared-parental-leave-and-pay		<input type="checkbox"/>
	• I give consent that my partner named at the top of this application takes the Shared Parental Leave/Pay as requested.		<input type="checkbox"/>
	• I agree to information on this form being used to calculate Shared Parental Leave/Pay		<input type="checkbox"/>
Signed		Date	

Application for Shared Parental Leave and/or Pay authorised by:			
Signed		Date	
Name		Job title	

This form should be completed and submitted to your line manager, a copy should be kept on your personal file, and a copy submitted to VPS.



APPENDIX E – PATERNITY LEAVE/PAY APPLICATION FORM

Name:		Assignment No:	
Post:		Hours:	
Department:		DBTH Start Date:	
		NHS Start Date:	
I have attached a copy of the MATB1 / Matching Certificate			Yes/No

The Baby / Placement is Due on:			
I wish to take:-	Paternity Leave	From	Until

Declaration: You must be able to place a tick in all three of the bullet points below to get Statutory Paternity Pay and Paternity leave.			
• I am	• the baby's biological father		<input type="checkbox"/>
	• the partner/husband of the mother (or adopter), this includes same sex partners		<input type="checkbox"/>
	• the child's adopter		<input type="checkbox"/>
	• the intended parent (in cases of surrogacy)		<input type="checkbox"/>
• I have responsibility for the Child's upbringing			<input type="checkbox"/>
• I will take time off work to support the mother or care for the child			<input type="checkbox"/>
Signed		Date	

Application for Paternity Leave and Pay authorised by:			
Signed		Date	
Name		Job title	

This form should be completed and submitted to your line manager, a copy should be kept on your personal file, and a copy submitted to VPS.



APPENDIX F – UNPAID PARENTAL LEAVE APPLICATION FORM

Name:		Assignment No:	
Post:		Hours:	
Department:		DBTH Start Date:	

I wish to take a period of unpaid Parental leave from the date	From	To
This is a total of	Weeks	Hours
Name of child to whom this Parental Leave relates		
This child is a disabled child for the purposes of Parental Leave		Yes / No
My relationship to the child is		
Purpose of the leave is		

Declaration

- I have considered my request carefully, including any impact financial or otherwise, to me personally
- I can confirm that the request has been made only in order to help me care for a child who requires it and that I meet the eligibility requirements outlined in Section 10 of the policy.
- I have declared to my manager any previous parental leave taken for this child (in either this job or previous employment).
- I understand that any misrepresentation of the facts surrounding a request may result in disciplinary action and that the Trust reserves the right in such circumstances to request evidence in support of the facts given in this application.
- I confirm that the request has been made for the reasons stated and that the information I have given on this form is correct and complete as far as I know and believe.

Pensionable Employees

I understand that when I return to work I will be liable for the payment of pension contributions in respect of unpaid Parental Leave. Under normal circumstances, the period over which contributions will be recovered shall equate to the length of the unpaid Parental Leave

Signed		Date	
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Application for Unpaid Paternity Leave authorised by:

Signed		Date	
Name		Job title	

This form should be completed and submitted to your line manager, a copy should be kept on your personal file, and a copy submitted to VPS.



APPENDIX G – UNPAID PARENTAL LEAVE RECORD FORM

Name:		Assignment No:	
Post:		Department	
NHS Start Date:		DBTH Start Date:	
Child's Name:		Child's Date of Birth:	
Evidence Provided – Please tick one Child's Birth Certificate: <input type="checkbox"/> MAT B1: <input type="checkbox"/> Documentation of acquired formal parental responsibility: <input type="checkbox"/> Adoption Matching Certificate/Official Notification: <input type="checkbox"/>			

Parental Leave Remaining	Dates Requested	Employees Signature	Manager's Signature	Date Authorised
17 weeks				
16 weeks				
15 weeks				
14 weeks				
13 weeks				
12 weeks				
11 weeks				
10 weeks				
9 weeks				
8 weeks				
7 weeks				
6 weeks				
5 weeks				
4 weeks				
3 weeks				
2 weeks				
1 week				
0 weeks				

Manager to ensure this form is completed and retained on the employee's personal file



APPENDIX H – FAQ FOR MATERNITY / ADOPTION LEAVE

1. When do I have to notify my manager of my intention to take maternity/adoption leave?

As early as possible, but you are required to notify your manager of your intention to take maternity/adoption leave by the 15th week before your expected week of childbirth (EWC). For adoption leave you must notify your manager within 7 days of being matched with a child. If this date changes, you must give your manager 28 days' notice of this change, unless that is not reasonably practicable.

2. When can I start my maternity/adoption leave?

The earliest you can commence maternity leave is the 11th week before your baby is due or no more than 14 days before the child is placed with the family in cases of adoption. For adoption leave if the child is coming from abroad, adoption leave may begin on the date the child enters the UK or a date up to 28 days later. If during the four weeks before the expected week of childbirth, you are absent from work due to a pregnancy-related illness your maternity leave may be automatically triggered.

3. When will my maternity/adoption pay start?

The earliest point at which maternity/adoption pay can commence is the 11th week before your baby is due, as per maternity/adoption leave. Bear in mind that you must inform your manager, in writing, that you are pregnant and of the date on which you wish to begin maternity leave by the 15th week before your due date. You may change this date later providing you give at least 28 days' notice. You can also change your mind about the date you return - again with the requirement that you give your line manager 28 days' written notice of your new return to work date.

4. Will I be entitled to time off for Ante Natal Care?

All pregnant women have a statutory right to paid time off for antenatal care, regardless of length of service or the number of hours they work. After your first appointment you should show your line manager your appointment card and discuss your need for time off, so your line manager has time to make the necessary arrangements to cover your absence. In exceptional circumstances, your line manager may ask that you change the time of your appointment if it will be inconvenient to the department and you should comply with this if practical.

5. What happens if My Baby is Born Early?

Normally maternity leave and pay will not be affected if your baby is born after the intended start date of your maternity leave.

If your baby is born after the 11th week before your expected week of childbirth, but before the intended start date of your maternity leave, your maternity leave will start automatically on the day after the birth.

If your baby is born before the 11th week before your expected week of childbirth, and the baby is in hospital, with the agreement of your manager you may choose



to split your maternity leave entitlement, taking a short period of leave (minimum of 2 weeks) immediately after your baby is born, and then returning to work and take the balance of leave when your baby is allowed home from hospital.

6. What happens if I lose my job before beginning my SMP?

If you lose your job or stop work before the qualifying week - the 15th week before your baby is due, you will not be entitled to SMP. If you lose your job or stop work after the qualifying week, you will still be entitled to SMP.

Your SMP will begin on either:

- The Sunday of the 11th week before your baby is due or
- The Sunday after the week in which your employment ends, whichever is later

7. How much notice do I need to give to my employer if I am returning to work before the end of my maternity leave?

If you want to return to work before the end of your agreed maternity leave you will need to give your employer 8 weeks' notice of your new return to work date. This notification does not have to be in writing but you should discuss your intended return date directly with your line manager, so that suitable arrangements can be put in place. This should be done at the earliest opportunity; you may alter your return to work date before the period of paid maternity/adoption leave begins.

If you intend to return to work at the end of the 52 week period of maternity/adoption leave entitlement you will not be required to give any further notification.

8. What if I am not entitled to any maternity/adoption pay?

In order to qualify for maternity/adoption leave, regardless of pay, you are required to inform your line manager of your pregnancy or adoption intentions in writing. You may be entitled to Maternity/Adoption Allowance, which is available from the Department of Work and Pensions (DWP). You will need to contact your local job centre plus for further information. You will be provided with a SMP1 form from VPS (Victoria Pay Services). You will need this form to make any claims direct from the government.

9. How much SMP do I receive if I have a multiple birth?

You are only entitled to one SMP payment regardless of the number of children born. However, you may be entitled to Child Benefit for each child. Contact the government Benefit Office for further details.

10. What happens if I am sick at the end of my maternity leave?

You will need a fit note from your doctor. You will be recorded as having ended your maternity leave, and you will then be on sick leave and will need to follow the normal Trust's and your departmental procedures for reporting sickness absence. Refer to the Trust's Sickness Absence Policy for further information.

11. Can I return part-time or to a job share?

If you wish to apply for a flexible working arrangement following maternity/adoption leave then you would need to do so in line with the Trust's Flexible Working Policy. Options may include part-time working or job share,



where these options are appropriate and available and within the needs of the service provision. However, in the absence of such an agreement, you will be expected to return to your previous job under the same terms and conditions.

12. Can I go back on maternity leave once I have returned to work if it's still within the maternity leave period?

No. Unless your child was born before the 11th week before your due date, once you have returned to work from your maternity leave you will not be able to go back onto Maternity Leave, paid or unpaid with respect to the birth of that child (or children). Subsequent pregnancies will, of course, give rise to maternity leave rights associated with that separate pregnancy.

You may wish to consider the option of Shared Parental Leave which may be taken in up to three separate blocks.

13. Will I still be entitled to Annual Leave & Bank Holidays?

Annual leave and Bank Holiday entitlement is accrued during the whole period of maternity/adoption leave whether paid or unpaid.

It may be beneficial to both yourself and your line manager to take annual leave before and/or after the formal (paid and unpaid) maternity/adoption leave period. The amount of leave to be taken this way or carried over **must** be discussed and agreed with the manager who will have to consider service commitments.

14. What happens to my incremental date?

Your incremental date will not change due to going on maternity/ adoption/ shared parental leave.

15. Will My Pension Contributions Be Interrupted?

During paid maternity/adoption leave, pension contributions will continue to be made based on your usual pension percentage rate. During the unpaid maternity/adoption leave, your occupational pension rights will continue to accrue. If you are already making contributions to the NHS Pension Scheme and you decide to take the option of unpaid maternity/adoption leave, you will be required to pay the accumulated contributions to cover the unpaid maternity/adoption leave. VPS will automatically make arrangements to deduct the accumulated contributions in the first monthly salary received following your return to work. If you have any questions or wish to discuss the repayment of your pension contributions during a period of please contact VPS Pensions team on 0114 305 2220.

16. What happens if I have a stillbirth or miscarriage before the end of the 24th week pregnancy?

If you miscarry earlier than the end of the 24th week of your pregnancy you will not qualify for maternity leave, SMP or Maternity Allowance. You will remain off work as long as your GP consider it necessary, and you will be on sick leave.



17. What happens if I have a stillbirth after the end of the 24th week of pregnancy?

If you have a stillbirth after the end of the 24th week of pregnancy you would be eligible for maternity leave, SMP and MA in the usual way.

18. What happens to my salary sacrifice payments during my period of maternity/ adoption/ ShPP leave?

Payments will continue at the same rate during the period of Occupational Maternity Pay. Once your pay goes into Statutory Maternity Pay only (or no pay) your contributions are frozen until you return to work and start to receive your salary. You should contact the VPS Liaison Team to discuss arrangements for repayment of salary sacrifice for the months where no payment was made. Please contact 01302 644107.

19. Can I work agency or bank shifts during my maternity/ adoption/ ShPL leave?

If you take up paid work during the paid period (occupational or statutory pay) of your maternity leave/ adoption leave/ ShPL then this could bring your occupational or statutory pay to a premature end. It is possible for you to carry out bank or agency shifts during the unpaid period of your maternity/ adoption/ ShPL. It is recommended, however, that you consider using your KIT days with DBTH as these will enable you to undertake training and re-familiarisation with your base or department. KIT days will be paid at full normal pay following the end of your maternity leave.

20. Does my maternity leave have to start on a Sunday?

No you can choose which date your leave starts. The earliest date that an employee can choose to begin her maternity leave is the Sunday at the beginning of the 11th week before her expected week of childbirth.



APPENDIX I – PREGNANCY RISK ASSESSMENT

GUIDANCE FOR MANAGERS WHEN CARRYING OUT RISK ASSESSMENTS FOR PREGNANT HEALTHCARE WORKERS

The following information is based upon guidance from the Association of NHS Occupational Health Physicians (ANHOPS) in accordance with the European Union Council Directive 92/85/EEC. Details of this can be found on the HSE website.

Generic hazards	Preventative or risk control measures
Mental and physical fatigue and working hours	<p>It may be necessary to adjust working hours temporarily, as well as the timing and frequency of rest breaks, and to change shift patterns</p> <p>Expectant mothers can still work night shifts unless there is a specific identified risk. In this instance the employee must provide a medical certificate from their doctor or midwife stating that they must not work nights. Occupational Health may also have identified that night work could impact on the individuals health and safety.</p> <p>If this is the case then the employee must be offered suitable alternative daytime work. If this is not possible, the employee must be suspended from work on paid leave for as long as necessary to protect their and the health and safety of their child.</p>
Postural problems connected with the activities of new or expectant mothers	Ensure that the hours, volume and pacing of work are not excessive and that, where possible, the employee has some control over how work is organised. Fatigue can be addressed with longer and more frequent breaks.
Extremes of heat or cold	Pregnant workers should not be exposed to prolonged excessive heat or cold at work
Work in a high pressure atmosphere, for example pressurised enclosures	Pregnant workers should not work in high-pressure atmospheres.
Display screen equipment use	Pregnant women do not need to stop working with VDUs. However, to avoid problems caused by stress and anxiety, women who are pregnant and are worried about working with VDUs should be given the opportunity to discuss their concerns with someone adequately informed of current authoritative scientific information and advice.
Work at heights	The employer must ensure that pregnant workers do not work



Generic hazards	Preventative or risk control measures
	at heights (e.g. ladders and scaffolds)
Working alone	Depending on their medical condition, help and support needs to be available when required and emergency procedures (if needed) must take into account factors affecting the pregnant women.
Occupational stress	Employers will need to take account of known stress factors ('stressors') (such as shift pattern, job security, workloads, etc.) and the particular factors affecting pregnant women. If significant stressors are identified a stress risk assessment should be carried out.
Standing activities	Physiological changes during pregnancy (increased blood and systolic volume, general dilatation of blood vessels and possible compression of abdominal or pelvic veins) promote peripheral congestion while standing. Venous compression may reduce the venous return from the pelvis which leads to compensatory increases in the maternal heart rate and to contractions of the uterus. If the compensation is insufficient, this may lead to dizziness and faintness. Continuous standing (and/or walking) for long periods during the working day also contributes to an increased risk of premature childbirth. Ensure that seating is available where appropriate. Constant sitting or constant standing is both inadvisable. It is better to alternate between the two. If this is not possible, provision should be made for breaks.
Manual Handling	Manual handling of heavy loads is considered to pose a risk to pregnancy, such as risk of foetal injury and premature birth. The risk depends on strain, i.e. the weight of the load, how you lift and how often it occurs during work time. As the pregnancy progresses, a pregnant worker is at greater risk from manual handling injury. This is due to hormonal relaxation of the ligaments and the postural problems of advancing pregnancy. There can also be risks for those who have recently given birth, for example after a Caesarean section there is likely to be a temporary limitation on lifting and handling capability. Breastfeeding mothers may experience discomfort due to increased breast size and sensitivity. The changes an employer should make will depend on the risks identified in the assessment and the circumstances of the business. For example, it may be possible to alter the nature of the task so that risks from manual handling are reduced for all workers, including new or expectant mothers. Or it may be necessary to address the specific needs of the worker and reduce the amount of physical work, or provide aids for her in future to reduce the risks she faces.
Lack of rest and other welfare issues (includes passive	Provide access to somewhere where the employee can sit or lie down comfortably in private and without disturbance, at appropriate intervals. Expectant mothers must be warned of



Generic hazards	Preventative or risk control measures
smoking	any risk from passive smoking.
Risk of kidney disease (lack of toilet facilities)	Working practices need to be adapted, for example, in continuous processing and team working situations, Appropriate measures must enable expectant and nursing mothers to leave their workstation/activity short notice, and more frequently than normal.
Hazards as a result of inappropriate nutrition	New and expectant mothers' particular needs concerning rest, meal and refreshment breaks may be established in consultation with the individual.
Unsuitable or absent facilities regarding pregnancy	Protective measures must include: -access to a private room in which to breastfeed or express breast milk. -use of secure, clean refrigerators for storing expressed breast milk whilst at work, and facilities for washing, sterilising and storing receptacles. -time off (without penalty) to express milk or breastfeed.
Noise	The employer must ensure that workers who are pregnant, who have recently given birth or who are breastfeeding, are not exposed to noise levels exceeding upper exposure action value of 85 dB(A) and wear hearing protection when working in mandatory hearing protection zones.
Vibration(includes whole body vibration)	Excessive vibration should be avoided. It should be recognised that use of personal protective equipment by the mother will not protect the unborn child from a vibration hazard.
Traveling either inside or outside the establishment or on business	Traveling in the course of work, and to and from the workplace, can be problematic for pregnant women, involving risks including fatigue, vibration, stress, static posture, discomfort and accidents. These risks can have a significant effect on the health of new and expectant mothers. Where travel for business is required advice should be taken from Occupational health and the women's health care providers with regard to flying, vaccinations and prophylactic treatments.
Ionising radiation	As soon as a pregnant woman informs the organisation of her condition, the protection of the unborn child must be comparable with that provided for members of the public. The equivalent dose to the unborn child has to be as low as reasonable achievable, and will not usually exceed 1mSv during at least the remainder of the pregnancy. Special attention should be paid to the possibility of nursing mothers encountering radioactive contamination and they should not be employed where there is a significant risk of such contamination.
Antimitotic (cytotoxic) Drugs In the long	There is no known threshold limit and exposure must be avoided or reduced. Those trying to conceive a child or who are pregnant or breastfeeding should be fully informed of the



Generic hazards	Preventative or risk control measures
<p>term these drugs cause damage to genetic information in sperm and eggs. Some can cause cancer. Absorption is by inhalation or through the skin. Assessment of the risk should look particularly at preparation of the drug for use (pharmacists, nurses), administration of the drug and disposal of waste (chemical and human).</p>	<p>reproductive hazard. When preparing the drug solutions, exposure should be minimised by the use of protective garments (gloves, gowns and mask), equipment (flow hood), and good working practices.</p> <p>A pregnant worker preparing antineoplastic drug solutions should be transferred to other work.</p>
<p>Mercury and mercury derivatives Organic mercury compounds could have adverse effects on the unborn child. Animal studies and human observations have demonstrated that exposure to these forms of mercury during pregnancy can slow the growth of the unborn baby, disrupt the nervous system, and cause the mother to be poisoned. Organic mercury is transferred from blood to milk. That may pose a risk to offspring, if a woman is highly exposed before and during pregnancy.</p>	<p>Prevention of exposure must be the first priority. Where it is not appropriate to prevent the risk, control of exposure may be by a combination of technical measures, along with good work planning and housekeeping, and the use of Personal Protective Equipment (PPE). PPE should only be used for control purposes if all other methods have failed. It may also be used as secondary protection in combination with other methods.</p>
<p>Anaesthetic gases The evidence for an</p>	<p>Assessment should be based on what is known about the adequacy of scavenging systems and the anaesthetic</p>



Generic hazards	Preventative or risk control measures
<p>association between exposure to anaesthetic gases and adverse pregnancy outcomes is weak and largely based on data published prior to the introduction of more effective scavenging systems and the increased use of intravenous and local Analgesia.</p>	<p>exposure levels. Special consideration may be needed in staff who are known to have a relatively poor obstetric history. It may be necessary to consider modification of work. Alternative safe tasks or paid leave may need to be considered and are more relevant in the first trimester of pregnancy where the aim is to achieve as low a risk as possible of spontaneous abortion. Control of risk may be achieved by reducing gas inductions, patient turnover and increasing employee's distance from the source. Work should be in well ventilated areas.</p>
<p>Chemicals and Substances. Does work involve contact with chemicals labelled as:- R23, R24, R26, R27, R28: Toxic R33: Danger of Cumulative effects. R39: Serious irreversible effects. R40: Limited evidence but may cause Carcinogenic effect. R45, R49: May cause Cancer. R46: May cause heritable genetic Damage. R48: May cause damage to health by prolonged exposure. R60, R62: Possible risk of impaired infertility. R61, R63: May cause harm to the unborn child. R64: May cause</p>	<p>ALL chemicals and substances should be immediately risk assessed against COSHH regulations. COSHH assessments should already be in place if these substances are being used on the trust premises.</p> <p>The actual risk to health of these substances can only be determined following a risk assessment of a particular substance at the place of work - i.e. although the substances listed may have the potential to endanger health or safety, there may be no risk in practice, for example if exposure is below a level which might cause harm.</p> <p>For work with hazardous substances, which include chemicals which may cause heritable genetic damage, employers are required to assess the health risks to workers arising from such work, and where appropriate prevent or control the risks. In carrying out assessments, employers should have regard for women who are pregnant, who have recently given birth or who are breast feeding.</p> <p>Prevention of exposure must be the first priority. Where it is not appropriate to prevent the risk, control of exposure may be by a combination of technical measures, along with good work planning and housekeeping, and the use of Personal Protective Equipment (PPE). PPE should only be used for control purposes if all other methods have failed. It may also be used as secondary protection in combination with other methods.</p> <p>Substitution of harmful agents should be made, if possible.</p> <p>Remember that exposure may occur through skin absorption, ingestion, or most commonly, through</p>



Generic hazards	Preventative or risk control measures
<p>harm in breast feeding. R68: Possible risk of Irreversible effects.</p>	<p>inhalation of chemical aerosols. If the new of expectant of breastfeeding mother is or is potentially exposed to any of the substances listed, please contact Occupational Health immediately for advice.</p>
<p>Biological Agents Many biological agents can affect the unborn child if the mother is infected during pregnancy. These may be transmitted through the placenta while the child is in the womb, or during or after birth, for example through breastfeeding or through close physical contact between mother and child. Examples of agents where the child might be infected in one of these ways are Hepatitis, HIV, Herpes, TB, Syphilis, Rubella/Measles, Chickenpox, Mumps, Listeria, Toxoplasmosis, Typhoid, Parvovirus, Cytomegalovirus For most workers, the risk of infection is not higher at work than from living in the community; but in certain occupations, exposure to infections are more likely. The chance of catching these infections can be minimised by using</p>	<p>Risk assessment, which will take account firstly of the nature of the biological agent, how infection is spread, how likely contact is, and what control measures there are. These include physical containment and the usual hygiene measures. The use of available vaccines is to be recommended, with due regard for any contra-indications for administering certain of them to women in the early stages of pregnancy. If there is a known high risk of exposure to a highly infectious agent, then it will be appropriate for the pregnant worker to avoid exposure altogether. The employer must ensure immunity testing for risk occupations, and job transfer or temporary leave during epidemics.</p> <p>Pregnant and breast feeding members of staff should avoid contact with the listed hazards. This includes contact with potentially infected people or biological samples. They must also avoid any undiagnosed rash compatible with systemic viral illness. If such contact occurs the individual should contact the Occupational Health Department/GP/Midwife for advice immediately.</p>



Generic hazards	Preventative or risk control measures
normal hygienic precautions, especially hand washing after patient contact	

Aspects of pregnancy which may require adjustments to work organisation

Apart from the hazards listed in the table, there are other aspects of pregnancy that may affect work. The impact will vary during the course of the pregnancy and their effect should be kept under review; for example, the posture of expectant mothers changes to cope with increasing size.

Aspects of pregnancy	Factors in work
Morning sickness	Early shift work Exposure to strong or nauseating smells/poor ventilation
Travel/transport	Backache Standing/manual handling/posture varicose veins/other circulatory problems/haemorrhoids, prolonged standing/sitting
Rest and welfare	Frequent/urgent visits to toilet
Regular nutrition	Proximity/availability of rest/washing/eating/drinking facilities
Hygiene	Difficulty in leaving job/work site
Comfort	Increasing size, Use of protective clothing/ work equipment, Work in confined areas/at heights Dexterity, agility, co-ordination, speed of movement, reach may be impaired, because of increasing size Postural demands e.g. bending over, reaching
Manual handling	Problems of working in restricted spaces
Fatigue/stress	Fatigue/stress: Overtime, Evening/night work, Lack of rest breaks, Excessive hours, Pace/intensity of work
Balance	(also relevant for breastfeeding mothers) Problems of working on slippery, wet surfaces



RISK ASSESSMENT FOR EXPECTANT AND NEW MOTHERS

Name		Manager	
Job Title		Date notified of pregnancy	

HAZARD	PRESENT	CONTROLS IN PLACE	ADEQUATE	FURTHER ACTION REQUIRED
BIOLOGICAL AGENTS				
Biological Hazard group 1, 2 & 3 See definitions below	Yes/No		Yes/No	
PHYSICAL AGENTS				
Shocks, vibration, movement	Yes/No		Yes/No	
Manual handling	Yes/No		Yes/No	
Personal protective equipment and clothing	Yes/No		Yes/No	
Excessive Noise	Yes/No		Yes/No	
Ionising radiation	Yes/No		Yes/No	
Non Ionising electro-magnetic radiation	Yes/No		Yes/No	
Extremes of cold or heat	Yes/No		Yes/No	
Physical fatigue	Yes/No		Yes/No	
Mental fatigue and stress	Yes/No		Yes/No	
Violence / aggression	Yes/No		Yes/No	
Working at height	Yes/No		Yes/No	
Excessive working hours (Overtime)	Yes/No		Yes/No	
Night Working	Yes/No		Yes/No	
Standing for long periods	Yes/No		Yes/No	
Driving/travelling	Yes/No		Yes/No	
CHEMICAL AGENTS				
Substances labelled R40, R45, R49, R60, R61, R63& R64, R68 under COSHH Regulations	Yes/No		Yes/No	



**Doncaster and Bassetlaw
Teaching Hospitals**
NHS Foundation Trust

HAZARD	PRESENT	CONTROLS IN PLACE	ADEQUATE	FURTHER ACTION REQUIRED
Mercury & Derivatives	Yes/No		Yes/No	
Cytotoxic Drugs	Yes/No		Yes/No	
Chemicals absorbed through the skin	Yes/No		Yes/No	
Carbon Monoxide	Yes/No		Yes/No	
Lead and derivatives	Yes/No		Yes/No	
Cigarette smoke	Yes/No		Yes/No	
WORKING CONDITIONS				
Ergonomics/Posture	Yes/No		Yes/No	
Work Space	Yes/No		Yes/No	
Working at height	Yes/No		Yes/No	
Display screen equipment	Yes/No		Yes/No	
Adequate facilities for rest/breaks	Yes/No		Yes/No	
OTHER HAZARD NOT LISTED				
	Yes/No		Yes/No	
	Yes/No		Yes/No	
	Yes/No		Yes/No	
	Yes/No		Yes/No	
	Yes/No		Yes/No	
	Yes/No		Yes/No	

Group 1) Exposure-prone procedures (Surgeons, F1 & F2 doctors on rotation, dental staff, operating department practitioners, theatre nurses, midwives, A&E doctors & nurses, and renal staff)

Group 2) Patient contact / Contact with blood or body fluids (All clinical staff, laboratory staff, service workers, estates maintenance, HSDU technicians, A& E clerical staff)

Group 3) Food handlers (Catering staff, and other staff who handle food or food products, or assist with feeding patients)



REVIEW DATES	REASON FOR REVIEW	CONCLUSION	SIGNATURE OF MANAGER	SIGNAGURE OF EMPLOYEE

Please Note:

An individual risk assessment is completed for every new and expectant mother who is an employee of DBTH. This should be completed on the first day of notification of pregnancy and at least every 12 weeks thereafter. This should be monitored by the line manager. The assessment should be regularly reviewed by the manager during the pregnancy and will need a complete review once the staff member is a new mother. The staff member should report any difficulties in either complying with the assessment or completing work between these reviews

Each work activity should have an existing associated risk assessment. That assessment should be examined whilst completing the individual risk assessment for the new and expectant mother. A decision should be recorded when additional action is required and when it is taken. This should be as specific as possible.

If there is any difficulty in reaching agreement on appropriate control measures the Occupational Health and Wellbeing Service should be consulted as soon as any issues arise.

A copy of the individual assessment should be given to every new and expectant mother in employment.

If an employee presents a medical certificate stating they are unable to carry out particular duties, this must be brought to the immediate attention of the line manager.

Assessment completed by.....

Signature of Employee:.....

Date.....



APPENDIX J – MANAGERS CONFIRMATION TEMPLATE LETTER

DATE

Private and Confidential

NAME

ADDRESS

Doncaster Royal Infirmary
Armthorpe Road, Doncaster,
South Yorkshire DN2 5LT

Tel: 01302 366666

Fax: 01302 320098

www.dbh.nhs.uk

Dear **(Name of Employee)**

Congratulations and thank you for telling me about your pregnancy/ adoption and the date that your baby is due/ your child is being placed on. I am writing to you about your maternity/ adoption leave and pay.

Pay Entitlements

As we have discussed, you have applied for **(Scheme 1/2/3/4/5 AMEND AS REQUIRED)** as detailed in the Trust's policy, a copy of which you have been given. I will send your application form to VPS and VPS will notify you directly to confirm if you are eligible for SMP/ OMP.

If you are not entitled to SMP, then VPS will forward you the form SMP1 that explains why you do not qualify for Statutory Maternity Pay. You may, however, be entitled to Maternity Allowance. If you take the SMP1 form to your local Jobcentre Plus, they will be able to offer you more information and advice.

Notice to start/ end your maternity leave

You have requested to commence your maternity/adoption leave on ***insert date***, which means that your maternity/ adoption leave must end on ***insert date*** (i.e. 52 weeks).

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before **(insert date leave starts [1])** (your original start date), whichever is sooner.

You have indicated you wish to return from maternity leave on ***insert date***. If you decide you want to change the date of your return from maternity, you must give me at least 8 weeks' notice in writing.

If you decide not to return to work you must still give me proper notice, and as detailed in the Trust's policy you will be liable to refund in full, or in part, any maternity pay received in excess of Statutory Maternity Pay.



Your leave will commence automatically if you give birth before your maternity leave period was due to start. Please notify me in writing as soon as is reasonably practicable of the date you gave birth, and your maternity leave will begin from the day after birth. If your baby is born prematurely (before the 11th week before the expected week of childbirth), you can agree with me for your leave to be split, taking a minimum of two weeks leave immediately after childbirth and the rest when your baby is discharged from Hospital. I will confirm any date changes in writing.

If your baby is born before commencement of your maternity leave/ pay then you must notify your manager and your maternity leave/ pay will commence from the day after the birth.

Intention not to return to work

You have indicated that you do not intend to return to work after your maternity/ adoption leave, therefore your last day of service will be **(Insert date)**. As you do not intend to return to work for the Trust you must formally submit your resignation letter to me detailing the last date of your employment.

Pregnancy Risk Assessment

As your employer I want to make sure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk.

We have already carried out risk assessments to identify hazards in the workplace that could be a risk to any member of staff. I will continue to review the risk assessment with you on at least a 12 week basis, or if you advise me of any changes in your health/ working conditions. If you have any further concerns, regarding your current risk assessment and specifically in relation to your pregnancy, please let me know immediately.

Annual leave

You will continue to accrue your full annual leave entitlement during the period of your maternity/adoption leave. We have discussed the arrangements for you to take your leave and have agreed the following:

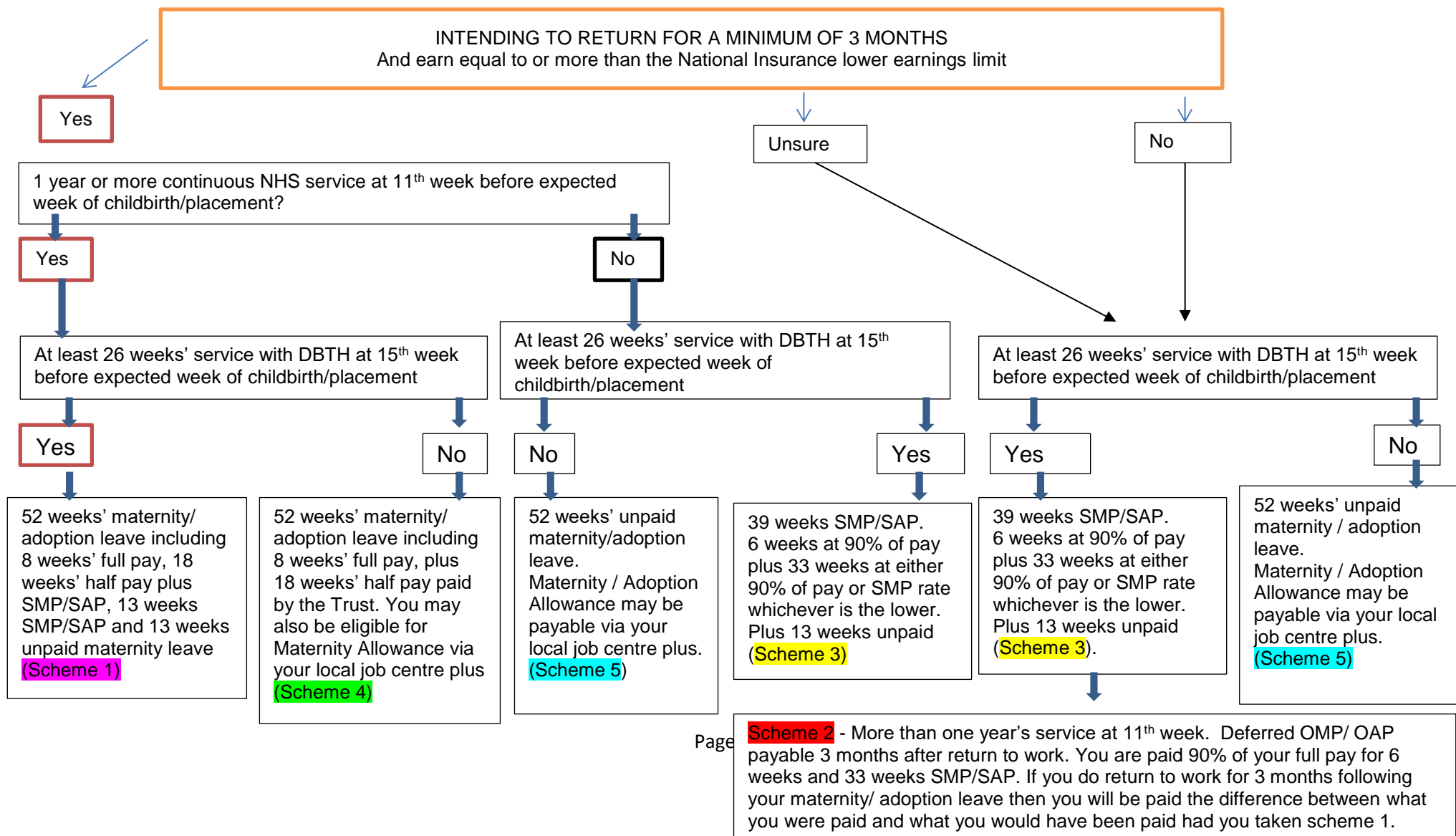
Insert details

If you have any questions about any aspect of your maternity entitlement, please do not hesitate to get in touch with me. I wish you well.

Yours sincerely

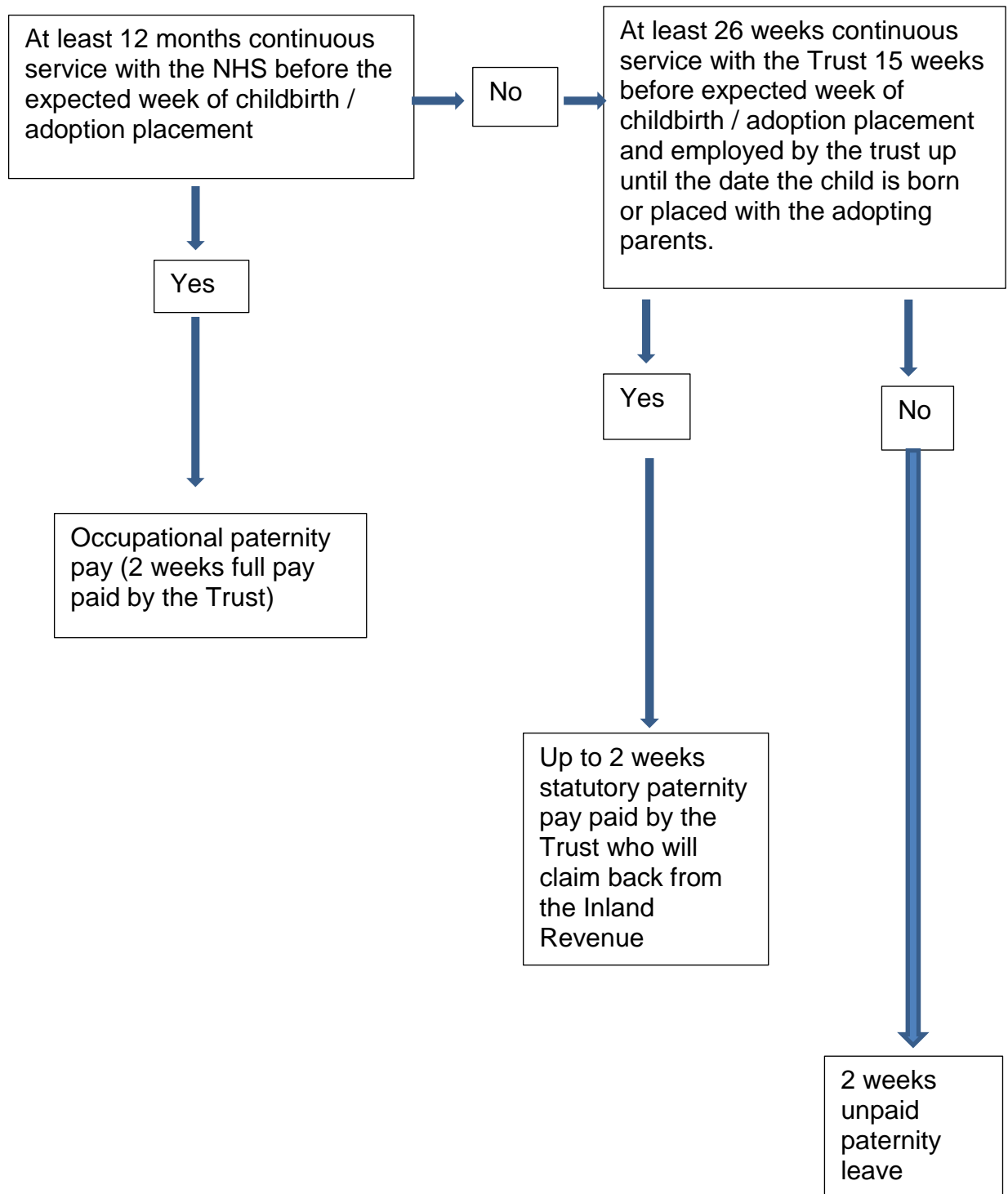
Insert name of line manager
Insert Designation

Cc personal file

**APPENDIX K - FLOW CHART FOR MATERNITY / ADOPTION PAY**



APPENDIX L - FLOW CHART FOR PATERNITY LEAVE





APPENDIX M – GUIDANCE FOR MANAGERS ON BREAST-FEEDING

Every employee shall be given reasonable time off to breast-feed their child or express their milk if required. A manager will also have to ensure that the employee is given access to a private area to enable her to take full advantage of this provision.

Increasing numbers of women are choosing to breast feed their child and many of those who do so, return to work whilst still breast-feeding. Nearly 70% of all working women return to work within nine months of having their baby. The shorter a women's maternity leave, the more likely she is to be still breast-feeding when she returns to work.

As an employer, we have legal obligations under Health & Safety Legislation to enable employees to continue breast-feeding if they want to once they have returned to work. There are also sound business reasons for supporting employees who breast-feed.

The Trust must guard against inappropriate behaviour towards an employee who is breastfeeding. This can be achieved by getting the facilities right and also preventing inappropriate comments or remarks that may be offensive or humiliating to the breastfeeding employee. Such comments may amount to unlawful harassment under the Equality Act 2010.

Staff may find it helpful to use the forms in the Flexible Working Policy to make a request regarding breastfeeding at work. This can help managers make objective, and fair decisions regarding facilities and adjustments at work.

Facilities

1. A breastfeeding employee may ask for a private, hygienic, safe and secure area where she can express milk, this could be an unoccupied office or an area used for meetings that can be discreetly screened. If in doubt an employer should ask the employee what would be most appropriate. If after careful consideration, the manager is physically unable to provide an appropriate space, this should be discussed with the employee to establish an appropriate facility which is mutually agreeable, for example in a private office in an adjacent department.
2. In order to express milk successfully, the mother needs to feel comfortable and relaxed. She needs to be in a private place where she is not going to



be interrupted by a colleague. Having collected the breast milk the mother needs to keep it refrigerated until she can take it home. Fridge and storage.

3. Most areas have kitchen facilities that contain a fridge or cool area. Employers should consider enabling expressed milk to be stored there, perhaps secured in a re-sealable container for hygiene purposes. It would be good practice to discuss storage preferences with the employee.
4. Because babies are so vulnerable to infection, the mother needs to be able to wash her hands before expressing and she also needs to be able to wash and sterilise any equipment she uses.
5. Although private, the ladies toilet is never a suitable place to breast-feed or express milk. It is an unhygienic and unpleasant environment in which to feed a baby or collect milk.

Checklist of Facilities to offer:

- Use of a room that is warm, clean, and private, preferably with a lockable door, (e.g. sickroom or spare office). If the mother is using an electric breast pump or steam steriliser, the room should have an electric point available.
- Somewhere to wash her hands or equipment
- Somewhere clean to leave a steriliser or a bowl with sterilising solution or use of a microwave oven if there is one
- Use of a fridge to keep bottles of expressed milk before taking them home
- A low comfortable chair.

Breaks to Breast-Feed or Express Milk

6. The feeding pattern of babies varies according to their age, health, and the individual child. Ideally a breast-feeding employee should be allowed breaks either to visit the baby or to express breast milk at the time of the day that she would normally feed the baby at home. Obviously this will depend on the nature of the employee's work, if she attends meetings where it is impossible to take a break, or works with clients whose needs are immediate (e.g. hospital patients), an exact routine may be impossible, but a reasonable example may be to give either one hour long break or 2 half hour breaks. Nonetheless, the starting point for good practice should be to listen to what the employee herself wants to do.



7. Talk to the employee about what breaks she will need for expressing or breast-feeding. Some women find expressing milk quick and easy, others may take longer.
8. Remember that the number of breaks needed or their length may vary over time.
9. It is difficult or sometimes physically impossible to breast feed or express under pressure, it is therefore imperative that as a manager you, and her colleagues, make her feel relaxed and not timed.
10. Take the employee's needs as a breast-feeding mother into account when scheduling shifts or rotas. Variable shifts and night shifts may be particularly problematic for an employee trying to maintain her milk supply.
11. Do not require the employee to attend any training courses or meetings that will involve an excessively long working day or night spent away from home.
12. If you need further advice about Infant Feeding please contact the Infant Feeding Coordinators Elaine Merrills (elaine.merrills@nhs.net or 01203 642709) or Susan Henderson (susanhenderson2@nhs.net or 01909572891).
13. In addition, further advice for managers is provided in the ACAS guidance "Accommodating Breastfeeding in the Workplace". Please see the following link:

<https://www.acas.org.uk/media/3924/Accommodating-breastfeeding-employees-in-the-workplace/pdf/Acas-guide-on-accommodating-breastfeeding-in-the-workplace.pdf>