



Parental Leave Policy

This procedural document supersedes and combines the following policies, please read in full:

- CORP/EMP 15 v.8 - Maternity Leave Guidelines
- CORP/EMP 41 v.5 - Paternity Leave Policy
- CORP/EMP 42 v.5 - Adoption Leave
- CORP/EMP 46 v.5 - Leave for Parents



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Author/reviewer: (this version)	Tracey Davies – Head of Employee Services Operations
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Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date Issued	Brief Summary of Changes	Author
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
Version 4	November 2006	<p>For women with expected week of childbirth commencing after and including 1st April 2007</p> <ul style="list-style-type: none"> • Extension of Statutory Maternity pay to 39 weeks • 10 days keep in touch available to employees – Page 13 • All employees entitled to AML regardless of length of service – Page 5. • Notification to change return date – within 8 weeks – Page 12 & Page 9. 	Joanne Dixon

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[Definitions/ Glossary of terms used](#)

[Maternity/Adoption Leave/Pay Application Form](#)

[Frequently Asked Questions – Maternity/Adoption Leave](#)

[Paternity / Partner Leave / Pay Application Form](#)

[Parental Leave Application Form](#)

[Parental Leave Record Form](#)

[Shared Parental Leave/Pay Application Form](#)

[Risk Assessment Guidance and Risk Assessment Form](#)

Links to flow charts

[Maternity and Adoption leave and pay flow chart](#)

[Entitlement to Ordinary Paternity Leave flow chart](#)

[Entitlement to Additional Paternity Leave flow chart](#)

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 that will affect your future.

The Trust will make sure 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 or paternity leave will not affect your incremental date, increments where you are at a gateway point, pay awards or your continuous NHS and Trust service.

If you feel aggrieved by the interpretation or application of this policy, you should follow the Trust's agreed Grievance Policy.

There is no formal training in support of this policy. Support in the interpretation and application of the policy can be obtained in the first instance from your line manager or from the NHS Shared Business Services (SBS) and HR Business Partners.

2. PURPOSE

This policy covers arrangements for maternity leave, which women employees have had as a statutory right for many years; and paternity and adoption leave, which has been a statutory right for fathers and adoptive parents since April 2003. These also apply to same sex partnerships. A glossary of definitions used in this policy is included [here](#). This Policy is intended to give you and your manager relevant information and is not an exhaustive account of all the regulations.

3. POLICY AND PROCESS AT A GLANCE

Maternity/Adoption	Paternity	Shared Parental	Parental
<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>Maternity/Adoption Leave Pay for 39 weeks. First six weeks at 90%.</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 ante natal 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.</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 50 weeks leave to care for a new born baby/newly placed adopted child.</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).</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>
<p>Who does this apply to?</p> <p>The leave applies to anyone who is pregnant, or the primary carer in adoption.</p> <p>To receive maternity/adoption leave pay, you must have 26 weeks' continuous service (at the 15th week before the week the baby is due/child is due to be placed).</p>	<p>Who does this apply to?</p> <p>The father can be either the baby's biological father, or the partner/husband of the mother, or someone who has, or expects to have, responsibility for the baby's upbringing.</p>	<p>Who does this apply to?</p> <p>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.</p>	<p>Who does this apply to?</p> <p>Natural or adoptive parents or people with parental responsibility under the Children Act.</p>

How do I apply/get more information?	How do I apply/get more information?	How do I apply/get more information?	How do I apply/get more information?
Read this guidance.	Tell your manager that you plan to take paternity leave by the end of the fifteenth week before the baby is expected.	Read this guidance and see information provided via the links to the internet.	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

Employees

- Co-operate with the requirements of the leave procedures
- Make every effort to attend meetings arranged

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

HR Business Partners/ NHS Shared Business Services (SBS)

- Provide support, advice and guidance on all matters relating to the operation of this policy
- SBS will process any maternity /adoption / paternity leave applications promptly
- HR will review and maintain the policy through agreed forums within the Trust

5. MATERNITY AND ADOPTION

Introduction/Notifying your manager

When you have formal confirmation that you are pregnant, or have a placement date for your child, you should tell your manager the expected week of childbirth (EWC) and the date on which you want to begin your maternity/adoption leave. That cannot be earlier than the 11th week before the EWC or more than 14 days before the child is placed with your family.

Complete the application form for [Maternity/Adoption](#) leave no later than the end of the 15th week before the EWC or no more than 28 days before the child is due to be placed with your family. Attach your medical evidence (the original MAT B1 form signed by your GP or midwife or, for adoption, the Matching Certificate). Your manager will write to confirm the end date of your leave.

Antenatal and Post natal Care

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

After your first appointment, show your manager your appointment card and discuss the time you need off, so that your manager can arrange to 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.

Starting your leave and changing the notified date

You can start your maternity leave any time between the 11th week before the EWC and the date of birth, provided 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 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 (at least 11 weeks before the baby is due), you can agree with your line manager 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. Your manager will confirm any date changes in writing.

Leave entitlement

You can take up to 52 weeks Maternity/Adoption Leave. This is made up of two parts: 26 weeks of Ordinary Maternity /Adoption Leave, followed by 26 weeks of Additional Leave. By law, you cannot come back to work until two weeks after the birth.

Right to return

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. 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, which are no less favourable.

Rates of pay

This will depend on your individual situation. Check this [flow chart](#) describing Maternity/Adoption Leave and Pay Entitlements.

Statutory Maternity Pay/Statutory Adoption Pay (SMP/SAP) and Maternity Allowance/Adoption Allowance (MA/AA)

If you have at least 26 weeks' continuous service at the start of the 15th week before your child is born, you will normally be entitled to receive SMP/SAP whether or not you intend to return to work.

SMP/SAP is payable at two rates for a maximum of 39 weeks. For the first six weeks a higher rate of either Statutory Maternity pay or 90% of salary is paid.

After this time you will be paid SMP/SAP or 90% of your earnings, whichever is lower. Statutory pay rates can be found on the HM Revenues and Custom website:

www.hmrc.gov.uk/payee/employees/statutory-pay/smp-overview.htm#1

If you have less than 26 weeks continuous service at the start of the 15th week before your child is born/adopted, you may be entitled to claim MA/AA. More information is available on the DWP website www.dwp.gov.uk. You will need to apply to the Department for Work and Pensions by completing an SMP1 form, which, SBS will provide.

Occupational Maternity and Adoption Pay (OMP/OAP)

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 at 8 weeks full pay inclusive of Maternity and Adoption Allowance or SMP/SAP, followed by 18 weeks half pay plus Maternity and Adoption Allowance or SMP/SAP.

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/Adoption pay and then not return to undertake the 3 months of work required within this policy, you may be liable to repay the difference between Statutory Pay and the Occupational Pay received.

Maternity and Adoption 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.

Fixed term or training contracts

If your contract expires less than 11 weeks before your baby is due, or during your maternity/adoption leave, you will be entitled to the same maternity/adoption pay as if you had a permanent contract. If you have the required service to entitle you to SMP/SAP and OMP/OAP, your fixed term contract will be extended so you can take 52 weeks of Maternity/Adoption leave.

If your contract expires between the 11th and 15th week before your baby is due, or your child is due for placement you will qualify for SMP/SAP and we will extend your contract to the date that SMP/SAP ceases.

If you do not have 26 weeks service with the Trust at 15 weeks prior to when your baby is due then you will not be entitled to SMP/SAP or OMP/OAP and your contract will terminate on the existing date of termination.

If your contract expires earlier than 15 weeks before your baby is due, you are not entitled to maternity/adoption leave or pay and your contract will terminate on the existing date of termination.

Where your contract expires during your maternity/adoption 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 Leave for Doctors in Training can be found on the NHS Employers website at:

www.nhsemployers.org

Miscarriage and stillbirth

If you have a miscarriage before the end of the 24th week of pregnancy, normal sick leave provisions apply. If a stillbirth occurs from the beginning of the 25th week of pregnancy, you will be entitled to the same amount of Maternity Leave and pay as if your baby was born alive

Annual Leave and Bank Holidays

Your entitlement to annual leave and bank holidays accrues during your maternity/adoption 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 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 leave prior to start of your maternity leave.

You cannot take annual leave directly after paid maternity/adoption leave if it is your intention to take unpaid maternity/adoption leave, as this would be considered as a return to work. If you do so, the unpaid maternity/adoption leave would be treated as normal unpaid leave, which your manager is under no obligation to grant. However, you may 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 8 for Parental Leave.

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 leave, you and the Trust will continue to make pension contributions.

During periods of 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 period of unpaid maternity/adoption leave. The accumulated contributions are taken over a period of time from your salary when you returns 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 where you have taken a period of unpaid leave.

Keeping in touch (KIT) arrangements

Your manager will discuss voluntary arrangements for keeping in touch if you are planning to return to work. You may want to receive occasional work-related updates, attend training or development/away-days. You are under no obligation to keep in touch or to maintain any contact. By law, you can attend work up to 10 KIT days to facilitate a smooth return to work. Days can be consecutive and can be shorter than a normal working day, though working for a part of any day counts as one of the 10 KIT days. KIT arrangements must be agreed by both you and your manager and neither can insist on KIT days being used.

KIT days are paid at your normal hourly rate as if you were at work if taken during the unpaid part of your maternity/adoption leave. If a KIT day is taken during paid maternity/adoption leave then you will be paid at the normal hourly rate with an adjustment made to the SMP and OMP calculation for that week. Payment of KIT days will be made on your return from maternity/adoption leave. Your manager will notify SBS on your return of the number of KIT days and the dates worked

Professional Registration must be maintained or renewed if this is due to/has expired whilst you are on maternity/ adoption leave, if you wish to work and be paid for KIT days.

Return to work

The Maternity/Adoption Leave/Pay Application Form asks whether you intend to return to work. Your Manager will write to you within 28 days to confirm your return to work date and entitlement to maternity/adoption leave and pay.

If you want to return to work before the end of the stated maternity/adoption leave period, you must give your manager 8 weeks' notice. Although this does not have to be in writing and may be given before the period of maternity/adoption leave begins, we would encourage you to discuss your return to work date at the earliest opportunity, so that suitable arrangements can be put in place.

If you do not give 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 cannot return to work on the date notified, 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 leave, you should give written notice in the usual manner to your manager.

If you want to apply for a period of unpaid parental leave or a flexible working arrangement after your period of maternity/adoption leave, you should refer to Section 7 in this Policy on Parental Leave or the Trust's Flexible Working Policy.

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, if it cannot be granted.

On your return to work after a period of maternity/adoption leave, subject to any organisational change, you have the right to return to the same job, on no less favourable terms and conditions. If there is no right of 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.

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.

A list of frequently asked questions and answers in relation to Maternity and Adoption Leave/Pay are included [here](#). In addition to this a fact sheet on maternity rights can be found on the Working and Families website: www.workingfamilies.org.uk

Guidance on breast-feeding upon returning to work after maternity leave can be found [here](#).

6. PATERNITY LEAVE

Definition

This is time off to care for a new baby or adopted child. This can apply to either the baby's biological father, or the partner/husband of the mother, or has/or expects to have responsibility for the baby's upbringing. It also applies to adoptive fathers but can also be granted to adoptive mothers, if the father is the primary care giver, and to nominated carers and same sex partners.

There are two types of Paternity Leave: Ordinary Paternity Leave (OPL) taken within 56 days of baby's birth date; and Additional Paternity Leave (APL) to be taken at least 20 weeks after the baby's birth date.

Notifying your manager and applying

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.

Leave entitlement

The entitlement is for two weeks and can start from the date of the baby's birth or any day of the week following the birth. Qualifying fathers are also entitled to unpaid parental leave and to reasonable paid time off to attend ante-natal classes or official Adoption meetings. Your line manager may ask to see the appointment card. Paternity Leave cannot start until after the birth or placement of your child.

You should take OPL within 56 days of the date of your child's birth, adoption placement, or start of the expected week of childbirth. You can take two single weeks or two consecutive weeks. Your manager will deal with your request as quickly as possible and will agree wherever possible operationally.

If your baby is still born after the start of the 16th week before the expected week of confinement, you can still take paternity leave, as long as all other eligibility conditions are met.

Application

Complete and submit the [application form](#) to your line manager at least 28 days before the date you expect your leave to start. Your manager may ask for medical evidence, like a copy of the MAT B1 or Matching Certificate. The SC3/SC4 forms can be obtained from the NHS Shared Business Services (SBS) or from the following website: <http://www.hmrc.gov.uk/forms/sc3.pdf>

Right to return

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

Rates of pay

Rates of pay for Ordinary Paternity Leave depend on your individual situation. This [flow chart](#) summarises entitlement to Ordinary Paternity Leave/Pay.

Statutory Paternity leave

You are entitled to two weeks paid Statutory Paternity leave 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 leave is paid at the rate of statutory pay or 90% of your earnings, whichever is less.

Occupational Paternity Pay

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

Additional paternity leave – Only available for parents of children born/matched before 5th April 2015. No longer available after 5th April 2016.

Additional paternity leave and pay may be available to you if you meet the requirements for Ordinary Paternity leave and the child's mother/primary adopter has returned to work and is entitled to statutory maternity leave, maternity pay or allowance, or statutory adoption leave or pay.

You can take up to 26 weeks additional paternity leave to care for your new baby. It must be taken in one block of time of between 2 weeks and 26 weeks. It cannot start earlier than 20 weeks after the birth and must end before your child's first birthday.

The child's mother or adopter must have returned to work. If the mother or primary adopter takes annual leave, sick leave or parental leave at the end of the maternity leave pay period, this does not count as a return to work.

If the additional Paternity Leave is taken during the mother's 39 week statutory maternity pay (SMP) period then it can be paid and this would be at the pay rate of statutory paternity pay.

In the case of adoption, Additional Paternity Leave can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter. This [flow chart](#) summarises entitlement.

Use [this form](#) to request Additional Paternity Leave from your line manager at least 8 weeks before the start date of your planned leave.

Additional Paternity Pay will be at the statutory rate of pay (or 90% of the employee's average weekly earnings, whichever is lower), only up to the point where the child's mothers Statutory Maternity/Adoption pay would have ended. Following this, the entitlement will be unpaid.

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

<http://www.hmrc.gov.uk/>

6A. SHARED PARENTAL LEAVE (SPL) AND STATUTORY SHARED PARENTAL PAY (SHPP) – ONLY AVAILABLE TO PARENTS OF CHILDREN BORN/MATCHED ON OR AFTER 05/04/2015.

From April 2015, parents will have 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. Existing rules on maternity and ordinary paternity leave and pay remain the same but additional paternity leave and pay will be abolished. Shared Parental Leave and Pay maybe available if you, or your partner, have 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 Her Majesty's Customs and Revenue website: <https://www.gov.uk/shared-parental-leave-and-pay/overview>

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)

Shared Parental Leave

You can take SPL in up to 3 separate blocks. You can also share the leave with your partner if they're also eligible. Parents can choose how much of the SPL each of them will take.

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

Shared parental leave in touch (SPLIT) days

You and your partner can both 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.

Keeping in touch days are optional - both you and your manager must agree to them.

To qualify for SPL, the child's mother (or adoptive parent) must be eligible for either:

- maternity leave or pay
- Maternity Allowance
- adoption leave or pay

You must also:

- have worked continuously for the Trust for at least 26 weeks by the end of the 15th week before the due date (or date matched with adopted child)
- still be employed by the Trust while you take SPL
- give correct notice including a declaration that your partner meets the employment and income requirements which allow you to get SPL. At least 8 weeks before the start of the leave period.

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.

Statutory Shared Parental Pay

You can get 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.

How to apply for SPL/ShSPP

You must give your employer 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 that can be found at (LINK TO FORM).

After receiving this notice, your manager has 14 days if they want to ask for:

- 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.

7. PARENTAL LEAVE

Definition

This is unpaid parental leave to look after or to make arrangements for the good of a child or children.

Entitlement

Natural or adoptive parents or people with parental responsibility under the Children Act may take up to eighteen weeks. You must have one year's continuous service with the NHS, be the parent named on a birth certificate of a child under 14 (18 in cases of adoption or disabled children), or have, or expect to have, formal parental responsibility, as defined by the Children Act 1989 or the Children (Scotland) Act 1995. Foster parents do not have the right to Parental Leave.

You must take the leave before your child's 5th birthday or 18th for disabled children. If your child is adopted, you must take it before their 18th birthday or the 5th anniversary of their adoption, whichever comes first. The entitlement is for each child and so is doubled for twins.

Your manager will keep a record of any parental leave taken on your personal file using the parental leave record sheet.

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.

Notifying your manager and applying

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 want 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. Talk to your manager as early as possible so that cover arrangements can be made.

Apply using [this form](#) at least 21 days before you propose to start your leave.

Your manager will confirm whether or not it can be agreed and advise the NHS Shared Business Services (SBS).

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. For multiple births, 18 weeks is available for each child.

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 department. 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.

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 can ask to change the dates of agreed parental leave, and your manager will agree to changes, if reasonably practicable.

A period of unpaid parental leave will count as continuous employment with the Trust, although pay and most contractual benefits are suspended. Your entitlement to annual leave continues to accrue. 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 the Authority's pensions office. It is your responsibility to make any necessary arrangements.

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 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 way.

8. 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 this [guidance](#). So tell your manager as early as possible.

9. 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, paternity and parental leave is actively managed and there is documentary evidence of this; Decisions regarding the allocation of maternity, adoption, paternity and parental leave have been fairly applied in line with policy – there have been no successful challenged of those decisions 	Care Group Managers will monitor with support from HR Business Partners	Annually	Any significant issues will be escalated to the Care Group Director and/or to the Head of HR Services or to the Director of People and Organisational Development.

10. 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 at Appendix 1.

11. ASSOCIATED TRUST PROCEDURAL DOCUMENTS

- Carers Leave and Leave for Domestic Emergencies - CORP/EMP 47
- Flexible Working Policy - CORP/EMP 48
- Grievance and Dispute Procedure - CORP/EMP 3

12. REFERENCES

NHS Terms and Conditions of Service Handbook, Jan 2010 <http://www.nhsemployers.org>

National Health Service Hospital Medical and Dental Staff and Doctors in Public Health Medicine and Community Health Service (England and Wales) Terms and Conditions

HMRC website: <http://www.hmrc.gov.uk/taxcredits/keep-up-to-date/changes-affect/family-change/maternity-adoption.htm>

Department for Work and Pensions website: <http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/>

Directgov website:

<http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/index.htm>

Government Maternity Pay and Leave Guide:

<http://www.gov.uk/maternity-pay-leave/overview>

Maternity and Parental Leave Regulations 1999 and amendments:

<http://www.legislation.gov.uk/ukxi/1999/3312/contents/made>

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

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

APPENDIX 1 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Policy	CSU/Executive Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP 15 v.9 – Parental Leave Policy	People and Organisational Development	Jayne Lang	Existing	October 2013
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	
9. Date for next review October 2017				
Checked by: Jayne Lang		Date: October 2013		