

## POLICIES AND PROCEDURES

### PARENT'S LEAVE POLICY

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**SECTION 1**  
**PURPOSE AND SCOPE**

## **1. PURPOSE AND SCOPE**

1.1 Throughout this document the term 'Trust' refers to South Tyneside NHS Foundation Trust.

1.2 This policy is intended to assist managers in advising staff on the current maternity, paternity, adoption and parental leave provisions and is applicable to all Trust employees including permanent and fixed-term employees. It does not apply to staff who are on secondment from other organisations.

### **1.3 Equality, Diversity and Human Rights Statement**

The Trust is committed to promoting human rights and providing equality of opportunity; not only in our employment practices but also in the way we provide services. The Trust also values and respects the diversity of our employees and the communities we serve. In applying this policy, the Trust will have due regard for the need to:

- Promote human rights;
- Eliminate unlawful discrimination;
- Promote equality of opportunity;
- Provide for good relations between people of diverse groups;
- Consider providing more favourable treatment for people with disabilities.

This policy aims to be accessible to everyone regardless of age, disability (physical, mental health or learning disability), gender (including transgender) race, sexual orientation, religion or belief or any other factor which may result in unfair treatment or inequalities in health or employment.

## **SECTION 2**

# **MATERNITY LEAVE AND PAY**

## 2. MATERNITY LEAVE AND PAY

2.1 Employees, regardless of their length of NHS service or the number of hours worked, are entitled to take 52 weeks of maternity leave, whether or not they return to NHS employment following child birth. However, pay entitlements during maternity leave will vary depending on the length of NHS service, working hours and current rate of pay.

2.2 Leave Entitlements – An employee is entitled to take up to a maximum of 52 weeks maternity leave, made up of two parts:

**Ordinary Maternity Leave** – the first 26 weeks of maternity leave is referred to as ‘Ordinary Maternity Leave’ (OML). Employee are entitled to take 26 weeks ordinary maternity leave irrespective of their length of service or hours worked.

**Additional Maternity Leave** – employees who qualify for ordinary maternity leave will also qualify for ‘Additional Maternity Leave’ (AML). This is a further 26 week period which starts the day after ordinary maternity leave ends.

For shared parental leave which allows parents to share outstanding maternity/adoption leave please see Section 4.0 Shared Parental Leave.

## ELIGIBILITY

2.3 An employee working full or part-time is entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme providing the following criteria is satisfied:

- a) The employee has twelve months continuous service with one or more NHS employers at the beginning of the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC);
- b) She notifies her employer in writing before the end of the 15<sup>th</sup> week before the EWC (or if this is not possible, as soon as it reasonably practicable thereafter) the following information:
  - Of her intention to take maternity leave;
  - Of the date she wishes to start her maternity leave (but see paragraph – below);
  - That she intends to return to work with the same or another NHS employer for a minimum period of three months after her maternity leave has ended;
  - And provides a MAT B1 form from her midwife or medical practitioner stating the EWC.

## AMOUNT OF MATERNITY PAY

2.4 **Employees with more than 26 weeks service with the Trust and more than 52 weeks continuous NHS service at the beginning of the 11<sup>th</sup> week before the EWC**

- Leave – 52 weeks;
- Pay

- For the first 8 weeks payment will be at full pay (inclusive of Statutory Maternity Pay (SMP\*));
- For the following 18 weeks, payment will be at half of full pay plus SMP;
- For the final 13 weeks, payment will be at SMP\* only.

**2.5 Employees with more than 26 weeks service with the Trust and less than 52 weeks continuous NHS service at the beginning of the 11<sup>th</sup> week before the EWC**

- Leave – 52 weeks;
- Pay –
  - For the first 6 weeks, 90% of average earnings;
  - For the last 33 weeks the lower 90% of average earnings or current SMP;
  - For the next 13 weeks, unpaid leave.

**2.6 Employees with less than 26 weeks service with the Trust and more than 52 weeks continuous NHS service at the beginning of the 11<sup>th</sup> week before the EWC**

- Leave – 52 weeks;
- Pay –
  - For the first 8 weeks payment will be at full pay;
  - For the next 18 weeks, payment will be at half of full pay;
  - May be eligible to claim SMP from your previous NHS employer, if working for the NHS employer during the qualifying week (employee would need to contact their previous NHS employer);

**OR**

  - May be eligible to claim Statutory Maternity Allowance (SMA) from Job Centre Plus subject to satisfying eligibility criteria (employee would need to contact Job Centre Plus).

**2.7 Employees with less than 26 weeks service with the Trust and less than 52 weeks continuous NHS service at the beginning of the 11<sup>th</sup> week before the EWC**

- Leave – 52 weeks;
- Pay –
  - No entitlement to occupational maternity pay – therefore leave is unpaid;
  - May be eligible to claim SMA from Job Centre Plus subject to satisfying eligibility criteria (employee would need to contact Job Centre Plus).

**2.8 Employees Not Wishing to Return following Maternity Leave**

An employee who has 12 months NHS continuous service and does not intend to return to work for the Trust or another NHS organisation will be entitled to:

- 6 weeks at a payment of 90% of the average weekly earnings;
- Followed by 33 weeks SMP.

**2.9 Calculation of Maternity Pay**

Full pay will be calculated using the average weekly earnings rules used for calculating SMP entitlements (generally this is an average of earnings received between 17<sup>th</sup> and 25<sup>th</sup> week of pregnancy), subject to the following qualifications:



- a) In the event of a pay award of annual increment being implemented **before** the paid maternity leave period begins, the maternity pay will be calculated as though the pay award or annual increment had effect throughout the entire SMP calculation period. If such a pay award is agreed retrospectively, the maternity pay should be recalculated on the same basis.
- b) In the event of a pay award or annual increment being implemented **during** the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment will be increased accordingly. If such a pay award is agreed retrospectively, the maternity pay should be recalculated on the same basis.
- c) In the case of an employee on unpaid sickness absence, or on sickness absence attracting half pay during the whole part of the period used for calculating average weekly earnings in accordance with the earnings rules for SMP purposes, average weekly earnings for the period of sickness absence shall be calculated on the basis of notional full sick pay.

**Please Note:** Staff in salary sacrifice schemes should also see Section 2.12 below.

#### 2.10 **Staff not entitled to any Maternity Pay**

Staff who are not entitled to receive SMP from the Trust may be entitled to receive SMA from the DWP. If this is the case, the employee will receive a SMP1 form from the Payroll Department in order for the employee to be able to make a claim for SMA direct from the DWP.

#### 2.11 **Payment of Maternity Pay**

Maternity pay will be paid into the employee's bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, national insurance and pensions contributions. If requested, the Payroll Department can calculate the total amount of occupational maternity pay to be received by the employee and pay this as an average over a period of 6 or 9 months. This enables the employee to spread the amount paid to them evenly whilst on ordinary maternity leave. For more information please contact the Payroll Department.

#### 2.12 **Salary Sacrifice Schemes**

If employees are currently paying into the Trust's childcare voucher scheme or have a car through the Trust's salary sacrifice lease car scheme, this may affect the amount of maternity pay they receive within ordinary maternity leave (26 weeks) and this should be discussed with the Payroll Department or the Carer Co-ordinator as soon as possible in order for staff to understand the impact these schemes will have on their maternity pay.

#### 2.13 **Conditions of the Maternity Leave Scheme**

An employee is required to notify her manager using the ML1 form (Appendix 4) of her intention to take maternity leave no later than the end of the 15<sup>th</sup> week before her EWC (25<sup>th</sup> week of pregnancy) or as soon as reasonably practicable after this. As part of this notification, she will need to confirm; that she is pregnant, the expected week of childbirth (EWC), the date she wishes to start her ordinary

maternity leave and whether she intends to return to work for the Trust, or another NHS organisation for a minimum period of 3 months following maternity leave.

**2.14 Expected Date of Childbirth**

The employee must submit a MATB1 certificate signed by a registered medical practitioner or a practising midwife indicating the EWC. This must be submitted to the employee's manager before the end of the 15<sup>th</sup> week before EWC (25<sup>th</sup> week of pregnancy) and not later than 28 days before the start of maternity leave or if this is not possible as soon as reasonably practicable.

**2.15 Commencement of Maternity Leave**

An employee may begin her maternity leave at any time between the 11<sup>th</sup> week before the EWC (29<sup>th</sup> week of pregnancy) and the EWC, provided that the required notice of 28 days is given.

**2.16 Changing the Maternity Leave Start Date**

If the employee subsequently wants to change the date from which she wishes her maternity leave to start she should give her Manager at least 28 days' notice, or if this is not possible, as soon as is reasonably practicable.

**2.17 Confirming Maternity Leave and Pay**

The manager must forward the completed ML1 form (Appendix 4) and original MATB1 Certificate to the Personnel Department who will process the documentation and ensure that the Payroll department are informed. The ML1 form can be forwarded to the Personnel Department as soon as the employee notifies the manager that they are pregnant. The MATB1 can be sent later.

The Personnel Department will write to the employee within 14 calendar days of receiving form ML1 and original MATB1 certificate confirming the date she wishes to start ordinary maternity leave. The letter will inform the employee of their expected date of return from maternity leave plus their maternity pay entitlements.

**2.18 Time off for Antenatal Care**

All pregnant employees are entitled to reasonable paid time off to attend antenatal care. Antenatal care includes relaxation and parent-craft classes as well as appointments for antenatal care. The employee and manager will agree what is reasonable time off for antenatal care. The leave is regardless of length of service, or hours worked. Employees should apply to their line manager for time off in accordance with this policy and should request such time in advance of the appointment.

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

All employees are entitled to work up to 10 days during their maternity leave. The 'Keeping in Touch' days are optional and have been introduced to enable employees on maternity leave to keep up to date with developments at work and to help facilitate their return to work. The 'Keeping in Touch' days need to be agreed with the manager in advance.

Any 'Keeping in Touch' days attended by the employee will be recorded by the manager, who will then be responsible for adding them onto the employees annual leave entitlement or ensuring that the employee takes them as time in lieu when

they return from maternity leave. The time given back for keep in touch days will be equal to the time attended at work.

A visit to work as a “Keep in Touch’ day will be classed as using 1 of the 10 days regardless of the length of time of the visit. Employees need to be mindful that once all 10 days have been exhausted, and they subsequently attend work, their maternity leave will automatically end.

## 2.20 **Return to Work**

No employee may return to their duties within 2 weeks of the actual week of childbirth. An employee will have the right to return to a post under her original contract on no less favourable terms and conditions.

An employee, who intends to return before the end of 52 weeks maternity leave must give the Trust 28 calendar days’ notice, in writing, of their intended return to work date. It is both the employee and the manager’s responsibility to give the correct notice otherwise this could result in the return being postponed for up to 28 days. If the employee is ill at the end of their maternity leave, she will be entitled to sick leave in accordance with the Policy on Managing Sickness Absence.

## 2.21 **Returning on Flexible Working Arrangements**

There is no legal right to return to a job on a part-time basis. However the employee may apply for flexible working and the Trust has a duty to consider such requests – it is therefore important that an employee discusses any request to change their hours of work with their Manager as soon as is practicably possible. If an employee wishes to reduce their hours of work they need to request this in accordance with the Trust’s Flexible Working Policy PP10.

## 2.22 **Failure to Return to Work**

If an employee has notified the Trust of her intention to return to work for either the Trust or a different NHS organisation and fails to do so within 15 months of commencement of her maternity leave, she will be liable to repay the whole of her occupational maternity pay, less any SMP received, to which she is entitled. The Trust shall have the discretion in exceptional circumstances and in consultation with the Director of Personnel and Development and the Director of Finance, to waive the right of recovery in cases where to enforce the issue would cause undue hardship or distress to the employee.

## 2.23 **Sickness Absence**

If an employee is absent due to sickness, or becomes sick, with a pregnancy related illness during the last 4 weeks (36<sup>th</sup> Week of pregnancy) before the EWC, maternity leave and pay entitlements will automatically be triggered.

When an employee has chosen to work beyond the 11th week before the EWC (29<sup>th</sup> week of pregnancy), absence due to sickness during the last 4 weeks (36<sup>th</sup> week of pregnancy) which is certified as unrelated to pregnancy will be treated as normal paid sickness absence. The absence will be treated as sick leave until the date it had been previously agreed that maternity leave would commence.

Consideration should be given to the individual circumstances of each case. The decision as to whether the maternity leave and pay period is triggered should be

taken in consultation with the Personnel Department, who will seek appropriate medical advice where necessary from the Occupational Health Department.

#### **2.24 Premature Birth**

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

Where an employee's baby is born before the 11<sup>th</sup> week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

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

Where the baby is born before the 11<sup>th</sup> week before EWC (29<sup>th</sup> week of pregnancy) and the baby is in hospital the employee may split her maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of her leave following the baby's discharge from hospital.

#### **2.25 Miscarriage and Still Birth**

Where an employee has a miscarriage between weeks 1 and 24 of pregnancy normal sick leave provisions will apply as necessary.

In the event of a still birth from week 25 of pregnancy onwards the employee will be entitled to the same amount of maternity leave and pay as if the baby was born alive.

#### **2.26 Carer Co-ordinator**

The Trust provides access to a Carer Co-ordinator. The Carer Co-ordinator provides information on childcare provisions available locally, including the childcare voucher scheme (see Personnel Policy PP33, Childcare Voucher Policy) and can be contacted on (0191) 2831286.

#### **2.27 Protection against Unfair Treatment or Dismissal**

All employees irrespective of their length of service or hours of work have the right to claim unfair dismissal if they feel they have been dismissed for a reason which is connected with their pregnancy.

Less favourable treatment on the grounds of pregnancy constitutes unlawful sex discrimination.

Managers need to consider any potential discriminatory practices in their management of staff requiring maternity provision. An employee should not be subject to unfair treatment at work because she:

- Is a new or expectant mother;
- Has taken, or sought to take, ordinary or additional maternity leave;
- Has taken, or sought to take, any of the benefits of ordinary maternity leave;

- Does not return to work at the end of her maternity leave in circumstances where her employer gives her insufficient or no notice of when it should end;
- Has been suspended from work for health and safety reasons connected with her maternity.

## 2.28 **Rights for those on Fixed Term, Training Contracts or Rotational Training Contracts**

Employees who qualify for NHS maternity leave and pay, who are on fixed term or training contracts which expire after the 11<sup>th</sup> week before EWC will have their contracts extended to enable them to receive 39 weeks paid contractual maternity leave.

An employee who is entitled to paid Maternity Leave, but whose temporary or training post will continue to exist following her maternity leave, will be entitled to 39 weeks leave, and have a right to return to her temporary post.

If there is no right of return to be exercised because the contract would have ended if the pregnancy and childbirth had not occurred, then the condition requiring them to repay occupational maternity payments will not apply.

Employees on fixed term contracts who have between 26 weeks and 12 months employment with the Trust by the end of the 15<sup>th</sup> week (25<sup>th</sup> week of pregnancy) before EWC will still be entitled to SMP. The Trust will continue to pay this to the employee until their entitlement is exhausted.

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

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

## 2.29 **Health and Safety of Employees Pre and Post Birth**

Under the Management of Health and Safety at Work Regulations 1994, the Trust is required to risk assess all employees including new and expectant mothers, and to do what is reasonably practicable to control those risks. Employees should therefore inform their line manager as soon as they know they are pregnant in order for them to carry out a risk assessment using Appendix 2.

Further advice can be sought from the Occupational Health Department. New and expectant mothers are defined as 'an employee who is pregnant; who has recently given birth or miscarried within the previous six months; or who is breast-feeding a child'.

If the employee is incapable of carrying out all or part of her duties, or her manager, or a medical practitioner, consider her unborn child would be at risk through her current duties but she is not advised to refrain from work, the Trust will, where reasonably practicable, provide alternative work. The employee will receive her

normal rate of pay for this even though the work done might normally attract a lower rate of pay.

Where it is not reasonably practicable to offer alternative employment, the employee will be given leave on full pay.

### 2.30 **Breastfeeding on Return to Work**

The World Health Organisation recommends that babies be fully breastfed for the first 6 months of their life, as it provides them with the nutrients they need for healthy growth and development. The Trust recognises the above health benefits and would like to support its employees who want to continue to breastfeed for as long as possible, including after the employee's return to work.

The Trust recognises that different employees will have different requirements in terms of support facilities and arrangements to allow them to work whilst breastfeeding. Any employee wishing to breastfeed following her return to work should discuss the specific measures which she feels will assist her with her manager.

Support options may include:

- Flexibility of working hours for a period of time e.g. on a part time basis for a fixed period, or a phased increase in working hours following return to work;
- Access to a breastfeeding room, refrigerator and flexibility to feed baby during work time.

### 2.31 **Terms and Conditions of Employment**

During maternity leave (both paid and unpaid) an employee retains all her contractual rights except remuneration.

#### i) Increments

Absence on maternity leave whether paid or unpaid shall be classed as continuous service and normal annual increments on the employee's pay scale will apply.

#### ii) Lease Car and Car Parking

Employees who have a lease car will need to contact their lease car provider. Employees wishing to suspend their car parking permit will need to contact the General Office, Ingham Wing - a template letter can be found at Appendix 14.

#### iii) Annual Leave

Contractual annual leave (including public holidays) will continue to accrue during maternity leave whether paid or unpaid. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be beneficial to both the employee and the Trust for the employee to take annual leave before and/or after the paid and unpaid maternity leave period. The amount of annual leave to be taken in this way or carried over should be discussed and agreed between the employee and manager.

#### iv) Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pensions Regulations. During paid ordinary maternity leave, members of the NHS Pension Scheme will continue to have deductions made from

their maternity pay proportionate to the amount of pay received in respect of their own contribution to the pension scheme. The Trust will make contributions based on notional full pay. Any period of unpaid maternity leave will not count for pension purposes unless the employee wishes to opt to pay contributions to cover the unpaid period. Further advice can be obtained from the Payroll Department.

**Maternity Pay Entitlements**

<b><u>Length of Service</u></b>	<b>Intending to return to work for a minimum of 3 months</b>	<b>Not intending to return to work</b>
Less than 26 weeks service at 15 weeks before EWC	52 weeks unpaid leave	52 weeks unpaid leave
26 weeks service at 15 weeks before EWC but less than 12 months service at 11 weeks before EWC	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of average weekly earnings</li> <li>• 33 weeks at standard SMP</li> </ul> Plus additional 13 weeks unpaid leave	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of average weekly earnings</li> <li>• 33 weeks at standard SMP</li> </ul> Plus additional 13 weeks unpaid leave
More than 12 months service at 11 weeks before EWC	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 8 weeks full pay</li> <li>• 18 weeks half pay plus SMP</li> <li>• 13 weeks at SMP</li> </ul> Plus additional 13 weeks unpaid leave	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of weekly earnings</li> <li>• 33 weeks at SMP</li> </ul> Plus additional 13 weeks unpaid leave
More than 12 months service within the NHS and less than 26 weeks with current employer at 11 weeks before EWC	26 weeks paid leave: <ul style="list-style-type: none"> <li>• 8 weeks full pay minus SMP*</li> <li>• 18 weeks half pay</li> </ul> *SMP may not be payable by this Trust, but by the previous NHS Employer. Plus additional 26 weeks unpaid leave	52 weeks unpaid leave



**RISK ASSESSMENT FOR NEW AND EXPECTANT MOTHERS – TO BE COMPLETED BY MANAGER**

NAME: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

LOCATION: \_\_\_\_\_ DATE: \_\_\_\_\_

HAZARD	YES	NO	RISK FACTORS
Handling/carrying loads	<input type="checkbox"/>	<input type="checkbox"/>	
Standing or sitting for long lengths of time	<input type="checkbox"/>	<input type="checkbox"/>	
Exposure to infectious diseases	<input type="checkbox"/>	<input type="checkbox"/>	
Exposure to extremes of cold or heat	<input type="checkbox"/>	<input type="checkbox"/>	
Exposure to chemicals e.g. anaesthetic gases, Haz Tabs.	<input type="checkbox"/>	<input type="checkbox"/>	
Constraints of posture	<input type="checkbox"/>	<input type="checkbox"/>	
Excessive physical/mental effort	<input type="checkbox"/>	<input type="checkbox"/>	
Long hours/shift work/night work	<input type="checkbox"/>	<input type="checkbox"/>	
Workstations	<input type="checkbox"/>	<input type="checkbox"/>	
Exposure to radioactive material	<input type="checkbox"/>	<input type="checkbox"/>	

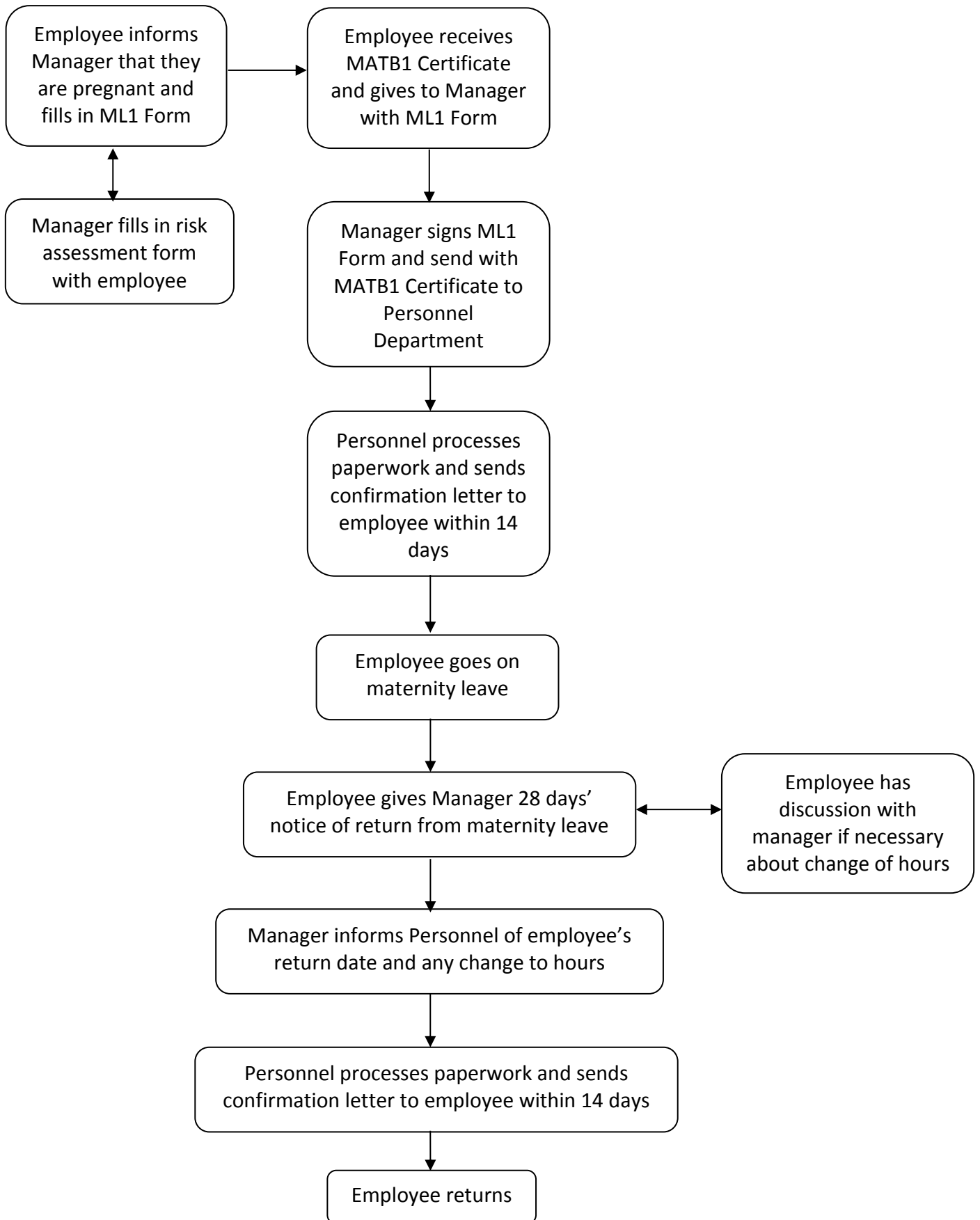
Other people's smoke in the workplace	<input type="checkbox"/>	<input type="checkbox"/>	
Threat of violence in the workplace	<input type="checkbox"/>	<input type="checkbox"/>	
Long working hours	<input type="checkbox"/>	<input type="checkbox"/>	
Excessively noisy workplace	<input type="checkbox"/>	<input type="checkbox"/>	
Other risks identified	<input type="checkbox"/>	<input type="checkbox"/>	
Remedial action to reduce risk			

COMPLETED BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

LINE MANAGER: \_\_\_\_\_ THOSE PRESENT: \_\_\_\_\_

DATE: \_\_\_\_\_

**Maternity Leave Flow Chart**



South Tyneside NHS Foundation Trust

Maternity Leave Application Form

Title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Home Telephone or Mobile Phone Number: \_\_\_\_\_

Place of Work and Telephone Number: \_\_\_\_\_

Job Title and Band: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Start Date with the Trust: \_\_\_\_\_  
dd \ mm yyyy

Date Continuous NHS Employment Commenced: \_\_\_\_\_  
dd \ mm yyyy

Expected Date of Confinement: \_\_\_\_\_  
(please note this date normally starts on a Monday) dd \ mm yyyy

Please tick as appropriate:

- I intend to return to work for the NHS for at least a minimum of 3 months after my maternity leave
- I do not intend to return to work following my maternity leave

I would like my occupational maternity pay to be averaged over the following period:

- 6 months
- 9 months
- Not applicable

**I have read, understood and accept the conditions set out in the South Tyneside NHS Foundation Trust's Parent's Leave Policy relating to Maternity Leave, including the provision relating to the repayment of occupational maternity pay if I do not return to work for the Trust or another NHS organisation.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Line Manager Signature: \_\_\_\_\_

Print Name (Line Manager): \_\_\_\_\_ Date: \_\_\_\_\_

**Please forward the completed form and the original MATB1 form and/or birth certificate to:**  
Personnel Department, South Tyneside District Hospital, Harton Lane, South Shields NE34 0PL

**SECTION 3**  
**ADOPTION LEAVE AND PAY**

### **3. ADOPTION LEAVE AND PAY**

3.1 Adoption leave applies to employees who either adopt a child or are one member of a couple where a couple adopt jointly. Only one member of a couple is able to claim for adoption leave and the other may claim paternity leave. If an employee is claiming paternity leave as a result of adoption they can do so as outlined in Section 5 of this policy.

To qualify for adoption leave, employees must be newly matched with a child (under the age of 18) by an Adoption Agency.

For information regarding Shared Parental Leave, please see Section 4.

#### **3.2 Leave and Pay**

When taking adoption leave employees, regardless of their length of continuous service, are entitled up to a maximum period of 26 weeks 'Ordinary Adoption Leave' and 26 weeks 'Additional Adoption Leave'. It is then dependent on the length of service as to any payment an employee will receive during 'Ordinary Adoption Leave'. Eligibility and payment will be made in line with the maternity pay and provisions as outlined in Section 2 of this policy and Appendix 5.

Employees who are required to attend meetings, prior to receiving confirmation of a potential adoption match with a child will be covered by the provisions of the Trust's Special Leave Policy (PP1), such as:

- Pre-adoption Screening;
- Adoption Matching Interview.

The agreement for time off after the adoption should cover circumstances where the child is initially unknown to the adoptive parents.

If there is an established relationship with the child, such as fostering prior to adoption, time off for official meetings only should be considered.

#### **3.3 Notification of Adoption Leave**

Employees are required to provide their manager with a 'matching certificate' from their Adoption Agency as the evidence of their entitlement to adoption leave.

Employees should ask their Adoption Agency for a matching certificate, which will include basic information on matching and expected placement dates. The employee must complete the Adoption Leave Application Form AL1 (Appendix 7) and forward this to their Manager along with the original matching certificate. The manager will forward a copy of the AL1 form and matching certificate to the Personnel Department who will process the documentation and ensure Payroll Department are informed.

The Personnel Department will write to the employee within 14 calendar days of receiving the AL1 form and matching certificate, confirming the dates of adoption leave, the expected date of return and the adoption pay entitlements.

### 3.4 **Terms and Conditions of Employment**

During adoption leave (both paid and unpaid) an employee retains all her contractual rights except remuneration.

#### i) Increments

Absence on adoption leave whether paid or unpaid shall be classed as continuous service and normal annual increments on the employee's pay scale will apply.

#### ii) Lease Car and Car Parking

Employees who have a lease car will need to contact their lease car provider. Employees wishing to suspend their car parking permit will need to contact the General Office, Ingham Wing - a template letter can be found at Appendix 14.

#### iii) Annual Leave

Contractual annual leave (including public holidays where specified) will continue to accrue during adoption leave whether paid or unpaid. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be beneficial to both the employee and the Trust for the employee to take annual leave before and/or after the paid and unpaid adoption leave period. The amount of annual leave to be taken in this way or carried over should be discussed and agreed between the employee and manager.

#### iv) Pensions

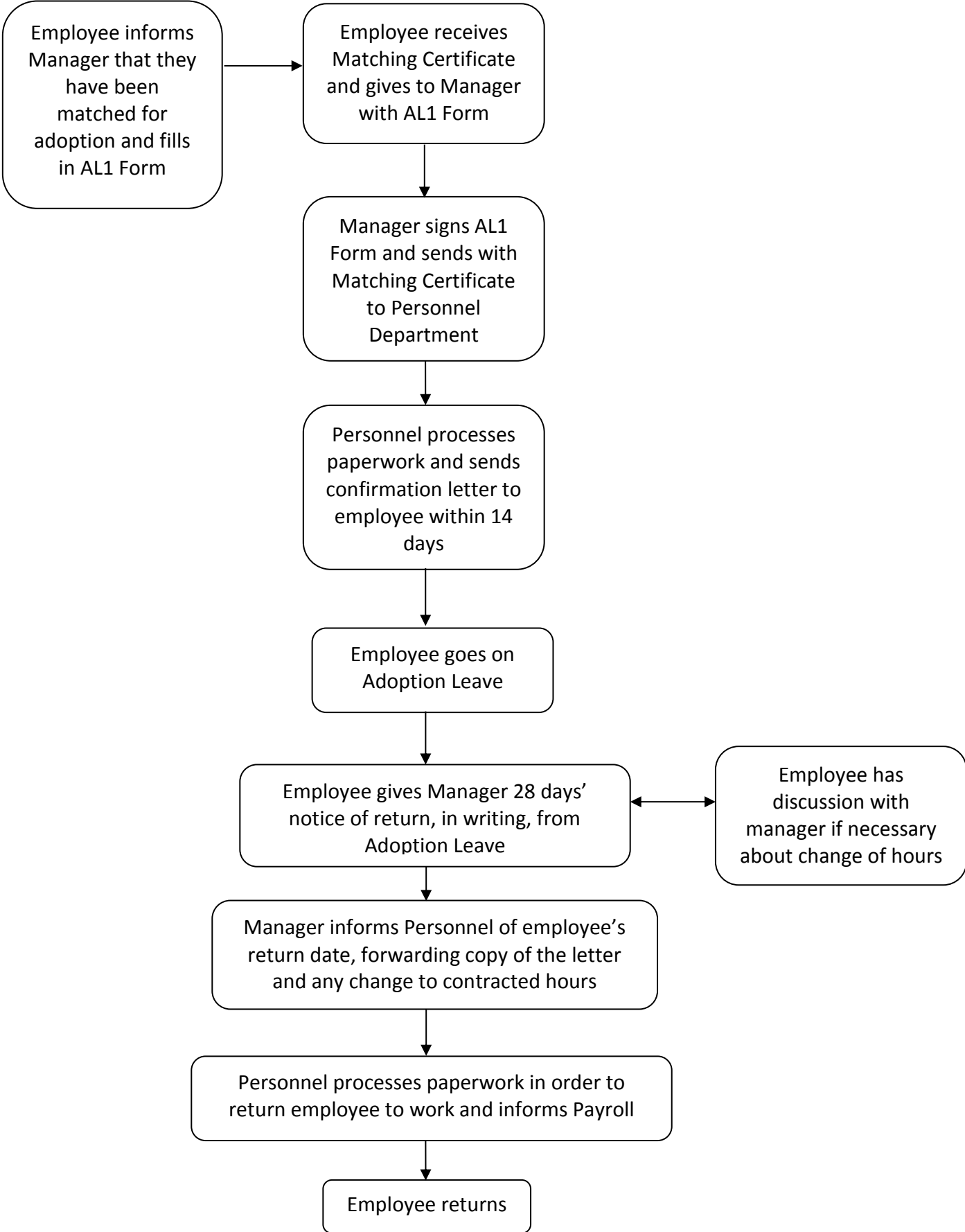
Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pensions Regulations. During paid ordinary adoption leave, members of the NHS Pension Scheme will continue to have deductions made from their adoption pay proportionate to the amount of pay received in respect of their own contribution to the pension scheme. The Trust will make contributions based on notional full pay. Any period of unpaid adoption leave will not count for pension purposes unless the employee wishes to opt to pay contributions to cover the unpaid period. Further advice can be obtained from the Payroll Department.

**Adoption Leave and Pay Entitlements**

<b><u>Length of Service</u></b>	<b>Intending to return to work for a minimum of 3 months</b>	<b>Not intending to return to work</b>
Less than 26 weeks service at 15 weeks before placement of adoptive child	52 weeks unpaid leave	52 weeks unpaid leave
26 weeks service at 15 weeks but less than 12 months service at 11 weeks before placement of adoptive child	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of average weekly earnings</li> <li>• 33 weeks at standard SAP</li> </ul> Plus additional 13 weeks unpaid leave	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of average weekly earnings</li> <li>• 33 weeks at standard SAP</li> </ul> Plus additional 13 weeks unpaid leave
More than 12 months service at 11 weeks before placement of adoptive child	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 8 weeks full pay</li> <li>• 18 weeks half pay plus SAP</li> <li>• 13 weeks at SAP</li> </ul> Plus additional 13 weeks unpaid leave	39 weeks paid leave: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of weekly earnings</li> <li>• 33 weeks at SAP</li> </ul> Plus additional 13 weeks unpaid leave
More than 12 months service within the NHS and less than 26 weeks with current employer at 11 weeks before placement of adoptive child	26 weeks paid leave: <ul style="list-style-type: none"> <li>• 8 weeks full pay minus SAP*</li> <li>• 18 weeks half pay</li> </ul> *SAP may not be payable by this Trust, but by the previous NHS Employer.  Plus additional 26 weeks unpaid leave	52 weeks unpaid leave



**Adoption Leave Flow Chart**



South Tyneside NHS Foundation Trust

Adoption Leave Application Form

Title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Home Telephone or Mobile Phone Number: \_\_\_\_\_

Place of Work and Telephone Number: \_\_\_\_\_

Job Title and Band: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Start Date with the Trust: \_\_\_\_\_  
dd mm yyyy

Date Continuous NHS Employment Commenced: \_\_\_\_\_  
dd mm yyyy

Expected Date of Placement:  
(as confirmed by matching certificate) \_\_\_\_\_  
dd mm yyyy

Date Notified of Placement \_\_\_\_\_  
dd mm yyyy

Actual Date of Placement \_\_\_\_\_  
dd mm yyyy

Please tick as appropriate:

- I intend to return to work for the NHS for at least a minimum of 3 months after my Adoption Leave
- OR
- I do not intend to return to work following my Adoption Leave

I would like my occupational adoption pay to be averaged over the following period:

- 6 months
- 9 months
- Not applicable

**I have read, understood and accept the conditions set out in the South Tyneside NHS Foundation Trust's Parent's Leave Policy relating to Adoption Leave, including the provision relating to the repayment of occupational adoption pay if I do not return to work for the Trust or another NHS organisation.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Line Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name (Line Manager): \_\_\_\_\_

**Please forward the completed form and the matching certificate to:**  
Personnel Department, South Tyneside District Hospital, Harton Lane, South Shields NE34 0PL

**SECTION 4**  
**SHARED PARENTAL LEAVE**

## 4. SHARED PARENTAL LEAVE

- 4.1 Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due or children placed for adoption, on or after 5 April 2015.
- 4.2 SPL enables mothers and adopters to commit to ending their maternity or adoption leave and pay at a future date and share the untaken balance of leave and statutory pay with their partner or to return to work early from maternity or adoption leave and opt in to SPL and statutory pay at a later date.
- 4.3 **Process for Determining Eligibility, Entitlement and Application**  
For employees to be eligible to take SPL, both parents must meet certain eligibility requirements.

### 4.3.1 Eligibility for SPL when the Mother or Adopter is employed by the Trust

The mother or adopter is eligible for SPL if she or he:

- Has at least 26 weeks continuous NHS employment ending with the 15<sup>th</sup> week before the expected week of childbirth or matching date and remains in continuous employment with the Trust before any period of SPL that she or he takes;
- Has, at the date of the child's birth or date of placement, apart from the partner, the main responsibility for the care of the child;
- Is entitled to statutory maternity or statutory adoption leave in respect of the child;
- has taken a minimum of two weeks maternity leave following the birth of the child;
- Has taken a minimum of two weeks adoption leave following date of placement;
- Complies with the relevant maternity or adoption leave curtailment requirements (or has returned to work before the end of statutory maternity or adoption leave) and SPL notice and evidence requirements.

In addition, for the mother or adopter to be eligible for SPL, the partner must:

- Have been employed or a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth or matching date;
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- Have, at the date of the child's birth or date of placement, the main responsibility, apart from the mother or adopter, for the care of the child.

### 4.3.2 Eligibility for SPL for Partners employed by the Trust

The partner is eligible for SPL Leave if he or she:

- Has at least 26 weeks continuous NHS employment ending with the 15<sup>th</sup> week before the expected week of childbirth or matching date and remains

in continuous employment with the Trust until the week before any period of SPL that he or she takes;

- Has, at the date of the child's birth or matching date, the main responsibility, apart from the mother or adopter, for the care of the child;
- Compiles with the relevant SPL notice and evidence requirements.

In addition, for the partner to be eligible for SPL, the mother or adopter must:

- Have been employed or a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth or matching date;
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- Have, at the date of the child's birth or matching date, the main responsibility, apart from the partner, for the care of the child;
- Have taken a minimum of two weeks maternity leave following the birth of the child;
- Have taken a minimum of two weeks adoption leave;
- Be entitled to statutory maternity or adoption leave, statutory maternity or adoption pay or maternity allowance in respect of the child;
- Comply with the relevant maternity or adoption leave or pay curtailment requirements (or have returned to work before the end of the statutory maternity or adoption leave).

4.3.3 Where both parents are employees of the Trust and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother or the adopter had decided to curtail their maternity or adoption leave.

#### 4.4 **Entitlements to SPL**

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of week's available is calculated using the mother or adopters maternity or adoption leave entitlement that they have already taken, curtailing this entitlement by ending their maternity or adoption leave early and using the remaining weeks left as SPL between them and their partner.

A mother / adopter may reduce their entitlement to maternity or adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

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

#### 4.5 **When to commence SPL**

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child;
- The adopter can take SPL after taking at least two weeks of adoption leave following matching date;
- The father, partner or spouse can take SPL immediately following the birth or placement of the child, but may first choose to exhaust paternity leave entitlements (**NB** the father or partner cannot take Paternity Leave or pay once they have taken any SPL or Shared Parental Pay (ShPP)).

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

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in a subsequent variation notice but must be taken in blocks of one week but may begin on any day of the week (i.e. if a week of SPL begins on a Tuesday, it will end on a Monday). Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

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

#### 4.6 **Notification Process**

Any employee entitled and intending to take SPL and / or receive ShPP must give their Line Manager notification of their entitlement and intention to take SPL at least eight weeks before they can take any period of SPL.

An employee can make three requests to book or vary SPL.

Employees should discuss their intentions with their Line Manager as soon as possible. A notification form must be completed and can be found at Appendix 9.

##### 4.6.1 Continuous Leave Notifications

A notification can be for a period of **continuous leave** i.e. a number of weeks taken in a single unbroken period of leave (i.e. six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, providing the request:

- Does not exceed the total number of weeks of SPL available to the employee:  
AND
- The employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

All notices for continuous leave will be accepted and approved by the Line Manager and confirmed in writing by the Personnel Department.

#### 4.6.2 Discontinuous Leave Notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, i.e. a set number of weeks of leave over a period of time, with breaks in between leave periods where the employee returns to work.

All requests for discontinuous leave must be carefully considered by the Line Manager, weighing up the potential benefits for the employee and to consider any adverse impact on the business.

Each request for discontinuous leave will be considered on a case by case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The Trust will retain the right to refuse a request for discontinuous leave and therefore where it is felt that the request for discontinuous leave cannot be approved, this must be discussed with the employee as early as possible and full reasons should be given.

Line Managers may approve the request for discontinuous leave in full or propose a modified version of the requests for consideration.

Where a Line Manager is unable to approve a discontinuous period of SPL the employee may withdraw the request without detriment on or before the 15<sup>th</sup> calendar day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

If the employee chooses to take the leave in a single continuous block, the employee has until the 19<sup>th</sup> day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date of the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

Once the Personnel Department receives the leave booking notice endorsed by the Line Manager, a response will be provided no later than 14 days after the leave request was made.

#### 4.7 **Evidence of Eligibility**

The Trust will require confirmation of the following, within 14 days of the SPL entitlement notification being given:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be provided);
- In the case of biological parents, a copy of the child's birth certificate (or where one has not been issued, a declaration as to the time and place of the birth or MATB1 where the birth has not yet taken place);

- In the case of an adopted child, documentary evidence of the name and address of the Adoption Agency, the date on which they were notified of having been matched with the child and the date on which the Agency expects to place the child for adoption.

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

#### 4.8 Variations

Employees are permitted to vary or cancel an agreed and booked period of SPL, provided they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book or vary leave by one. However a change as a result of a child being born early, or as a result of the organisation requesting it to be changed, and the employee being agreeable to the change will not count as further notification. Any variation will be confirmed in writing by the Personnel Department.

#### 4.9 Shared Parental Pay (ShPP)

Eligible employees may be entitled to receive up to 37 weeks of ShPP while taking SPL. The amount of weeks will depend on the amount by which the mother or the adopter reduces their SMP or SAP pay period or MA period.

ShPP may be payable during some or all of the SPL, depending on the length and time of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother or the adopter must be or have been entitled to SMP or SAP pay or MA and must have reduced their maternity or adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average week earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date or matching date are not less than the lower earnings limit in force for national insurance contributions;
- The employee must remain in continuous NHS or Trust employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out in Section 3.6;
- ShPP will be paid at a rate set by the Government for the relevant tax year.



## 4.10 Special Conditions

### 4.10.1 Early Birth

Where an employee's child is born early before their expected due date and the employee had booked to take SPL (within the first eight weeks of the due date), the employee may take the same period of time off after the actual birth without having to provide eight weeks' notice. In such circumstances the employee must submit a notice to vary their leave as soon as is reasonably practicable. The notice will not count as one of the employee's three notifications.

Leave arranged after the first eight weeks of the due date remains bound by an eight week notice requirement to vary leave details.

If the child is born more than eight weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been submitted, there is no requirement to provide eight weeks' notice prior to the start of the leave providing all other eligibility and notification criteria have been met. Notices must be given as soon as is reasonably practicable.

### 4.10.2 Death of the Child before or during birth or within the first year

If the child dies before the employee has submitted a notice of entitlement to take SPL then the employee cannot opt into SPL as the qualifying conditions include caring for a child. In such circumstances the mother/adopter will remain entitled to maternity/adoption leave and the mother's partner may still qualify for statutory paternity leave.

If the employee has opted into SPL and have booked leave, the employee will still be entitled to take the booked leave. No further notice to book leave can be submitted and only one variation notice can be submitted to either reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

An employee who is absent on SPL may cancel agreed SPL and return to work by giving the Trust eight weeks' notice of their return to work.

### 4.10.3 Partner no longer caring for the Child

If the employee's circumstances change and the employee will no longer be responsible for caring for the child (the exception is section 4.9.2 above) the employee's entitlement to both SPL and ShPP will immediately cease. The employee is responsible for advising their Line Manager and the Personnel Department.

Where the employee has SPL arranged within eight weeks of their entitlement ceasing, the Trust may require the employee to take the leave where it is not reasonably practicable for the Trust to have their employee back at work (i.e. where cover has been arranged). Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

If the parent, who is no longer caring for the child has any SPL leave entitlement outstanding, the remaining parent (providing they continue to care for the child) will be able to transfer the leave into their own entitlement providing they are able to provide a signed notification from the other parent confirming a variation of leave entitlement.

#### 4.10.4 Death of a parent during the child's first year

If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent (subject to meeting the eligibility criteria).

In such circumstances it may be necessary for the remaining parent to take a further period of SPL or to vary pre-agreed SPL. Where eight weeks' notice cannot be provided then notice may be given as soon as is reasonable practicable.

Where the employee has already provided three notices to take leave, the employee will be allowed to submit one further notice to book/amend SPL.

#### 4.10.5 Multiple Births/Adoptions

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. This also applies to multiple adoptions occurring in a single placement.

### 4.11 **Terms and Conditions of Employment**

During SPL, all terms and conditions of employment, with the exception of pay, will remain unchanged.

#### Lease Car and Car Parking

Employees who have a lease car will need to contact their lease car provider. Employees wishing to suspend their car parking permit will need to contact the General Office, Ingham Wing - a template letter can be found at Appendix 15.

#### Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

Contractual annual leave (including public holidays where specified) will continue to accrue during shared parental leave whether paid or unpaid.

### 4.12 **Shared Parental Leave in Touch (SPLIT) Days**

Employees can agree to work for the Trust for up to 20 days during SPL without bringing their period of Shared Parental Leave to an end or impacting on the right to receive ShPP for that week. These days are in addition to Keeping in Touch days for Maternity or Adoption leave.

Managers cannot require employees to carry out any work, and are under no obligation to offer employees any work, during an employee's SPL. Such days should be mutually agreed between the employee and the Line Manager.

Any work carried out on a day or part of a day shall constitute a day's work for these purposes. For example, where an employee attends some training for that morning, this will count as 1 SPILT day.

Any 'SPILT days attended by the employee will be recorded by the manager, who will then be responsible for adding them onto the employees annual leave entitlement or ensuring that the employee takes them as time in lieu when they return from SPL. The time given back for keep in touch days will be equal to the time attended at work.

#### **4.13 Contact during SPL**

Before an employee's SPL begins, the Trust will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

#### **4.14 Return from SPL**

Employees are expected to return to work on the next working day following the date of the end of the SPL which will have been confirmed in writing by the Personnel Department.

If an employee cannot return to work on the date, for whatever reason, they must liaise with their Line Manager as per usual departmental arrangements, e.g. sickness reporting, booking annual leave, etc. Where an employee does not return to work on the expected date with no communication, this will be treated as unauthorised unpaid absence.

Where an employee may wish to return to work earlier than the expected return date, they must provide a written notice to vary the leave and must give the Trust at least eight weeks' notice of their date of return. This will count as one of the employee's notifications. If they have already used their three notifications to book and or vary leave the Trust reserves the right to not accept the notice to return early, however consideration will be applied on its own merits and this must be discussed with the employee's line manager.

#### **4.15 Right to Appeal**

An employee may appeal against the manager's decision to refuse their application. To do so, they must write to their manager within 21 calendar days of the notification of the manager's decision. They must set out the grounds on which they are appealing.

When a manager receives an appeal, they must arrange a meeting within 21 calendar days.

The appeal will be heard by a different senior manager and a member of the Personnel Department. The employee has the right to be accompanied at the meeting by a work colleague or staff side representative, provided they are not acting in a legal capacity. The employee's manager will also attend the appeal to explain why they believe the request cannot be agreed.

It will be for the Appeal Panel to decide, on the basis of the evidence provided by both the employee and the manager, whether or not an application can be accepted.

The employee must be informed of the outcome of their appeal in writing within 7 calendar days of the date of the meeting. This is the final decision and the end of the formal procedure.

**Shared Parental Leave**

**For Employee**

**Step 1**

**Becoming aware of a pregnancy or match**

Is SPL Suitable?  
Consider what leave arrangements work best



**Step 2 Choosing SPL and notification of entitlement**

Notifying your manager of what you would like to take and your eligibility



**Step 3 Notification of a leave booking**

Notifying your manager of a leave booking (complete Appendix 9)



**Step 4 Outcome**

Confirm and communicate outcome (meet if required)

-Leave begins

or

-Appeal rejected discontinuous leave decision

or

-Withdrawal of application

**For Manager**

**Step 1**

**Becoming aware of a pregnancy or match**

Discussing intentions and other leave options



**Step 2 Choosing SPL and notification of entitlement**

Discussing early intentions & making early preparations and plans



**Step 3 Notification of a leave booking**

Considering the impact of a discontinuous leave booking



**Step 4 Outcome**

Confirm and communicate outcome (meet if required)

If discontinuous leave cannot be accommodated outline the appeal procedure available to the individual

Contact Personnel to arrange an appeal meeting (if discontinuous leave is refused)

## Application for Shared Parental Leave

**Please note:** This form must be submitted to your line manager a minimum of 8 weeks before any period of Shared Parental Leave can commence

<b>Name</b>			
<b>Job Title</b>			
<b>Department</b>			
<b>Manager</b>			
<b>Trust Start Date</b>		<b>Payroll Number</b>	
<b>NHS Continuous Service Date:</b>			

<b>I am employed by the Trust and am the: (delete as appropriate)</b>	<b>Mother / Partner / Adopter</b>
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## Section A: Trust Employed Applicants Declaration

<b>Name of Partner</b>			
<b>Partners Employer</b>			
<b>Partner's National Insurance Number</b>			
<b>Start dates of Maternity / Adoption Leave</b>		<b>End dates of Maternity / Adoption Leave</b>	
<b>Available Shared Parental Leave to take</b>			
<b>Available Shared Parental Pay to take</b>			
<b>Actual date of child's birth or actual date of placement for adoption</b>			
<b>I would like to request a continuous period of leave</b>	<b>YES / NO (if YES, complete dates below)</b>		
<b>From:</b>		<b>To:</b>	
<b>I would like to request discontinuous periods of leave</b>	<b>YES / NO (if YES, complete dates below)</b>		
<b>From:</b>		<b>To:</b>	
<b>From:</b>		<b>To:</b>	
<b>From:</b>		<b>To:</b>	

## Declaration to be signed and dated by you

I can confirm:

- That I meet, or will meet the eligibility conditions and are entitled to take SPL;
- That the information I have given on this form is accurate;
- That (if are not the mother/adopter) I am either the father/parent of the child or the spouse, civil partner or partner of the mother/adopter;
- That should I cease to be eligible then I will immediately inform the Trust.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Declaration to be signed and dated by your partner**

I can confirm:

- That I am the mother/adopter of the child or I am the father/parent of the child or are the spouse, civil partner or partner of the mother/adopter;
- That I satisfy the 'employment and earnings test' and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- That I consent to the amount of SPL that the employee intends to take;
- That I consent to the organisation processing the information contained in the declaration form;

AND

- (If you are the mother/adopter) that I will immediately inform my partner should they cease to satisfy the eligibility conditions.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Manager's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Manager's Name (Block Capitals):** \_\_\_\_\_

**Manager's Job Title:** \_\_\_\_\_

== ==

**SECTION 2 – MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE  
(To be completed if you are the child's mother):**

Declaration: I wish to bring my maternity/adoption leave (and statutory maternity/adoption pay) to an end to be able to take shared parental leave. I have also completed a form providing a notice of entitlement and intention to take shared parental leave/declaration that my partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer and that I consent to the amount of leave that he/she intends to take, I wish to end my ordinary/additional\* maternity/adoption\* leave as stated below.

**I wish my statutory maternity/adoption pay period (if applicable) to end on:**

\_\_\_\_\_

\* delete as appropriate

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please forward the completed form to:**

Personnel Department, South Tyneside NHS Foundation Trust, Harton Lane, South Shields, NE34 0PL

## **SECTION 5**

# **PATERNITY LEAVE AND PAY**



## 5. PATERNITY LEAVE AND PAY

5.1 In order to care for their baby and support the mother employees are entitled to paternity leave provided they first meet the criteria below:

- They must have or expect to have responsibility for the child's upbringing;  
AND
- They are the biological father, the mother's husband or partner (including same sex couples) or one member of a couple who have jointly adopted a child, or a nominated carer<sup>1</sup>.

### 5.2 Ordinary Paternity Leave

In order to qualify for up to 2 weeks' ordinary paternity leave you will need to satisfy the qualifying conditions in section 5.1, and will have worked continuously for the Trust for 26 weeks by the end of the 15th week before the baby is due to be born, or in the case of adoption by the end of the week the employee is notified of being matched with the child.

As an eligible employee the member of staff can choose to take either one week or two consecutive working weeks' paternity leave (not odd days). You can choose to start your leave:

- From the date of the child's birth (whether this is earlier or later than expected);  
OR
- From a chosen date later than the date of the child's birth.

Ordinary paternity leave must be completed within 56 days of the actual date of birth or, if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

Only one period of leave is available to an employee irrespective of whether more than one child is born as a result of the same pregnancy or adoption.

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent had elected to take adoption leave.

### 5.3 Occupational Paternity Pay (OPP)

To be eligible to receive OPP for up to 2 weeks during ordinary paternity leave the employee must have 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due.

OPP is paid at the normal rate of pay for one or two weeks and also includes an element of Statutory Paternity Pay (SPP). This means the member of staff, if eligible, will receive full pay during the period of ordinary paternity leave.

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<sup>1</sup> For the purposes of this policy in order for someone to qualify as a 'nominated carer' they must provide the Trust with confirmation from the mother/ adopter that they are going to have responsibility for the upbringing of the child and no other person will be claiming for paternity leave and pay.

#### 5.4 **Statutory Paternity Pay (SPP) during Ordinary Paternity Leave**

If an employee has less than 12 months continuous service but more than 26 weeks continuous service by the 15<sup>th</sup> week before the mothers' EWC (25<sup>th</sup> week of pregnancy) or by the end of the week when notification was given to an adopting person that they have been matched with a child then they will be entitled to up to 2 weeks leave paid at the SPP rate.

**Please Note:** if you have moved employment within the NHS during any qualifying period, it will be the responsibility of your NHS Employer at the qualifying week that will be responsible for the payment of SPP.

#### 5.5 **Notification of Ordinary Paternity Leave**

Employees must notify their manager, using the PL1 Form (Appendix 10), of their intention to begin ordinary paternity leave at least 28 days before the baby is due or as soon as reasonably practicable. The following information will need to be provided:

- The expected week of confinement (a registered medical practitioner or a practising Midwife will issue a MATB1 certificate, which must be shown to the employee's manager);
- How much leave intended to be taken (either 1 or 2 week blocks);
- The date the paternity leave will start.

The manager will then forward a photocopy of the MATB1 certificate and the PL1 Form to the Personnel Department, who will process the information with the Payroll Department.

The Personnel Department will respond in writing to confirm the dates of paternity leave within 14 calendar days of the request. If the dates of paternity leave change for any reason, the manager should be notified as soon as reasonably practicable.

**Please note:** Employees must advise the Payroll Department of the actual date of birth of their child or the actual date a child has been matched for adoption.

#### 5.6 **Additional Paternity Leave**

**Please note:** Additional paternity leave will be granted if you or your partner has given birth/date of placement before the 5<sup>th</sup> April 2015. If this takes place after the 5<sup>th</sup> April 2015, you will not be entitled to Additional Paternity Leave; however you may be entitled to Shared Parental Leave (see Section 4):

To qualify for up to 26 weeks' additional paternity leave employees will need to meet the qualifying conditions in Section 5.1, and;

- Must have given birth or have been placed for adoption before 5<sup>th</sup> April 2015 (if it is after this date, the provision in Section 4 - Shared Parental Leave will apply and Additional Paternity Leave will no longer be available);
- Must also expect to have the main responsibility for the upbringing of the child (other than the mother's responsibility). In the case of adoption, they must have been matched with the child for adoption. In both cases, they must be taking the leave to care for the child;

- Will have worked continuously for the Trust for 26 weeks by the end of the 15th week before the baby is due to be born, or in the case of adoption by the end of the week you are notified of being matched with the child and must be taking the leave to care for the child;
- Must remain in continuous employment until the week before the first week of additional paternity leave;
- The mother of the child must be entitled to one or more of maternity leave, Statutory Maternity Pay or Maternity Allowance, or in the case of adoption, the primary adopter must be entitled to one or both of Adoption Leave or Statutory Adoption Pay;
- The mother or primary adopter must have returned to work and forfeited a portion of his/her maternity or adoption leave.

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother/partner has returned to work before using their full entitlement to maternity leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is 2 consecutive weeks and the maximum period is 26 weeks.

Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the primary adopter has returned to work before using his/her full entitlement to adoption leave. Any leave taken after this period has ended would be unpaid.

Additional paternity leave may be paid if taken during the mother or partner's Statutory Maternity Pay period, Maternity Allowance period or Statutory Adoption Pay period.

#### **5.7 Statutory Paternity Pay (SPP) during Additional Paternity Leave**

Eligible employees who meet the eligibility in Section 3.5 will be entitled to Statutory Paternity Pay for some of the additional paternity leave period. This will apply to any remaining weeks which the mother or primary adopter would have been entitled to be paid had she/he not returned to work early. The remaining period of additional paternity leave is unpaid.

#### **5.8 Notification of Additional Paternity Leave**

Employees must notify their manager, using the PL2 Form (Appendix 11), of their intention to begin Additional Paternity Leave at least 8 weeks in advance. The employee applying for Additional Paternity Leave needs to satisfy the eligibility conditions in 4.5 and the following information will need to be provided:

- Original Birth Certificate or letter from the Adoption Agency (for the Manager to take a copy);
- The mother/ primary adopter's name, and work address;
- The date that he/she intends to return to work;
- That he/she is entitled to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay;

- The start date of his/her maternity or adoption pay period;
- The start date of the additional paternity leave.

The manager will then forward a photocopy of the birth certificate or letter from the Adoption Agency and the PL2 form to the Personnel Department, who will process the information with the Payroll Department.

The Personnel Department will respond in writing to the employee to confirm the dates of Paternity Leave within 28 days of the request.

#### 5.9 **Ante-natal Care**

Fathers to be, partners or nominated carers may be given reasonable paid time off for ante-natal appointments, at the discretion of their manager and guided by service need.

#### 5.10 **Still Birth**

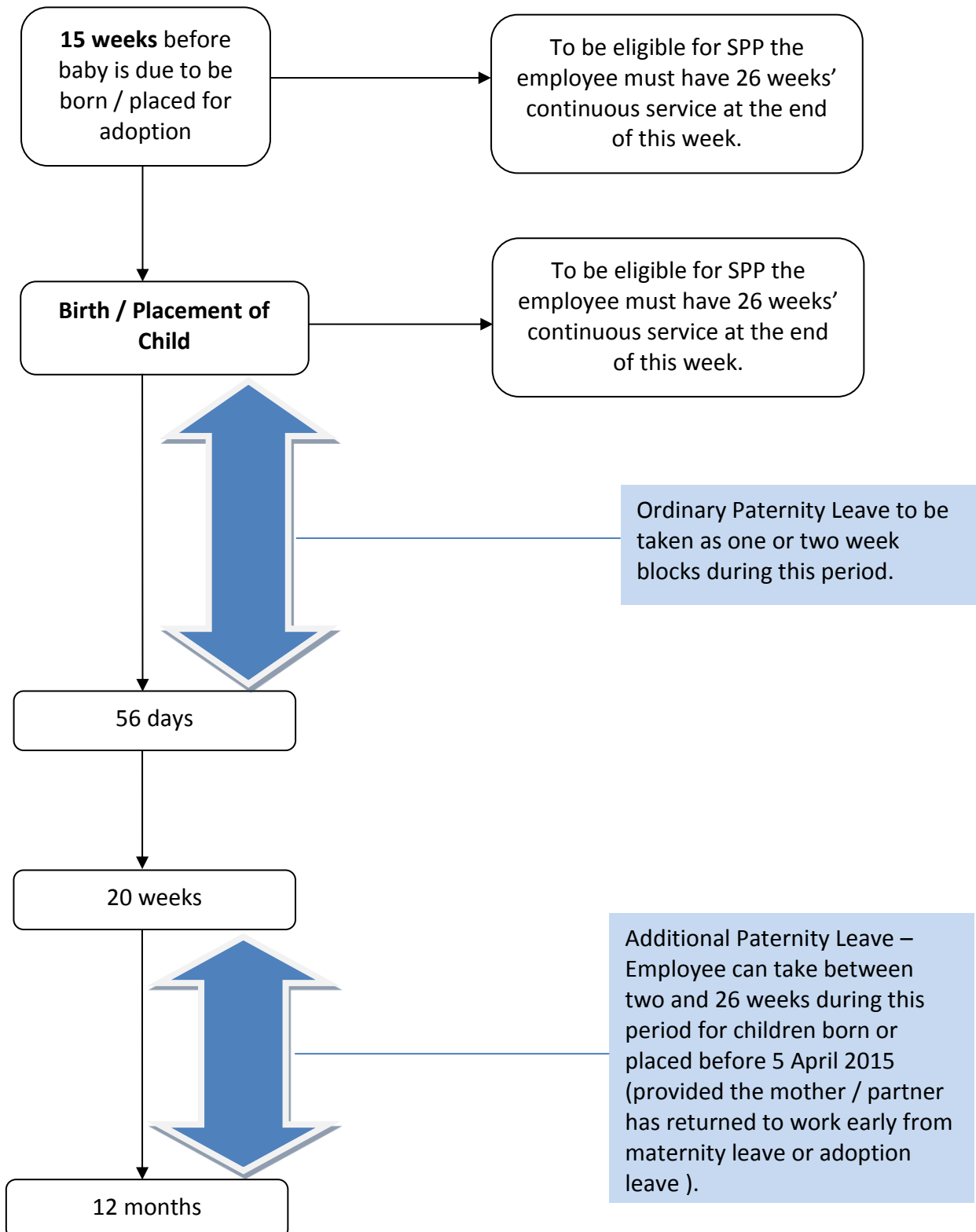
An employee will be entitled to two weeks paid paternity leave if the baby is stillborn after the 24<sup>th</sup> week of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

#### 5.11 **Annual Leave**

Contractual annual leave (including public holidays where specified) will continue to accrue during paternity leave whether paid or unpaid.

If a public holiday falls within an agreed paternity leave period, staff will accrue public holiday/s (pro rata for part time) and therefore this will be added to the employee's leave entitlement.

**Paternity Leave and Pay Timeline**



South Tyneside NHS Foundation Trust

Ordinary Paternity Leave Application Form

Title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Home Telephone or Mobile Phone Number: \_\_\_\_\_

Place of Work and Telephone Number: \_\_\_\_\_

Job Title and Band: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Start Date with the Trust: \_\_\_\_\_ Date Continuous NHS Employment Commenced: \_\_\_\_\_

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

Date the baby is due on/ date child matched for adoption: \_\_\_\_\_  
(original MATB1 certificate must be seen by the Manager and a copy must be attached to this form) dd mm yyyy

If the baby has been born, please enter the date of actual birth \_\_\_\_\_  
(original birth certificate must be seen by the Manager) dd mm yyyy

Date of Paternity Leave commencement \_\_\_\_\_  
dd mm yyyy

Please tick as appropriate:

- I am taking 1 week of Paternity Leave; OR
- I am taking 2 weeks of Paternity Leave

You must be able to tick all four boxes below in order to receive Paternity Leave with the Trust:

- I am the biological father, the mother's husband or partner (including same sex couples);
- I have responsibility for the Child's upbringing;
- I will take time off work to support the mother or care for the child;
- I have completed 12 months NHS continuous service (at the beginning of the 15<sup>th</sup> week before the baby is due; OR
- I have completed 26 weeks continuous service (at the beginning of the 15<sup>th</sup> week before the baby is due.

**PLEASE NOTE:** You must advise the Payroll Department of the Date of Birth of your child.

**I have read, understood and accept the conditions set out in the Trust's Parent's Leave Policy relating to Paternity Leave.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Line Manager Signature: \_\_\_\_\_

Print Name (Line Manager): \_\_\_\_\_ Date: \_\_\_\_\_

**Please forward the completed form and a copy of the MATB1 or matching certificate to:**  
Personnel Department, South Tyneside District Hospital, Harton Lane, South Shields NE34 0PL  
Parent's Leave Policy  
Nov 15 FINAL Version 2

South Tyneside NHS Foundation Trust

Additional Paternity Leave Application Form

Title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Home Telephone or Mobile Phone Number: \_\_\_\_\_

Place of Work and Telephone Number: \_\_\_\_\_

Job Title and Band: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Start Date with the Trust: \_\_\_\_\_ Date Continuous NHS Employment Commenced: \_\_\_\_\_

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

Date the baby was born:  
(Birth Certificate must be seen by the Manager)

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

Date of Additional Paternity Leave commencement  
(original birth certificate must be seen by the Manager)

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

Date of Additional Paternity Leave ending

\_\_ \ \_\_ \ \_\_  
dd mm yyyy

Mother/Primary Adopter's Name: \_\_\_\_\_

Work Address: \_\_\_\_\_

Start Date of Maternity/Adoption Leave: \_\_\_\_\_  
dd mm yyyy

Date of Return to Work: \_\_\_\_\_  
dd mm yyyy

You must be able to tick all five boxes in order to receive Additional Paternity Leave with the Trust:

You must be able to tick all 5 boxes below in order to receive Additional Paternity Leave with the Trust:

- I am the biological father, the mother's husband or partner (including same sex couples) or nominated carer;
- I have responsibility for the Child's upbringing;
- I will take time off work to support the mother or care for the child;
- I confirm that the mother/primary adopter is entitled to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay
- I have completed 12 months NHS continuous service (at the beginning of the 15th week before the baby is due); OR
- I have completed 26 weeks continuous service (at the beginning of the 15th week before the baby is due).

**Additional Paternity Leave Application Form (continued)**

I have read, understand and accept the conditions set out in the Trust's Parent's Leave Policy relating to Paternity Leave including the provision relating to repayment.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Line Manager Signature: \_\_\_\_\_

Print Name Line Manager: \_\_\_\_\_ Date: \_\_\_\_\_

**Please forward the completed form and the copy of the original MATB1 and/or birth certificate or matching certificate from the Adoption Agency to:**

Personnel Department, South Tyneside NHS Foundation Trust, Harton Lane, South Shields, NE34 0PL



## **SECTION 6**

# **UNPAID PARENTAL LEAVE**

## 6. **UNPAID PARENTAL LEAVE**

Unpaid Parental Leave is a right which enables all parents or individuals with nominated caring responsibilities for a child under the age of 18, as defined by the Children's Act, to take unpaid leave to look after a child or to make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. A total of 18 weeks unpaid parental leave is available per child.

### 6.1 **Entitlement to Unpaid Parental Leave**

Unpaid parental leave will be available to each employee per child, providing the employee:

- has completed without a break, 12 months service in the employment of one or more NHS employers;  
AND
- is either named on the birth or adoption certificate as the parent or has nominated caring responsibility for a child.

Unpaid parental leave must be taken before the child reaches the age of 18 and can only be taken in one week blocks, not in separate days, with no more than 4 weeks in any one year being taken, unless the child is disabled.

### 6.2 **Notification**

28 calendar days' notice is required for all requests to take unpaid parental leave and employees should complete form PAL1 (Appendix 13) to make an application and then forward onto their line manager.

Employees wishing to take unpaid parental leave should discuss their request with their Manager as early as possible in order to facilitate cover arrangements.

Leave arrangements need to be as flexible as possible, so that leave may be taken in a variety of ways by agreement with the manager.

Unpaid parental leave can be added to periods of maternity, adoption, shared parental, or paternity leave.

Unpaid parental leave should only be postponed by the manager in exceptional circumstances and the employee must receive the reasons for the postponement in writing from the manager.

Employees may also postpone or cancel leave that has been booked with the agreement of the manager.

The entitlement to unpaid parental leave is in addition to the existing provisions for maternity, adoption, shared parental or paternity leave.

Unpaid parental leave can transfer within NHS organisations and will be monitored by the Personnel Department.

6.3 **Record Keeping**

A record of unpaid parental leave (Appendix 14) taken by the employee will be kept by the Manager and retained on the Employee's personal file for future confirmation.

6.4 **Annual Leave**

Contractual annual leave (including public holidays where specified) will continue to accrue during unpaid parental leave.

If a public holiday falls within an agreed unpaid parental leave period, staff will accrue public holiday/s (pro rata for part time) and therefore this will added to the employee's leave entitlement.

South Tyneside NHS Foundation Trust

Unpaid Parental Leave Application Form

This form must be completed 28 days before Unpaid Parental Leave is required

Title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Home Telephone or Mobile Phone Number: \_\_\_\_\_

Place of Work and Telephone Number: \_\_\_\_\_

Job Title and Band: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Date Continuous NHS Employment Commenced: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
d d / mm / y y y y

Commencement Date of Parental Leave: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
d d / mm / y y y y

Number of Weeks to be taken: \_\_\_\_\_

You must be able to tick the boxes below in order to qualify for parental leave:

- I have a nominated caring responsibility for a child under the age of 18
- I have completed 12 months continuous service.

***I have read, understand and accept the conditions set out in the Trust's Parent's Leave Policy.***

Signed (Employee): \_\_\_\_\_ Date: \_\_\_\_\_

Line Manager Signature: \_\_\_\_\_

Print Name Line Manager: \_\_\_\_\_ Date: \_\_\_\_\_

**Please forward the completed form to:**

Personnel Department, South Tyneside NHS Foundation Trust, Harton Wing, Harton Lane, South Shields, NE34 0PL

South Tyneside NHS Foundation Trust

Unpaid Parental Leave Record Form

Title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name(s): \_\_\_\_\_

Place of Work and Telephone Number: \_\_\_\_\_

Job Title and Band: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Child's Name: \_\_\_\_\_ Child's Date of Birth: \_\_\_\_\_

**Evidence Provided – please tick one:**

Child's Birth Certificate  Documentation of acquired formal parental responsibility

MATB1 Form  Adoption Matching Certificate/Official Notification

Parental Leave Remaining	Dates Requested	Employee's Signature	Manager's Signature	Date Authorised
18 weeks				
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				

**SECTION 7**  
**OTHER INFORMATION**

## **7. OTHER INFORMATION**

### **7.1 Professional Registration**

An employee is responsible for ensuring that they maintain their competence and professional registration (where applicable) at all times during their paid and unpaid maternity, adoption, shared parental, paternity or unpaid parental leave periods.

### **7.2 Car Parking Charges**

Employees wishing to suspend their car parking permit during periods of maternity, adoption, shared parental, additional paternity or unpaid parental leave will need to contact the General Office, Ingham Wing to advise them accordingly. A template letter can be found at Appendix 15.

### **7.3 Review and Monitoring**

This policy will be reviewed every three years in conjunction with the Joint Consultative Committee or at such time as substantial changes in legislation which would warrant updated guidance being made available to employees of the Trust.

**Template Letter Car Parking Charges**

Date

**PRIVATE AND CONFIDENTIAL**

General Office  
Car Park Management  
Ingham Wing  
South Tyneside District Hospital  
Harton Lane  
South Shields  
NE34 0PL

To Whom It May Concern

**RE: CAR PARKING CHARGES**

I am due to go on Maternity Leave/Adoption Leave/Shared Parental Leave on ..... and I would be grateful if you could arrange for my car parking charges to be suspended from this time.

I will contact your department on my return to work to reinstate the necessary payment via my monthly salary.

Thank you for your help with this matter.

Yours sincerely

Name  
ESR Payroll Number  
Job Title  
Department