

Policies, Procedures, Guidelines and Protocols

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1	November 2013	Reviewed by Human resources and no changes required at this time. OD and Workforce Group agree to extend next review date from 30/06/2012 to 30/06/2015
2	April 2015	Full revision and updated in line with legislation relating to Maternity Support (Paternity) Leave and Shared Parental Leave. Updated in relation to formatting and numbering of paragraphs etc.
3	May 2016	Minor revision to Appendix 17 – note regarding breastfeeding added to the 'Reorientation Checklist'.
4	January 2018	Minor revisions to sections 4.16 and 5.14 annual leave during maternity or adoption leave. Carry over to next annual leave no longer capped at 5 days (pro rata) and payment in lieu may be considered as an option.
5	August 2018	3 yearly review – no changes required at this time.

6	July 2022	Review – No Amendments – Ordinary Parental Leave (Unpaid) information showing in the Flexible Working Policy
7	August 2024	Revisions of sections 6.2, 6.4 and 6.5 updated in line with legislation relating to Maternity Support (Paternity) Leave from 6 th April 2024. Maternity Support (Paternity) Leave can now be taken in separate one-week blocks within 52 weeks of the birth date. The notice period has reduced to 28 days before the employee's intention to take leave.
8	October 2024	Updated paragraph 4.2.3 to reflect that the Health and Safety team have developed a 'New and Expectant Mothers Risk Assessment Procedure' which includes an updated risk assessment template. Updated paragraph 4.2.7 to reflect information in the above procedure in relation to breast-feeding.
9	January 2025	Added Section 9 – Neonatal Care and Leave following the Neonatal Care (Leave and Pay) Act 2023.

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1 Introduction

- 1.1 The Trust is committed to providing staff with access to leave arrangements which support them in balancing work responsibilities with personal commitments. This policy is one of several policies that make up the Trust's approach to support staff in working flexibly to balance work and home life.
- 1.2 This policy outlines the arrangements in place to support staff during maternity leave, adoption leave and maternity support (paternity) leave. It outlines the options available to staff, requirements for eligibility and provides guidance for managing this period of the employment relationship.
- 1.3 This policy outlines both statutory obligations in relation to leave and pay entitlements as well as NHS provisions.

2 Scope

- 2.1 This policy applies to all staff who are directly employed by the Trust, whether full time or part-time, permanent or temporary and those employed on fixed term contracts. The Trust undertakes to ensure that all employees receive their statutory rights under the legislation relating to maternity, adoption, maternity support (paternity), and shared parental leave.
- 2.2 The policy does not apply to individuals employed by agencies or other contractors.

3 Responsibilities

3.1 Line Managers

- 3.1.1 Once notified that an employee is pregnant, is intending to adopt a child, is intending to take maternity support (paternity) leave or shared parental leave managers must:
 - Meet the employee to discuss their entitlements and signpost to policy.
 - Agree reasonable contact during maternity, adoption, or maternity support leave.
 - Keep the employee updated as to changes within the Trust or department.
 - Conduct a risk assessment with the pregnant employee.

- Write to the employee within 28 days of receiving their notice to take maternity, adoption, or maternity support leave, to confirm receipt and to confirm the employee's expected return to work date.
- Discuss with employee the option to take advantage of Keeping in Touch (KIT) days or Shared Parental Leave in Touch (SPLIT) days, if they choose to opt-in to Shared Parental Leave, should they wish and arrangements for agreeing these.

3.2 Employees

- To be aware of and adhere to the Maternity, Adoption and Maternity Support (Paternity) Leave Policy.
- To ensure they produce relevant documentation within specified timeframes.
- To keep their manager updated if circumstances change.
- To agree with their line manager, reasonable contacts during the maternity, adoption, or maternity support leave period.
- To inform their employer that they are intending to take maternity, adoption or maternity support leave, and the date at which they intend to return.
- To give their employer at least 8 weeks' notice if they wish to return earlier than the agreed return date.
- To ensure they agree with their Manager if they wish to take advantage of KIT or SPLIT days.

4 Maternity Leave

4.1 Ante-Natal Care

- 4.1.1 Regardless of length of service or contracted hours worked, an employee is entitled to take reasonable time off with pay to attend for ante-natal care appointments on the advice of a doctor, midwife, or health visitor. This may include appointments other than medical examinations such as relaxation or parent craft classes. Apart from the first appointment, the employee should provide proof of future appointments and give reasonable notice prior to attending appointments.

4.2 Health and Safety

- 4.2.1 It is a statutory requirement that employers assess any risks to the safety or health of pregnant or breast-feeding employees, or employees who have been pregnant in the previous six months, and decide what, if any, measures should be taken to reduce these risks. In particular, the nature, degree, and

duration of exposure to physical, biological, and chemical agents should be assessed.

- 4.2.2 Line managers are responsible for carrying out risk assessments and should obtain advice and assistance from the Trust's Health and Safety Team and Occupational Health Department as necessary.
- 4.2.3 For detailed guidance on completing a risk assessment please refer to the New and Expectant Mothers Risk Assessment Procedure which can be found on the Staff Zone.
- 4.2.4 Where potential health risks to the individual employee have been identified, the manager will need to take necessary measures to avoid exposure to such risks by temporarily adjusting working conditions/activities and/or working hours of the individual employee. If this is not feasible the manager may move the individual employee to a suitable alternative job or work. Suitable work is defined as work of a kind which is suitable and appropriate for the employee to perform in their circumstances. Suitable alternative work should not be on less favourable terms and conditions than the employee would normally undertake. Line Managers should seek advice from People Services about suitable alternative work for the individual employee.
- 4.2.5 If the employee unreasonably refuses to carry out suitable alternative work they will be suspended from duty and will lose the right to be paid whilst they are suspended.
- 4.2.6 Where a risk has been identified which cannot be overcome by temporary changes and no suitable alternative is available, the pregnant employee may be suspended on full pay irrespective of length of service and until they intend to commence maternity leave. These provisions also apply to an employee who is breast-feeding if it is found that normal duties would prevent the employee from successfully breast-feeding their child.
- 4.2.7 If a new mother continues to breast-feed after their maternity leave, they must inform their manager in writing that this is their wish and ideally before they return to work. Under the Workplace (Health, Safety and Welfare) Regulations 1992 and supporting HSE guidance it is recommended that breast-feeding mothers are provided with somewhere private, (toilets are not deemed suitable) to express and store milk. Should storage facilities be considered, expressed milk would need to be labelled, kept separately in a staff fridge, away from fridges containing patient foodstuffs etc.
- 4.2.8 The workplace should have a rest place provision for expectant and nursing mothers. Rest breaks must be considered; the frequency to be determined by the risk assessment. This is a legal obligation.

4.3 Entitlement

4.3.1 Any employee who is expecting a baby is entitled to Maternity Leave provided that they:

- i. Continue to be employed until immediately before the beginning of the 11th week prior to the expected week of childbirth (the 'EWC'), commencing on the Sunday of the week in which the baby is due.
- ii. Notify their employer in writing, by the 15th week before the EWC that they are pregnant and intend to take Maternity Leave using the form in Appendix 2 unless this is not reasonably practicable.
- iii. Submit a statement (MAT B1) from a registered medical practitioner or practising midwife no less than 21 days before the commencement of Maternity Leave indicating the expected date of childbirth.

4.4 Duration

4.4.1 All pregnant employees are entitled to take up to 52 weeks maternity leave made up of 26 weeks Ordinary Maternity Leave (OML) followed immediately by 26 weeks Additional maternity Leave (AML) – 52 weeks in total.

4.4.2 A period of compulsory maternity leave must be taken for at least 2 weeks following the baby's birth.

4.5 Commencement

4.5.1 The maternity leave period may commence at any time after the beginning of the 11th week before the expected week of childbirth. Should the employee wish to continue work beyond the 11th week before the expected week of childbirth they may be asked to seek advice from their GP or the Occupational Health department. However, the final decision as to when maternity leave shall commence rests with the employee.

4.5.2 If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the latter.

- 4.5.3 Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified to the employer.
- 4.5.3 Absence prior to the last four weeks before the expected week of childbirth, shall be treated as sick leave in accordance with the Managing Attendance at Work Policy.

4.6 Notification

- 4.6.1 The employee is required to notify their manager that they are pregnant as soon as possible in order for a risk assessment to be carried out and to identify any potential risk and supportive measures required (see section 4.2).
- 4.6.2 All employees should notify their manager in writing, using the form in Appendix 2 of their intention to take maternity leave no later than the 15th week before the expected week of childbirth (EWC), unless this is not reasonably practicable. The manager must respond to the request to take maternity leave within 28 days of receiving the employees completed application form.
- 4.6.3 Employees will also need to produce a MAT B1 certificate from a registered medical practitioner practising midwife, no less than 21 days before the commencement of Maternity Leave indicating the expected date of childbirth.
- 4.6.4 An employee may change their mind about when they wish to start their maternity leave, providing they advise their line manager at least 28 days in advance, unless this is not reasonably practicable.

4.7 Entitlement to Statutory Maternity Pay

- 4.7.1 Not all employees qualify for Statutory Maternity Pay (SMP). To be eligible for SMP the employee must: -
- i. have been continuously employed within the Trust for at least 26 weeks continuing into the 15th week before the expected week of childbirth (EWC).
 - ii. still be pregnant at the 11th week before the EWC or have had the baby by that time.
 - iii. earn enough money to pay National Insurance contributions.

- iv. notify their line manager of their intention to take maternity leave by the 15th week before the expected week of childbirth, unless it is not reasonably practicable.
- v. Submit a MAT B1 certificate not less than 21 days before the commencement of maternity leave indicating the expected date of childbirth.

4.7.2 Payment for employees who meet the above criteria shall be made at the rate of 90% of average weekly earnings (Earnings related SMP) for a period of six weeks, followed by 33 weeks at the Standard Rate SMP (determined by the government and reviewed annually), or 90% of their average weekly earnings if this is lower.

4.8 Entitlement to NHS Maternity Pay

4.8.1 To qualify for NHS maternity pay an employee must meet all of the criteria in 4.7.1 and in addition must:

- i. Have completed 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth **and**
- ii. Notify their line manager that they intend to return to work within the NHS for at least 3 months after their maternity leave has ended.

4.8.2 Payment for employees who meet the above criteria shall be made at the following rates:

First 8 weeks	Full pay less any SMP or MA receivable
Following 18 weeks	Half Pay plus standard rate SMP or MA providing the total receivable does not exceed full pay
Following 13 weeks	Standard rate SMP or MA in accordance with statutory scheme
Following 13 weeks	Unpaid maternity leave

4.8.3 If the employee has received NHS contractual maternity pay and subsequently does not return to work for the Trust or a different NHS employer for at least 3 months following their maternity leave, they will be expected to repay the Trust the difference between the NHS Maternity Pay paid and the Statutory Maternity Pay to which they were entitled to.

4.9 Entitlement to Maternity Allowance

- 4.9.1 If an employee is not entitled to receive either NHS Maternity Pay or Statutory Maternity Pay, they may be entitled to receive Maternity Allowance (MA) and should contact their local Jobcentre Plus for details of this. An SMP1 form will be issued by Pay Services if you do not qualify for SMP.

4.10 Calculation of Maternity Pay

- 4.10.1 Full pay shall be calculated on the basis of the employee's average weekly earnings during the period of at least 8 weeks leading up to the last payday prior to the 15th week before the expected week of childbirth, subject to the following:

- i. In the event of a pay award or annual increment being implemented **before** the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis.
- ii. 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 should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis.
- iii. In the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earning rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

- 4.10.2 Maternity pay is subject to PAYE income tax, National Insurance contributions and to pension contributions where appropriate. Please check with Pay Services regarding any queries relating specifically to pay.

4.11 Confirming Maternity Leave and Pay

- 4.11.1 Following discussion with the employee, the line manager should confirm in writing the employee's:

- i. Paid and unpaid maternity leave entitlements in accordance with the Trust's maternity policy, or SMP where relevant, if the employee does not qualify for NHS Maternity Pay.
- ii. Expected return date based on their maternity leave entitlement.
- iii. Annual leave entitlement accrued during their maternity leave period and when it will be taken. A maximum of five day's annual leave (pro rata for part-time staff) can be carried forward from one annual leave year to another.
- iv. Requirement to give at least 8 weeks' notice if the employee wishes to return to work before the expected return date.

4.12 Premature Birth, Still Birth or Miscarriage

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

4.12.2 Where an employee's baby is born before the eleventh 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.

4.12.3 Where an employee's baby is born before the eleventh 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.

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

4.12.5 In the event of an employee's baby being still born, if the birth takes place after the beginning of the 25th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if the birth had been live.

4.12.6 In the event of a miscarriage taking place before the 25th week of pregnancy, the entitlement to leave for those employees who have sadly experienced a baby loss during pregnancy is detailed outlined in the Trust's Pregnancy and Baby Loss Policy.

4.13 Keeping in Contact

- 4.13.1 Prior to going on leave, the line manager and employee should discuss and agree any arrangements for contact during the employee's maternity leave; including Keeping in Touch (KIT) days (see section 4.14)
- 4.13.2 This may include inviting employees to attend department meetings or sending relevant documents such as newsletters to them. This will ensure that individuals are kept up to date on developments at work and facilitate a return to work following leave.
- 4.13.3 The manager must keep the employee informed of promotion opportunities, and other information relating to their job that the employee would normally be made aware of if they were working, e.g. redundancy situations.
- 4.13.4 By the same token, it will be the employee's responsibility to keep their line manager up to date with any developments that may affect their intended return to work date.
- 4.13.5 What amount of contact is reasonable depends on whether the employee prefers to have frequent or minimal contact. The line manager can make contact with the employee by any means, e.g. telephone, e-mail, letter, a meeting in the workplace.

4.14 Working during the Maternity Leave Period

- 4.14.1 An employee may return to work for up to 10 days during their maternity leave without losing the right to maternity leave or maternity pay. These working days are known as Keeping in Touch (KIT) days.
- 4.14.2 The Trust is not obliged to offer KIT days, and the employee is not obliged to accept. In this instance 'work' refers to training or any activity undertaken for the purposes of keeping in touch with the workplace.
- 4.14.3 It is important that the line manager and the individual discuss and make any arrangements for KIT days before the employee commences maternity leave.
- 4.14.4 During KIT days employees can actually carry out work. This could be their normal day to day work or could, for example, be attending a conference, undertaking training or attending a team meeting.
- 4.14.5 The employee will be paid at their basic daily rate for the hours worked less appropriate maternity payment for any KIT day worked. Any amount of work done on a KIT day counts as one KIT day. Therefore, if an employee comes

in for a one-hour training session and does no other work that day they will have used up one KIT day.

4.15 Return to Work

- 4.15.1 An employee who intends to return to work on the date previously notified will not be required to give any further notifications to the line manager, although it is advisable for the employee to keep in touch.
- 4.15.2 If the employee decides to return to work before the date previously notified, they will need to give the line manager 8 weeks' notice advising of the date they intend to return to work in writing. The line manager can accept less or no notice at their discretion and should confirm any agreed changes in writing.
- 4.15.3 If the employee attempts to return to work earlier than planned without giving appropriate notice, the line manager can postpone their return by up to eight weeks. However, they may not postpone the return date later than the end of the 52-week maternity leave period.
- 4.15.4 If an employee wishes to return to work after the planned return date, they should give their line manager notice of this new return date at least eight weeks before the original planned returned date.
- 4.15.5 If at the end of maternity leave the employee wishes to return to work on flexible working arrangements, they should make the application in accordance with the Trust's Working Flexibly Policy giving 3 months' notice of their requested change.
- 4.15.6 An employee returning from Ordinary Maternity Leave (OML) has the right to return to the same job on the same terms and conditions as before their leave began unless a redundancy situation has arisen or unless service needs prevent this. In this instance the employee has the right to return to work to a similar job on no less favourable terms and conditions.
- 4.15.7 An employee who returns to work after Additional Maternity Leave (AML) is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless it is not reasonably practicable, in which case the employee has the right to be offered suitable alternative employment on no less favourable terms and conditions – however, this may not be necessarily be the same job.
- 4.15.8 If the new job that is offered to the employee is deemed as suitable alternative and the employee refuses it, the employee will have effectively resigned. Should this be within the period of three months following return from Maternity Leave, the employee will be liable to refund the whole of their maternity pay less any SMP received.

4.16 Annual Leave

The Agenda for Change Terms and Conditions of Service Handbook sets out in Section 15 that:

4.16.1 *Employees on paid and unpaid maternity leave retain their right to the annual leave and public holidays provided by the section 13 of Handbook. (15.49)*

4.16.2 *Where unused annual leave and public holidays exceed local provisions for carry over to the next leave year it may be beneficial to the employer and employee for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) maternity leave period. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions. (Section 15.50)*

4.16.3 If an employee chooses payment in lieu for outstanding annual leave on their return from maternity leave, this should be documented on the 'Return from Leave' ESR form.

5 Adoption Leave

5.1 Pre-Adoption Arrangements

5.1.1 An employee who is the primary adopter can take paid time off for up to five 'adoption appointments' or if the employee is the secondary adopter they can take unpaid time off for up to two 'adoption appointments'. The maximum time for each appointment, whether paid or unpaid, is six and a half hours. Adoption appointments are appointments made by the adoption agency relating to a child being placed for adoption.

5.2 Entitlement

5.2.1 Adoption leave is available to a single person who is adopting a child or to one partner of a couple (the Adopter) who jointly adopt a child and has primary carer responsibilities for that child (the couple may choose which partner takes the adoption leave).

5.2.2 To qualify for adoption leave an employee must:

- Be newly matched with a child for adoption by an approved UK adoption agency, adoption (adoption via a court order does not apply).
- Have notified the agency that they agree that the child should be placed with them and agree the date of placement.
- Be adopting a child under the age of 18.
- Provide a 'matching certificate' from their adoption agency as documentary evidence of their entitlement to take adoption leave.

5.3 Duration

5.3.1 All eligible employees are entitled to take up to 52 weeks adoption leave, made up of 26 weeks Ordinary Adoption Leave (OAL) followed immediately by 26 weeks Additional Adoption Leave (AAL) – 52 weeks in total.

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

5.4 Commencement

1.1.1 UK Adoptions

Adopters can choose to start their leave either on the date of the child's placement (whether this is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement. If the placement is delayed and Adoption Leave has commenced, it cannot be stopped and resumed again at a later date. Leave can start on any day of the week.

1.1.2 Overseas Adoptions

Employees may choose to start their adoption leave from either the date the child enters the UK or a fixed date (as notified to manager) no later than 28 days after the date the child enters the UK. Leave can start on any day of the week.

5.5 Notification

- 5.5.1 An employee is required to notify their line manager in writing using Appendix 6 of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.
- 5.5.2 The employee's manager must respond in writing to notification of the employee's intention to take adoption leave within 28 days of receipt, setting out the date on which they expect them to return to work if the full entitlement to adoption leave is taken. A sample letter to the employee from their line manager confirming adoption arrangements is in Appendix 8.
- 5.5.3 The employee may change their mind about the date on which they wish to start their adoption leave provided that they advise their line manager at least 28 days in advance (unless this is not reasonably practicable).
- 5.5.4 The employee will also need to provide documentary evidence from their adoption agency of their entitlement to take adoption leave, normally in the form of a 'matching certificate'. This evidence must show:
- i. The name and address of the adoption agency and of the individual applying for adoption leave
 - ii. The date the child is expected to be or was placed for adoption
 - iii. The date the adopter was told by the adoption agency that they had been matched with a child.

5.6 Entitlement to Statutory Adoption Pay

- 5.6.1 Not all employees qualify for Statutory Adoption Pay (SAP), to qualify the employee must:
- i. Have worked for the Trust for 26 weeks (without a break in service of 3 months or more) before the week in which they are notified that they have been matched with a child for adoption.
 - ii. Earn enough money to pay National Insurance contributions.
 - iii. Notify their line manager of their intention to take adoption Leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption (or 28 days if adopting overseas), unless this is not reasonably practicable.
 - iv. Provide evidence of their entitlement to take adoption leave and adoption pay, which may take the form of a matching certificate from their adoption agency

- v. Notify their line manager of when they want SAP to start at least 28 days before that date, or as soon as reasonably practicable.

5.6.2 Payment for employees who meet the above criteria shall be made at the rate of 90% of average weekly earnings for a period of six weeks, followed by 33 weeks at the Standard Rate SMP (determined by the Government and reviewed annually), or 90% of their average weekly earnings if this is lower.

5.6.3 Employees not eligible for adoption pay may qualify for other financial support. Further information is available from local Jobcentre Plus Office.

5.7 Entitlement to NHS Adoption Pay

5.7.1 Not all employees are entitled to NHS Adoption Pay; to qualify an employee must meet all the criteria in Section 5.6.1 and in addition must:

- i. Have completed 12 months continuous service or more with one or more NHS employer(s) ending with the week in which they are notified of being matched with the child for adoption and
- ii. Intend to return to work within the NHS for at least 3 months following their adoption leave.

5.7.2 Payment for employees who meet the above criteria shall be made at the following rates:

First 8 weeks	Full pay less any SAP receivable
Following 18 weeks	Half Pay plus standard rate SAP providing the total receivable does not exceed full pay
Following 13 weeks	Standard rate SAP
Following 13 weeks	Unpaid Adoption Leave

5.7.3 Pay Services will be able to confirm the actual amount of salary and statutory adoption pay that an employee will be entitled to receive once a completed application has been received.

5.7.4 Fail to return to work after receiving NHS Adoption Pay

If an individual has received NHS Adoption Pay and subsequently does not return to work for the Trust or a different NHS employer for at least 3 months following their adoption leave, they will be expected to repay the Trust the difference between the Statutory Adoption Pay to which they were entitled, and the NHS Adoption Pay paid.

5.8 Calculation of Adoption Pay

5.8.1 Full pay shall be calculated on the basis of the employee's average weekly earnings during the period of at least 8 weeks leading up to the last payday prior to the date of commencement of adoption leave subject to the following:

- i. In the event of a pay award or annual increment being implemented **before** the paid adoption leave period begins, the adoption pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Adoption Pay calculation period. If such a pay award was agreed retrospectively, the adoption pay should be re-calculated on the same basis.
- ii. In the event of a pay award or annual increment being implemented **during** the paid adoption leave period, the adoption pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the adoption pay should be re-calculated on the same basis.
- iii. In the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earning rules for Statutory Adoption Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

5.8.2 Adoption pay is subject to PAYE income tax, National Insurance contributions and to pension contributions where appropriate. Please check with Pay Services regarding any queries relating specifically to pay.

5.9 Confirming Adoption Leave and Pay

5.9.1 Following discussion with the employee, the line manager should confirm in writing the employee's:

- i. Paid and unpaid adoption leave entitlements in accordance with the Trust's adoption policy, or SAP where relevant, if the employee does not qualify for NHS Adoption Pay.
- ii. Expected return date based on their adoption leave entitlement.
- iii. Annual leave entitlement accrued during their adoption leave period and when it will be taken. A maximum of 5 days annual leave (pro rata for part-time staff) can be carried forward from one annual leave year to another.

- iv. Requirement to give at least 8 weeks' notice if individual wishes to return to work before the expected return date.

5.10 Keeping in Contact

- 5.10.1 Prior to going on leave, the line manager and employee should discuss and agree any arrangements for contact during the employee's adoption leave.
- 5.10.2 This may include inviting employees to attend department meetings or sending relevant documents such as newsletters to them. This will ensure that individuals are kept up to date on developments at work and facilitate a return to work following leave.
- 5.10.3 The manager must keep the employee informed of promotion opportunities, and other information relating to their job that the employee would normally be made aware of if they were working, e.g. redundancy situations.
- 5.10.4 By the same token, it will be the employee's responsibility to keep their line manager up to date with any developments that may affect their intended return to work date.
- 5.10.5 What amount of contact is reasonable depends on whether the employee prefers to have frequent or minimal contact. The line manager can make contact with the employee by any means, e.g. telephone, e-mail, letter, a meeting in the workplace.

5.11 Working During the Adoption Leave Period

- 5.11.1 An employee may return to work for up to 10 days during their adoption leave without losing the right to adoption leave or adoption pay. These working days are known as Keeping in Touch (KIT) days.
- 5.11.2 The Trust is not obliged to offer KIT days, and the employee is not obliged to accept. In this instance 'work' refers to training or any activity undertaken for the purposes of keeping in touch with the workplace.
- 5.11.3 It is important that the line manager and the individual discuss and make any arrangements for KIT days before the employee commences adoption leave.
- 5.11.4 During KIT days, employees can actually carry out work. This could be their normal day to day work or could, for example, be attending a conference, undertaking training or attending a team meeting.

- 5.11.5 The employee will be paid at their basic daily rate for the hours worked less appropriate maternity payment for any KIT day worked. Any amount of work done on a KIT day counts as one KIT day. Therefore, if an employee comes in for a one-hour training session and does no other work that day, they will have used up one KIT day.

5.12 Returning From Adoption Leave

- 5.12.1 An employee who intends to return to work on the date previously notified will not be required to give any further notifications to their line manager, although it is advisable for the employee to keep in touch.
- 5.12.2 If the employee decides to return to work before the date previously notified, they will need to give their line manager 8 weeks' notice advising of the date they intend to return to work in writing. The line manager can accept less or no notice at their discretion and should confirm any agreed changes in writing.
- 5.12.3 If the employee attempts to return to work earlier than planned without giving appropriate notice, the line manager can postpone their return by up to eight weeks. However, they may not postpone the return date later than the end of the 52-week adoption leave period.
- 5.12.4 If an employee wishes to return to work after the planned return date, they should give their line manager notice of this new return date at least eight weeks before the original planned returned date.
- 5.12.5 If at the end of adoption leave the employee wishes to return to work on flexible working arrangements, they should make the application in accordance with the Trust's Flexible Working Arrangements Policy giving 3 months' notice of their requested change.
- 5.12.6 An employee returning from Ordinary Adoption Leave (OAL) has the right to return to the same job on the same terms and conditions as before their leave began unless a redundancy situation has arisen or unless service needs prevent this. In this instance the employee has the right to return to work to a similar job on no less favourable terms and conditions.
- 5.12.7 An employee who returns to work after Additional Adoption Leave (AAL) is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless it is not reasonably practicable, in which case they have the right to be offered suitable alternative employment on no less favourable terms and conditions – however, this may not be necessarily be the same job.

- 5.12.8 If the new job that is offered to the employee is deemed as suitable alternative and the employee refuses it, they will have effectively resigned. Should this be within the period of three months, they will be liable to refund the whole of the adoption pay less any SAP received.

5.13 Where Adoption Does Not Take Place

- 5.13.1 If for any reason the adoption does not take place, the employee must return to work within a reasonable period of time and by agreement with their line manager.

5.14 Annual Leave

The arrangements for annual leave during adoption leave mirror those for maternity leave outlined in Section 4.16.

- 5.14.1 Employees accrue their contractual entitlement to annual leave and general public holidays during paid and unpaid adoption leave.
- 5.14.2 Where unused annual leave and public holidays exceed local provisions for carry over to the next leave year it may be beneficial to the employer and employee for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) adoption leave period. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.
- 5.14.3 If an employee chooses payment in lieu for outstanding annual leave on their return from adoption leave, this should be documented on the 'Return from Leave' ESR form.

6 Maternity Support (Paternity) Leave

6.1 Ante Natal Appointments

- 6.1.1 An employee who is a prospective father, or spouse, civil partner or partner of a pregnant person can take **unpaid** time off to attend up to two antenatal

appointments. The maximum time for each appointment is six and a half hours.

6.1.2 If an employee wishes to take time off for an ante natal appointment, they should make a written request to their manager (e-mail is sufficient) that states:

- they are the expectant mother's spouse, civil partner or partner, or the child's father;
- that the purpose of the time off is to accompany the expectant mother to an antenatal appointment;
- that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
- the date and time of the appointment.

6.2 Eligibility and Entitlement for Maternity Support Leave

6.2.1 All employees are entitled to two weeks Maternity Support (Paternity) Leave, regardless of their length of service, following the birth or adoption of a child in order to care for the child and/or support the mother/adopter provided they:

- i. Have or expect to have responsibility for the child's upbringing
- ii. Are the biological father of the child, or the mother's husband or partner (including same sex relationships)
- iii. Are an adoptive parent who is 'newly matched with a child'.
- iv. Have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.
- v. Give the correct notice.

6.2.2 Maternity Support (Paternity) Leave can only be taken in blocks of one week. This can be taken consecutively or in separate one-week blocks.

6.2.3 One week is equal to the length of time that an employee is normally required to work in a week. If an employees' work pattern varies from week to week, an average working week should be calculated.

6.2.4 Maternity Support (Paternity) Leave must be taken:

- i. Within 52 weeks of the actual date of birth of the child or placement for adoption.
OR
- ii. If the child is born early or placed early for adoption within the period from the actual date of birth or placement up to 52 weeks after the expected week of childbirth or placement
OR

- iii. If adopting from overseas the earliest date that maternity support leave can begin is the date on which the child enters the UK. Maternity support leave may only be taken up to 52 weeks from the date on which the child enters the UK.

6.2.5 Only one period of leave is available to employees, irrespective of whether more than one child is born as a result of the same pregnancy.

6.3 Maternity Support (Paternity) Leave Pay

6.3.1 Not all employees are entitled to payment during leave. In order to qualify for maternity support leave pay, employees must meet the criteria detailed in 6.3.2 or 6.3.3 below:

6.3.2 **Employees with over 12 months continuous NHS employment either** at the beginning of the week the baby is due **or** ending the week in which they are notified of having been matched with a child **and** remains continuously employed until the actual date of birth/placement may be entitled to:

	Statutory Paternity Pay (SPP)	NHS Paternity Pay	Total Amount Received
1-2 weeks	N/A	Full Pay	Full Pay

6.3.3 **Employees with less than 12 months but more than 26 weeks continuous NHS employment** at the 15th week before the baby is due or 26 weeks ending with the week the adopter is notified of having been matched with a child and remains employed until the actual date of birth/placement may be entitled to:

	Statutory Paternity Pay (SPP)	NHS Paternity Pay	Total Amount Received
1-2 weeks	SSP rate or 90% of earnings if this is less	No Pay	Statutory Paternity Pay only

6.3.4 **Employees with less than 26 weeks continuous Trust employment** either at the 15th week before the baby is due or 26 weeks ending the week the adopter is notified of having been matched with a child will be entitled to:

	Statutory Paternity Pay (SSP)	NHS Paternity Pay	Total Amount Received
1-2 weeks	No Pay	No Pay	

			No Pay
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6.3.5 Those who do not qualify for Statutory or NHS payment may be entitled to receive income support whilst on Maternity Support (Paternity) Leave and should contact their local Jobcentre Plus office for further details.

6.3.6 Statutory Pay cannot exceed the employees' standard full rate of pay. Employees will be entitled to Statutory Paternity Pay if their normal weekly earnings are equal or higher to the lower earnings limit for National Insurance Contributions. Statutory Paternity Pay will be paid at the current rate or 90% of the employee's normal weekly earnings if this is lower.

6.4 Notification

6.4.1 An employee is required to notify their manager in writing of their intention to take maternity support (paternity) leave by submitting Appendix 10 either at least 15 weeks before the baby is due **or** within 7 days of being told by the adoption agency that they have been matched with a child. This will inform the manager of:

- i. The week the baby is due to be born, or the child is expected to be placed for adoption **and**
- ii. They are planning on taking maternity support (paternity) leave and when they are likely to take it **and**
- iii. The duration of the maternity support (paternity) leave (i.e. 1 or 2 weeks)

6.4.2 The employee must also provide documentary evidence of the date the child is expected to be born or placed for adoption (e.g. a copy of the MAT B1 form or a Matching Certificate from an adoption agency).

6.4.3 The employee may change their mind when they wish to start maternity support (paternity) leave giving at least 28 days' notice or as soon as is reasonably possible, again this should be in writing.

6.4.5 If an employee is taking maternity support (paternity) leave in one-week blocks they must give 28 days' notice to their manager before each period of leave. This should include confirmation that they will use the leave to care for either the child, the child's mother, or birth parent or both.

6.4.5 Notification of maternity support (paternity) leave can be via email or letter.

6.4.6 The employee cannot start their maternity support (paternity) leave before the baby is born.

6.5 Still Birth

- 6.5.1 A qualifying employee's will be entitled to maternity support (paternity) leave if their baby is stillborn after 24 weeks of pregnancy. Alternatively, if the baby is born alive at any point in the pregnancy but later dies the employee will be entitled to maternity support (paternity) leave at the time it was planned for **or** within 8 weeks of the baby's death if the employee had not already booked the leave.

7 General Issues

7.1 Contractual Rights

- 7.1.1 Employees retain all their contractual rights (except remuneration) whilst on paid and unpaid maternity, adoption and maternity support (paternity) leave.

7.2 Pay Increments

- 7.2.1 Maternity, adoption or maternity support (paternity) leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave.

7.3 Pension Scheme

- 7.3.1 Pension rights or contributions will be dealt with in accordance with the provisions of the NHS Pension Scheme. Pension contributions will be deducted from maternity, adoption or maternity support (paternity) pay. Employees remain liable for pension deductions from notional pay (equal to the pay they were receiving immediately prior to the period of no pay) whilst on unpaid leave. This amount may be recovered from an employee's salary on return to work over the same time span so that the 'no pay period' is covered (if this is applicable). Please contact the Payroll Services Department for further advice on pensions and/or if you are planning to return to work in a reduced capacity or if you have any other queries regarding this.

7.4 Lease Cars

- 7.4.1 For those employees who already have a lease car, they will continue to be able to use their lease car and as such, will be liable for monthly payments throughout their period of maternity or adoption leave. Deductions will be made in the normal way when on paid maternity, paternity or adoption leave. Deductions cannot be made when on unpaid leave and will be recovered

from the employee's salary on return to work. Employees are reminded that whilst away for a minimum of four months they are not doing any business mileage and have more opportunity to build up private mileage. This may adversely affect their lease car payments. For further advice please contact the Lease Car Manager and/or Pay Services to clarify your personal situation.

7.5 Qualifying Continuous Service

7.5.1 Staff who have previous and continuous NHS employment, but not with this Trust, may be eligible for NHS Maternity or Adoption pay. For the purposes of calculating whether the employee meets the twelve months' continuous service with one or more NHS employer's qualification the following provisions should apply:

- i. 'NHS employers' includes health authorities, NHS boards, NHS Trusts, Primary Care Trusts and Northern Ireland Health Service.
- ii. a break in service of three months or less will be disregarded (though not count as service):

The following breaks in service will also be disregarded (though not count as service):

- employment under the terms of an honorary contract
- work as a general dental/medical practitioner performing NHS services for a period not exceeding 12 months.
- a period of up to twelve months spent abroad as part of a definite programme of postgraduate training on the advice of the postgraduate dean or college or faculty adviser in the specialty concerned
- a period of voluntary service overseas with a recognised international relief organisation for a period of twelve months which may exceptionally be extended for twelve months at the discretion of the employer who recruits the employee on their return
- absence on an employment break scheme in accordance with the provisions the Trust's Employment Break Policy.
- absence on maternity, adoption or maternity support (paternity) leave, paid or unpaid, as provided for under this agreement

7.6 Fixed Term Contracts and Secondments

7.6.1 If an employee is subject to a fixed term or temporary contract which expires:

- i. After the 11th week before the expected week of childbirth but before the end of the paid maternity leave period **or**

- ii. after the start of the week in which they have been notified that they have been matched with a child for adoption but before the end of the paid adoption leave period **and**
- iii. who satisfy the qualifying conditions for statutory maternity or adoption pay

the fixed term contract will be extended so as to enable the individual to receive 39 weeks Statutory Maternity/Adoption Pay. A fixed term contract employee may also qualify for NHS Maternity Pay or NHS Adoption Pay.

7.6.2 Following the expiry of this extension, there is no entitlement to return to work and the pay back provisions will not apply.

7.6.3 Employees on secondment from another NHS organisation and who have the relevant length of service will be entitled to the same terms and conditions as a permanent employee of the Trust.

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

7.7 Cessation of Employment

7.7.1 If the employee resigns or is dismissed before the expected date of childbirth/matching date or before they have notified the EDC/matching date, they lose the right to maternity/adoption leave but will still be eligible for SMP/SAP if employed after the 15th week before the expected week of childbirth/matching date.

7.7.2 If a redundancy situation arises at any stage during the employee's maternity or adoption leave which means it is not practicable for the employer to continue their employment under the original contract of employment, they are entitled to be offered, before that contract ends, alternative employment where one is available under no less favourable terms and conditions. The employee must be included in any change management processes that affect their role as per the relevant change policy.

8 Shared Parental Leave

8.1 Shared Parental Leave ("SPL") is for eligible parents of babies due, or children placed for adoption, on or after 5th April 2015.

- 8.2 SPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.
- 8.3 All eligible employees have a statutory right to take SPL and there may also be an entitlement to some Shared Parental Pay ("ShPP").
- 8.4 Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notice booking periods of leave.

8.1 Eligibility for Shared Parental Leave

8.1.1 SPL can only be used by two people:

- i. The mother/adopter **and**
- ii. 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

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

8.1.2 Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- i. the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave 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;
- ii. the employee must still be working for the organisation at the start of each period of SPL;
- iii. the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- iv. the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;

- v. the employee must correctly notify the organisation of their entitlement and provide evidence as required.

8.1.3 In order to check eligibility, employees and/or their line manager may use the following Shared Parental Leave and pay calculator available on gov.uk www.gov.uk/pay-leave-for-parents

8.2 Shared Parental Leave Entitlement

8.2.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

8.2.2 A mother/adopter may reduce their entitlement to maternity/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.

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

8.2.4 SPL can commence as follows:

- The employee can take SPL after they have 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
- The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

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

8.2.6 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see 8.7 Booking Shared Parental Leave and Section 8.9 Variations to arranged Shared Parental Leave).

- 8.2.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (See Section 8.10 Shared Parental Pay).
- 8.2.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

8.3 Notifying Manager of Entitlement to Shared Parental Leave

- 8.3.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.
- 8.3.2 Part of the eligibility criteria requires the employee to provide the Trust with correct notification. Template forms can be found on the ACAS website at www.acas.org.uk/spl

Notification must be in writing and requires each of the following:

- i. The name of the employee;
- ii. the name of the other parent;
- iii. the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- iv. the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- v. the amount of SPL the employee and their partner each intend to take
- vi. a non-binding indication of when the employee expects to take the leave.
- vii. A signed declaration from the employee seeking to take SPL that:
 - they meet, or will meet, the eligibility conditions and are entitled to take SPL;
 - if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
 - the information they have given is accurate;
 - should they cease to be eligible they will immediately inform the Trust.
- viii. the employee must provide the organisation with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child, or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they 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 they consent to the amount of SPL that the employee intends to take;
- that they consent to the organisation processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

8.4 Requesting Further Evidence of Eligibility

8.4.1 The Trust may, within 14 days of the SPL entitlement notification being given, request:

- i. 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 given instead)
- ii. 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).
- iii. 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.

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

8.5 Fraudulent Claims

8.5.1 The Trust can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Trust’s disciplinary policy and procedure.

8.6 Discussions Regarding Shared Parental Leave

- 8.6.1 An employee considering/taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support the individual.
- 8.6.2 The line manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.
- 8.6.3 Upon receiving a leave booking notice the line manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.
- 8.6.4 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.

8.7 Booking Shared Parental Leave

- 8.7.1 In addition to notifying the line manager of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL. Template notice letters for booking continuous and discontinuous periods of SPL can be found on the ACAS website at www.acas.org.uk/spl
- 8.7.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 8.7.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish 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.
- 8.7.4 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

- 8.7.5 **Continuous leave notifications** - a notification can be for a period of continuous leave which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 8.7.6 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 8.7.7 **Discontinuous leave notifications** - a single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- 8.7.8 Where there is concern over accommodating the notification, the Trust or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see Section 8.6 Discussions Regarding Shared Parental Leave).
- 8.7.9 The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days or can take the leave in a single continuous block.

8.8 Responding to a Shared Parental Leave Notification

- 8.8.1 Once the line manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
- 8.8.2 All notices for continuous leave will be confirmed in writing.
- 8.8.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the Service.
- 8.8.4 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.
- 8.8.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the line manager may propose a modified version of the request.

- 8.8.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th 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 19th 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 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.

8.9 Variations to Arranged Shared Parental Leave

- 8.9.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their line manager 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.
- 8.9.2 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/vary leave by one. However, a change as a result of a child being born early, or as a result of the Trust requesting it 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 organisation.

8.10 Shared Parental Pay

- 8.10.1 Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay ("ShPP") while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 8.10.2 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/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/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 weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
 - the employee must remain in continuous employment until the first week of ShPP has begun;

- the employee must give proper notification in accordance with the rules set out below.

8.10.3 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

8.10.4 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Trust should they cease to be eligible.

8.10.5 It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

8.10.6 Any ShPP due will be paid at a rate set by the Government for the relevant tax year. Current rates can be found on the gov.uk website.

8.11 Terms and Conditions during Shared Parental Leave

8.11.1 During the period of SPL, the employee's contract of employment continues in force, and they are entitled to receive all their contractual benefits, except for salary

8.11.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Trust's contributions will be based on the salary that the employee would have received had they not been taking SPL.

8.12 Annual Leave

- 8.12.1 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. 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 their holiday year.

8.13 Shared Parental Leave in Touch days

- 8.13.1 An employee can agree to work or attend training for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 8.13.2 The organisation has no right to require the employee to carry out any work and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

8.14 Returning to Work After Shared Parental Leave

- 8.14.1 The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 8.14.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of their date of early 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, then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 8.14.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, the employee will return to the

same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

- 8.14.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

9 Neonatal Care

- 9.1 The Neonatal Care (Leave and Pay) Act 2023 entitles eligible employees to Neonatal Care Leave and Neonatal Care Pay if their baby requires neonatal care. This provision is available in addition to existing parental leave entitlements.

- 9.2 All employees are entitled to up to 12 weeks of Neonatal Care Leave, regardless of their length of service provided they:

- iv. Have or expect to have responsibility for the child's upbringing
- v. Are the biological mother or father of the child, or the mother or father's husband/wife or partner (including same sex relationships)
- vi. Have worked continuously for their employer for 26 weeks prior to the leave being requested
- vii. Give reasonable notice.

9.3 Neonatal Care Leave

Employees are entitled to up to 12 weeks of Neonatal Care Leave if their baby is admitted to neonatal care. This entitlement applies where the neonatal care starts within 28 days following the child's birth and the care lasts for a continuous period of seven days or more.

- 9.4 Employees must take the leave within 68 weeks of the child's birth.

9.5 Neonatal Care Pay

Eligible employees may also qualify for statutory Neonatal Care Pay (NCP). To qualify, the employee must:

- Have at least 26 weeks of continuous service within the Trust
- Meet the minimum earning requirement (currently £123 per week, subject to change)

Statutory Neonatal Care Pay is paid at a statutory rate or 90% of the employee's average weekly earnings, whichever is lower.

9.6 Requesting Neonatal Care Leave and Pay

Employees should notify their manager as soon as reasonably practical if they wish to take Neonatal Care Leave by completing Appendix 17.

- 9.7 To receive Neonatal Care Pay, employees will be required to provide evidence of their baby's admission to neonatal care, such as medical documentation.

9.8 Returning to Work

Employees who take Neonatal Care Leave will be entitled to return to the same job on the same terms and conditions as before their leave began unless a redundancy situation has arisen or unless service needs prevent this. In this instance the employee has the right to return to work to a similar job on no less favourable terms and conditions.

10 Special Guardianship

- 9.1 The Adoption and Children Act 2002 introduced a completely new court order, Special Guardianship, intended to provide another option for legal permanence for children who cannot grow up with their birth families and for whom support is not appropriate.

- 9.2 A Special Guardianship Order (SGO) gives the Special Guardian parental responsibility for the child. Unlike adoption, under a SGO the parents remain the child's parents and retain parental responsibility, though their ability to exercise their parental responsibility is extremely limited.

- 9.3 The intention is that the special guardian will have clear responsibility for all day-to-day decisions about caring for the child or young person and for taking any other decisions about their upbringing, for example their education. A special guardian may exercise parental responsibility to the exclusion of others with parental responsibility, such as birth parents, and without needing to consult them in all but a few circumstances.

- 9.4 The Special Guardianship Regulations 2005 provide for the local authority to arrange financial support to facilitate arrangements for a person to become a special guardian of a child where it considers such an arrangement to be beneficial to the child's welfare and where it is believed that it is necessary to ensure that the special guardian can look after the child.

9.1 Leave Entitlement

- 9.1.1 The employee will provide the original letter received by them from the court or social services department officially notifying them that they have been granted Special Guardianship status.
- 9.1.2 Employees with 12 months NHS service are entitled to two weeks consecutive "Special Guardianship Leave" at full pay, to be taken within three months of the court order.

10 Related Documents

- 10.1 The following documents can be found in the policies and procedures section of the Trust intranet and should be referred to for related information:
- Policy and Procedure on Time Off Arrangements
 - Policy and Procedure on Flexible Working Arrangements

11 Dissemination

- 11.1 This Policy will be disseminated by the following methods:
- Executive Directors and Managers – to disseminate within their areas
 - Staff – via newsletters and team briefings
 - Published on the website
 - Awareness raising by Human Resources and staff side representatives

12 Advice and Training

- 12.1 Should you have any queries on maternity, adoption, maternity support (paternity) leave, or shared parental leave please contact your line manager in the first instance, the Human Resources department or Pay Services.
- 12.2 Information about all maternity rights is contained in the following booklet: BIS '*Pregnancy and Work - what you need to know as an employee*'. It is available from the BIS website at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32174/10-1168-pregnancy-and-work-employee.pdf

Agenda for Change Terms and Conditions Handbook - Section 15: Maternity Leave and Pay:

http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/AfC_tc_of_service_handbook_fb.pdf

Further information on Pregnancy and maternity rights, Adoption rights in the workplace is available from the Direct.gov website at:

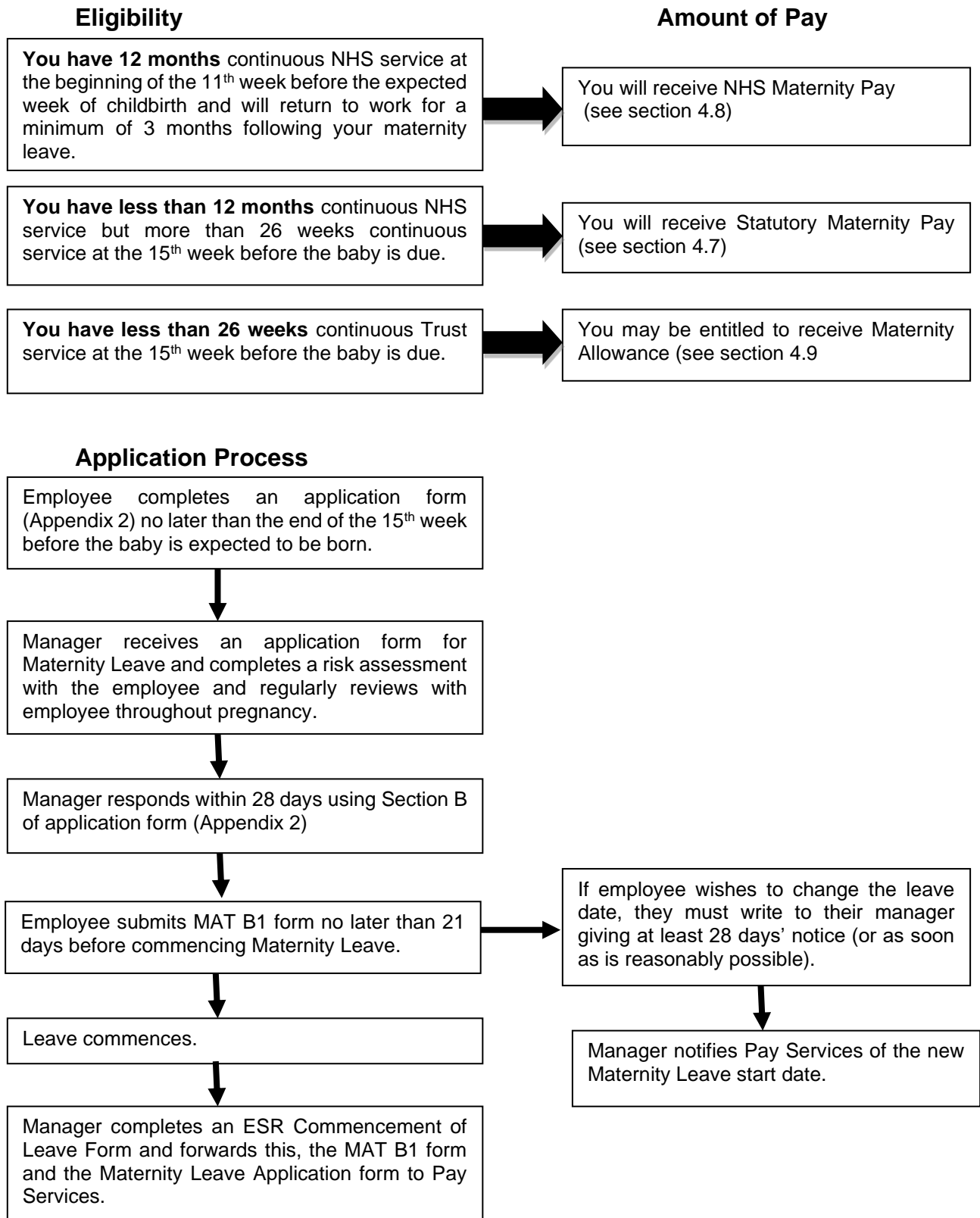
<http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/index.htm>

Further information for new and expectant mothers at work is available on the Health and Safety Executive website at www.hse.gov.uk

13 Review and Compliance Monitoring

- 13.1 The rules and operation of this procedure will be periodically reviewed (at least every 3 years) in light of any developments in employment legislation or employee relations' practice and, if necessary, revised in order to ensure their continuing relevance and effectiveness. Any amendments will be introduced only after consultation with staff-side representatives.
- 13.2 The Human Resources team will monitor compliance with this policy by means of monitoring the grievances raised to HR, the feedback received from staff and in accordance with the Trust's Equality and Diversity Policy, and the Single Equality Scheme.

Appendix 1 Maternity Leave Flowchart



Appendix 2 Maternity Leave and Pay Application Form



SECTION A – TO BE COMPLETED BY THE EMPLOYEE

Part 1 – Personal Details

First Name:		Surname:	
Employee No:		Department:	
Start Date with Trust:		Start Date with NHS:	

Part 2 – Notification and Evidence

I wish to request Maternity Leave and advise the following dates:

Date of 11 th week prior to date of childbirth		Date of 15 th week prior to date of childbirth	
Date of commencement of Maternity Leave		Expected week of childbirth (Sunday prior to baby's birth)	
Have you had a break in service of more than 3 months in the year before the 11 th week before the expected week of childbirth? (Please circle)	YES	NO	
If yes, what were the dates?			
I have attached the MAT B1 form and understand that should I wish to change the commencement date of leave I must write to my line manager giving at least 28 days' notice (or as soon as is reasonably practicable).			<input type="checkbox"/>

Part 3 – Maternity Leave

I intend to take Ordinary Maternity Leave (OML) for a period of 26 weeks	<input type="checkbox"/>
In addition, I intend to take Additional Maternity Leave (AML) for a further period up to 26 weeks.	<input type="checkbox"/>

Section A continued			
Part 4 – Maternity Pay Request			
Please tick ONE of the following options:			
I wish to apply for NHS Maternity Pay and have met the criteria in paragraph 4.7.1 and 4.8.1 of the policy. I intend to return to work at Shropshire Community Health NHS Trust or a different NHS employer for a minimum period of 3 months following my maternity leave. I understand that should I fail to return to work I will be expected to repay the difference between SMP to which I was entitled and the NHS rates paid.			
I wish to apply for Statutory Maternity Pay (SMP) and have met the criteria in section 4.7.1 of the policy.			
I have less the 26 weeks service and wish to apply for Maternity Allowance - please send me an SMP1 form.			
Part 5 – Declaration			
I have read and understood the Maternity Leave section and wish to apply for leave and pay as indicated above. I have attached the required documentation and believe I meet the criteria s detailed in the policy.			
Signed:		Date:	
SECTION B – TO BE COMPLETED BY THE MANAGER			
I confirm I have discussed this application and its implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.			
Name (Print):		Job Title:	
Signed:		Date:	
Is this a revised application? (I.e. has this application been submitted previously but the date has changed). Yes <input type="checkbox"/> No <input type="checkbox"/>		Date copy of this application, evidence and ESR Commencement of Leave form sent to Pay Services: -----	

Line Manager Action

1. Retain a copy of the signed application, evidence and ESR Commencement of Leave form on the individual's personal file.
2. Send the application for Maternity Leave and Pay, evidence and ESR form to Pay Services.

Please note if the commencement of leave date changes a new application must be submitted, and a further copy and commencement of leave form sent to Pay Services indicating that this is a revised application.

Appendix 3 Maternity Checklist for Line Managers

Employee Name _____

Line Manager _____

Date of verbal notification of pregnancy _____

Date of receipt of completed maternity application _____

Expected week of childbirth _____

Date application, MAT B1, ESR form sent to Pay Services _____

SECTION 1 – To be completed as soon as you are informed of pregnancy

Tick the appropriate box and provide summary detail where necessary

1.1	Has there been a risk assessment?	Yes	No Ensure this is done asap
1.2	Are risks inherent in current job?	Yes	No Go to section 2
1.3	Can current job be changed to eliminate or reduce to reasonable level?	Yes Detail:	No Go to 1.4
1.4	Can we offer suitable reasonable employment?	Yes Detail:	No Go to 1.6
1.5	Is the alternative acceptable to employee?	Yes Date moved:	No Discuss with HR dept.
1.6	Is suspension the only alternative?	Yes Go to section 3	No Discuss with HR Dept.

SECTION 2 – DURING THE PREGNANCY

2.1	Has the employee requested time-off for ante natal care?	Yes	No Go to section 3
2.2	Have you seen appointment details (apart from first one)?	Yes	No Request details of appointment

SECTION 3 – MATERNITY LEAVE AND PAY (please complete section fully)

3.1	Has a date for commencement of maternity leave been agreed?	Yes Consider cover arrangements & seek appropriate approval	No
3.2	Does employee intend returning to work?	Yes	No
3.3	Is employee on maternity suspension?	Yes	No
3.4	Does individual have fixed term or temporary contract?	Yes Speak to HR Dept. as an extension may be required	No
3.5	Has the pay entitlement during maternity leave been agreed?	Yes	No Speak to Pay Services
3.6	Has current year annual leave been taken appropriately prior to maternity leave?	Yes	No See section 4.16

SECTION 4 – RETURNING FROM MATERNITY LEAVE

4.1	Has a return date been agreed on the maternity application form?	Yes Date:	No Try to agree the date asap
4.2	Have you written to the employee following birth? Template letter – Appendix	Yes Date:	No Do so at appropriate time
4.3	Has the employee responded?	Yes Date received:	No Speak to HR Dept.
4.4	Has the employee returned on the date agreed?	Yes	No Speak to HR Dept.
4.5	Have you informed Pay Services employee returned?	Yes	No Complete ESR form asap
4.6	If accessing NHS maternity pay has individual remained in NHS employment for 3 months or more upon returning?	Yes	No Speak to HR Dept. and Pay Services- money to be reclaimed

Appendix 4 Example Letter Confirmation of Return Following OML

Below is an example of a letter which can be sent to the employee at any time during the Ordinary Maternity Leave period.

[date]

Dear **[name of employee]**

Congratulations on the recent birth of your baby. **(Personalise and extend sentence/paragraph as necessary.)**

I am writing to you in connection with the notification given on the maternity application form of your intention to return to work with this Trust following your Ordinary Maternity Leave period. I am writing to find out if this is still your intention and would appreciate confirmation of your intentions as soon as possible.

If you have any difficulties with this request or if you have had to change your plans, please contact me **(onat.....)**.

Thank you for your co-operation in this matter and I look forward to hearing from you in the near future. I hope in the meantime that all is well with you and your family.

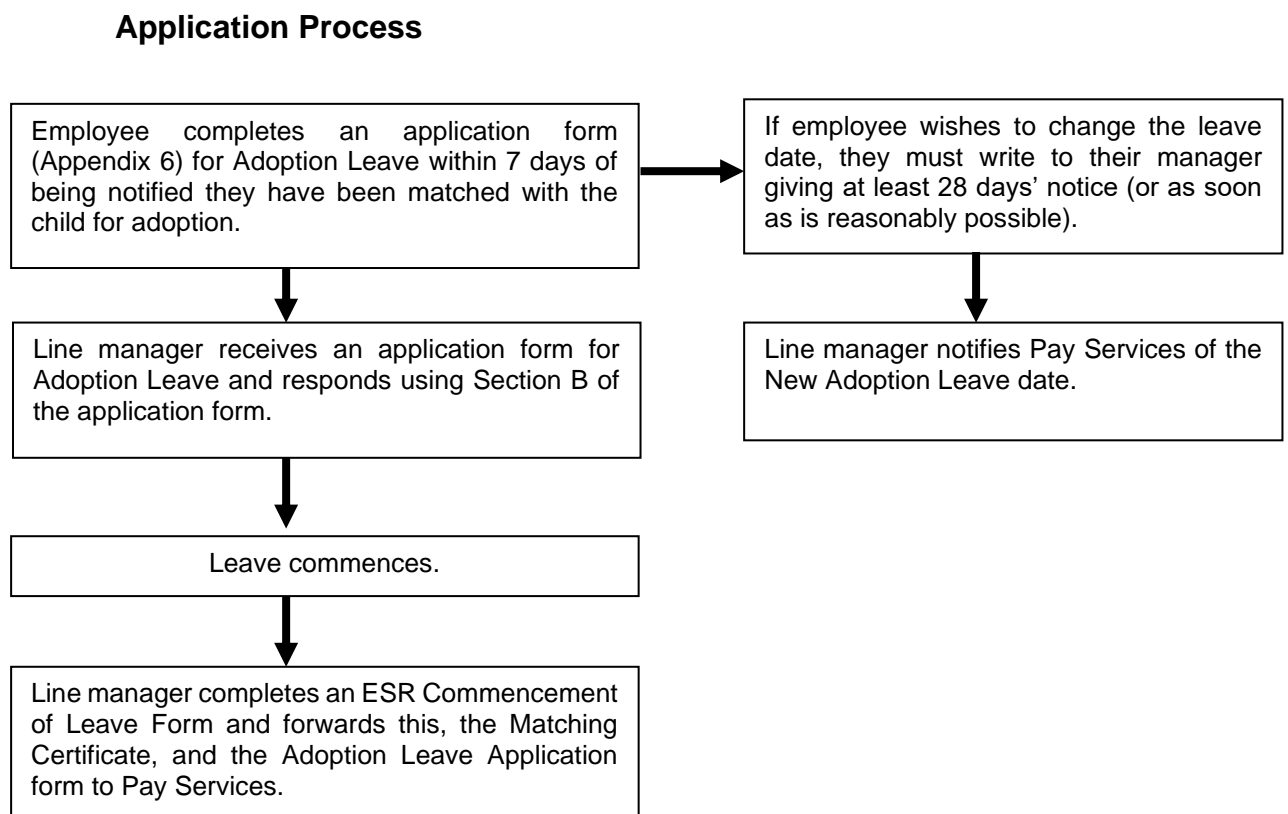
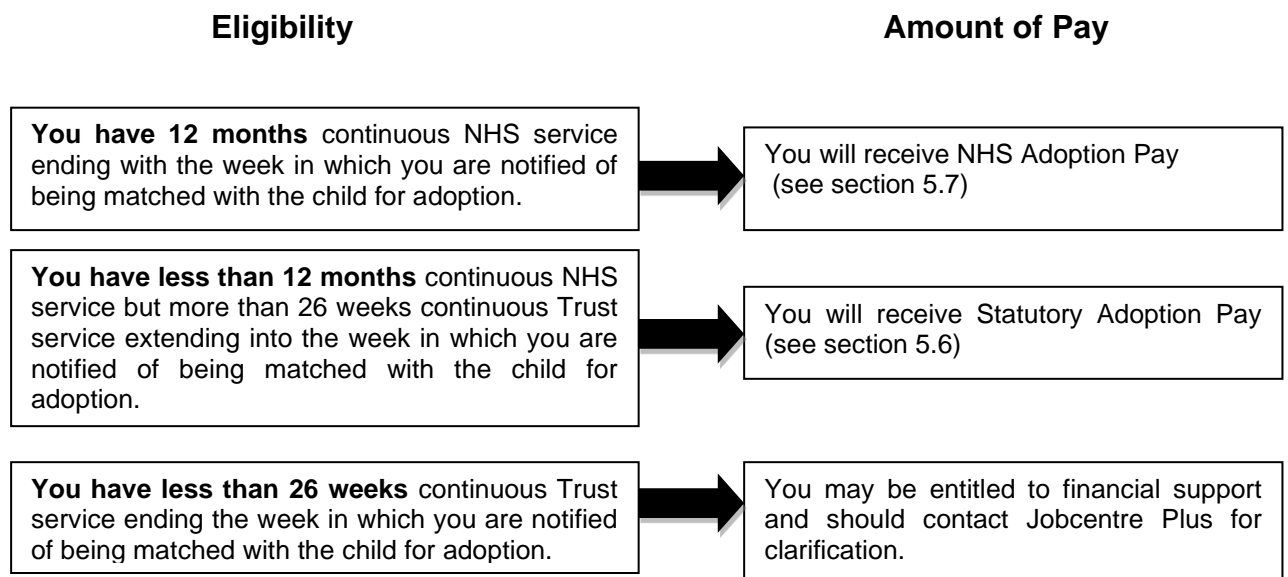
Yours sincerely

[Name]

[Job Title]

Copy: Personal file

Appendix 5 Adoption Leave Flowchart



Appendix 6 Adoption Leave and Pay Application Form

Shropshire Community Health 

NHS Trust

SECTION A – TO BE COMPLETED BY THE EMPLOYEE

Part 1 – Personal Details

First Name:		Surname:	
Employee No:		Department:	
Start Date with Trust:		Start Date with NHS:	

Part 2 – Notification and Evidence

I wish to request Adoption Leave and advise the following dates:

Date matched with child		Date child is expected to be placed	
Date of commencement of Adoption Leave			
Have you had a break in service of more than 3 months in the year before the week you were notified you had been matched with the child for adoption? (Please circle)	YES	NO	
If yes, what were the dates?			
I have attached the necessary documentary evidence from the Adoption Agency and understand that should I wish to change the commencement date of leave I must write to my line manager giving at least 28 days' notice (or as soon as is reasonably practicable).			<input type="checkbox"/>

Part 3 – Adoption Leave

I intend to take Ordinary Adoption Leave (OML) for a period of 26 weeks	<input type="checkbox"/>
In addition, I intend to take Additional Adoption Leave (AML) for a further period up to 26 weeks.	<input type="checkbox"/>

Section A continued			
Part 4 – Adoption Pay Request			
Please tick ONE of the following options:			
I wish to apply for NHS Maternity Pay and have met the criteria in paragraph 5.6.1 and 5.7.1 of the policy. I intend to return to work at Shropshire Community Health NHS Trust or a different NHS employer for a minimum period of 3 months following my adoption leave. I understand that should I fail to return to work I will be expected to repay the difference between SAP to which I was entitled and the NHS rates paid.			
I wish to apply for Statutory Adoption Pay (SAP) and have met the criteria in section 5.6.1 of the policy.			
I have less the 26 weeks service and am not entitled to Statutory or NHS Adoption Pay - please send me an SAP1 form.			
Part 5 – Declaration			
I have read and understood the Adoption Leave section of the policy and wish to apply for leave and pay as indicated above. I have attached the required documentation and believe I meet the criteria detailed in the policy.			
Signed:		Date:	
SECTION B – TO BE COMPLETED BY THE MANAGER			
I confirm I have discussed this application and its implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.			
Name (Print):		Job Title:	
Signed:		Date:	
Is this a revised application? (I.e. has this application been submitted previously but the date has changed). Yes <input type="checkbox"/> No <input type="checkbox"/>		Date copy of this application, evidence and ESR Commencement of Leave form sent to Pay Services: -----	

Line Manager Action

1. Retain a copy of the signed application, evidence and ESR Commencement of Leave form on the individual's personal file.
2. Send the application for Maternity Leave and Pay, evidence and ESR form to Pay Services.

Please note if the commencement of leave date changes a new application must be submitted, and a further copy and commencement of leave form sent to Pay Services indicating that this is a revised application.

Appendix 7 Adoption Checklist for Line Managers

Employee Name _____

Line Manager _____

Date of receipt of completed adoption application _____

Date of receipt matching certificate _____

Expected week of placement _____

Date application form etc. sent to Pay Services _____

SECTION 1 – To be completed as soon as you are informed			
Tick the appropriate box and provide summary detail where necessary			
1.1	Have you seen the Matching Certificate?	Yes	No Ensure this is done asap
1.2	Have you received the Adoption Leave Application form?	Yes	No Go to section 2
SECTION 2 – DURING THE ADOPTION PROCESS			
2.1	Has the employee requested time-off for Adoption meetings?	Yes	No Go to section 3
2.2	Have you seen appointment details and has the appointment been arranged by the Adoption Agency?	Yes	No Request details of appointment
SECTION 3 – ADOPTION LEAVE AND PAY (please complete section fully)			
3.1	Has a date for commencement of adoption leave been agreed?	Yes Consider cover arrangements & seek appropriate approval	No
3.2	Does employee intend returning to work?	Yes	No
3.3	Does individual have fixed term or temporary contract?	Yes Speak to HR Dept. as an extension may be required	No

3.5	Has the pay entitlement during adoption leave been agreed?	Yes	No Speak to Pay Services
3.6	Has current year annual leave been taken appropriately prior to adoption leave?	Yes	No See section 5.14
SECTION 4 – RETURNING FROM ADOPTION LEAVE			
4.1	Has a return date been agreed on the adoption leave application form?	Yes Date:	No Try to agree the date asap
4.2	Has the employee returned on the date agreed?	Yes	No Speak to HR Dept.
4.3	Have you informed Pay Services employee returned?	Yes	No Complete ESR form asap
4.4	If accessing NHS adoption pay has individual remained in NHS employment for 3 months or more upon returning?	Yes	No Speak to HR Dept. and Pay Services- money to be reclaimed

If in doubt during any part of adoption process, please contact the HR department and seek advice.

Appendix 8 Example Letter Confirmation Adoption Leave

Below is an example of a letter which should be sent by the Manager **within 28 days** of receiving the notification from an employee informing of their intention to take adoption leave and adoption pay following receipt of the Adoption Leave Application Form.

Date

Dear **[name of employee]**

Congratulations and thank you for telling me that you will be adopting a child. I am writing to you about your adoption leave and pay.

As we have discussed, you are eligible for **[insert employees' eligibility i.e. 52 weeks' adoption leave]**.

Given your chosen start date of **[insert date]**, your adoption leave will end on **[insert date]**. If you want to change the date your leave starts, please give me the correct notice, if possible. If you wish to discuss this with me do not hesitate to contact me.

If you decide to return to work before **[insert date leave ends]**, according to the Adoption Policy you need to give at least 8 weeks' notice.

If you decide not to return to work, please give me proper notice. Your decision will not affect your entitlement to Statutory Adoption Leave or Pay.

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

Yours sincerely

[Name]
[Job Title]

Appendix 9 Maternity Support Leave Flowchart

Eligibility

You have 12 months continuous NHS service at the beginning of the week the baby is expected to be born or proposed date of placement and remain employed until the actual date of birth/placement.

Amount of Leave

You will receive full pay for the one or two weeks. These weeks must be taken in blocks of one week, however the two-week entitlement can be taken in separate one-week blocks

You have less than 12 months continuous NHS service but more than 26 weeks before the baby is due or ending with the week in which the adopter is notified of having been matched with a child and remains employed until the actual date of birth/placement.

You will be entitled to one- or two-weeks Statutory Paternity Pay (see section 6.3)

You have less than 26 weeks continuous Trust service at the 15th week before the baby is due or ending with the week in which the adopter is notified of having been matched with a child and remains employed until the actual date of birth/placement.

You are eligible for 2 weeks unpaid leave and may wish to contact your local Jobcentre Plus office for possible financial support.

Application Process

Employee completes an application form (Appendix 10) for Maternity Support (Paternity) Leave no later than 15 weeks before the baby issue due or within 7 days of the date on which the adopter was notified of having matched with a child to be placed for adoption

Manager receives an application form for Maternity Support (Paternity) Leave.

Manager responds within 7 days using Section B of application form.

Leave commences.

If employee wishes to change the leave date, they must write to their manager giving at least 28 days' notice (or as soon as is reasonably possible).

Manager notifies Pay Services of employee taking leave by submitting a copy of the application form for Maternity Support Leave.

Appendix 10 Application for Maternity Support Leave



SECTION A – TO BE COMPLETED BY THE EMPLOYEE			
Part 1 – Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Start Date with Trust:		Start Date with NHS:	
Part 2 – Notification and Evidence			
<p>I wish to request Maternity Support (Paternity) Leave as: (please tick)</p> <ul style="list-style-type: none"> – I am the biological father/nominated carer/spouse/partner – I am an adoptive parent of a newly matched child <div style="text-align: right;"> <input type="checkbox"/> <input type="checkbox"/> </div> <p>The expected date of childbirth/adoption is </p> <p>I have attached the following document as stated in section 6.4.2 (please circle)</p> <p style="text-align: center;">MAT B1 Matching Certificate</p> <p>I understand that should I wish to change the commencement date of leave I must write to my manager giving at least 28 days' notice (or as soon as reasonably possible).</p>			
Part 3 – Maternity Support (Paternity) Leave dates requested			
<p>I intend to take (please circle) 1 week 2 weeks</p> <p>I have met the criteria in section 6.2 of the policy. The expected dates of my Maternity Support (Paternity) Leave will be:</p>			
WEEK 1		WEEK 2	
Date		Date	

I understand that I must take the leave within 52 weeks of the child's actual birth/placement. I understand that this leave must be taken in blocks of one week, which can be consecutive or in separate one-week blocks.

Section A continued

Part 4 – Maternity Support (Paternity) Pay

Please tick **ONE** of the following options as defined in section 6.3 of the Policy:

I believe I have met the required continuous NHS service requirement to receive full NHS pay.	
I have less than 12 months continuous NHS service but more than 26 weeks continuous service and believe I have met the required service requirements to receive Statutory Paternity Pay.	
I wish to apply for unpaid Maternity Support (Paternity) leave and am aware that this will be without pay.	

Part 5 – Declaration

I have read and understood the Maternity Support (Paternity) Leave section and wish to apply for leave and pay as indicated above. I have attached the required documentation and plan to remain in employment until the date of birth/placement of the child.

Signed:		Date:	
----------------	--	--------------	--

SECTION B – TO BE COMPLETED BY THE MANAGER

I confirm I have discussed this application and its implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.

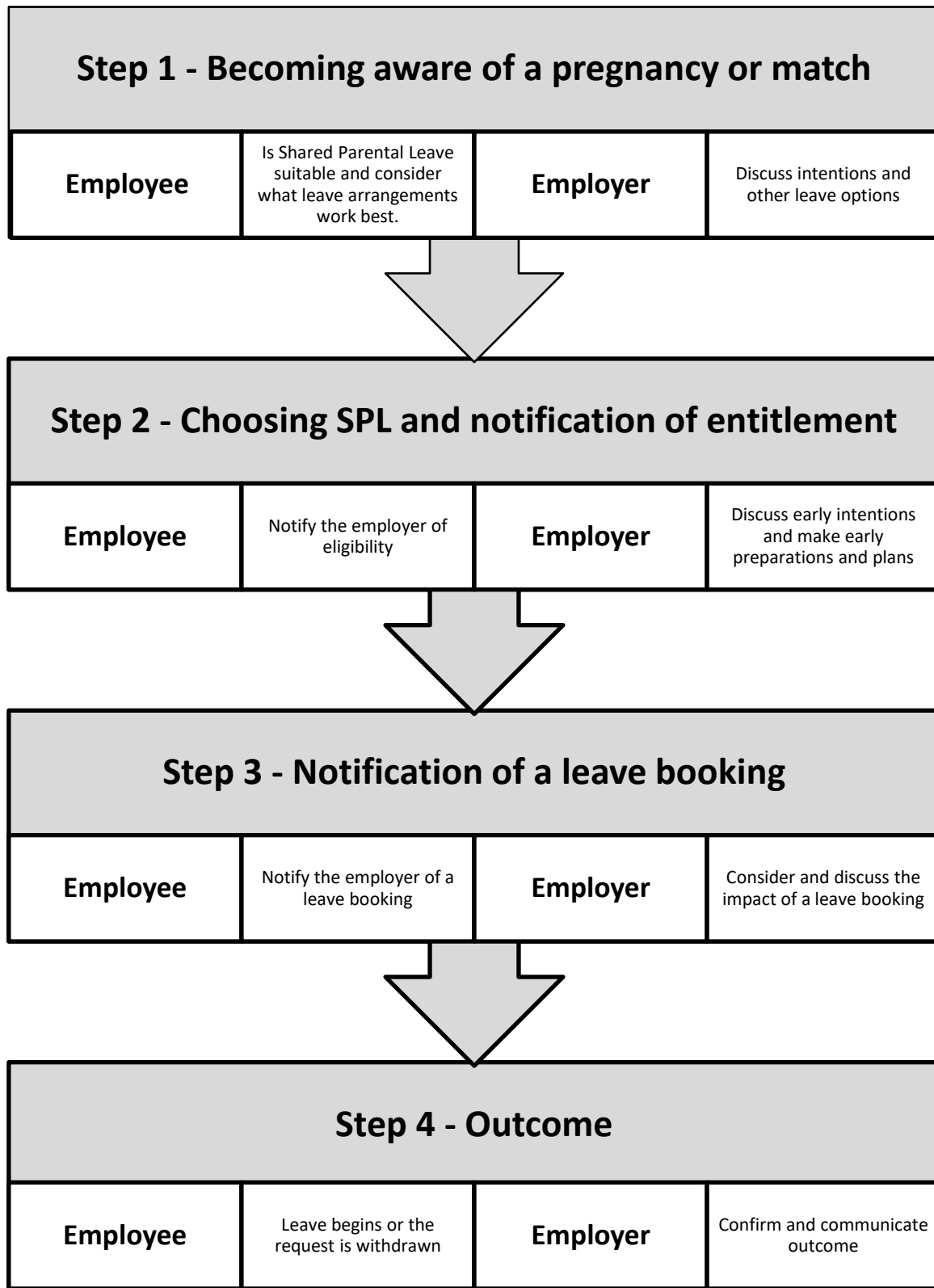
Name (Print):		Job Title:	
Signed:		Date:	
Is this a revised application? (I.e. has this application been submitted previously but the date has changed). Yes <input type="checkbox"/> No <input type="checkbox"/>		Date copy of this application, evidence and ESR Commencement of Leave form sent to Pay Services: -----	

Manager Action

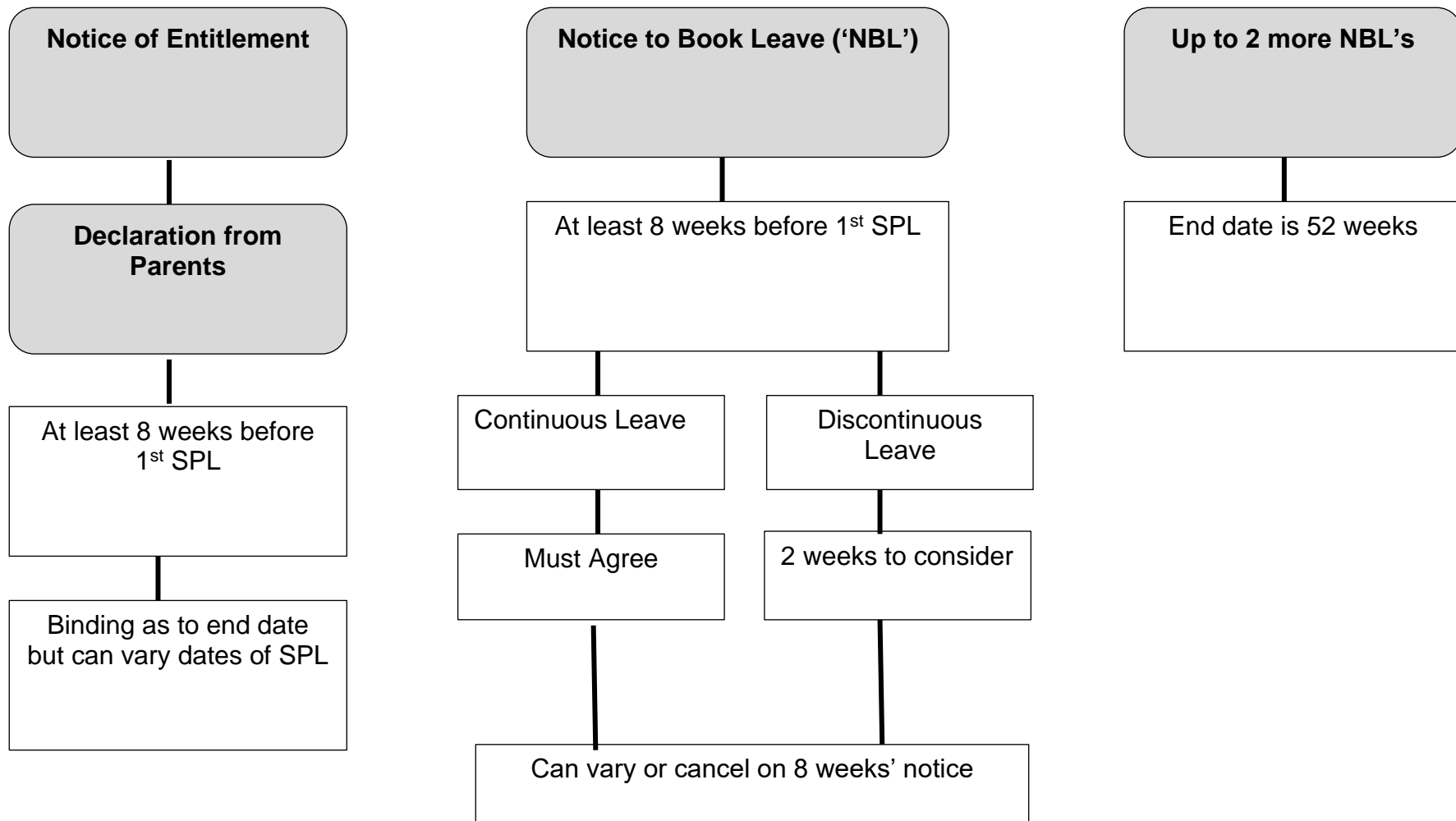
1. Retain a copy of the signed application, evidence and ESR Commencement of Leave form on the individual's personal file.
2. Send the application for Maternity Support (Paternity) Leave, evidence and ESR form to Pay Services.

Please note if the commencement of leave date changes a new application must be submitted, and a further copy and commencement of leave form sent to Pay Services indicating that this is a revised application.

Appendix 11 Shared Parental Leave Overview



Appendix 12 Shared Parental Leave Flowchart



Appendix 13 Example Letter Confirmation Entitlement to SPL

Below is an example of a letter which can be used to confirm the entitlement of Shared Parental Leave (SPL)

Date

Dear **[name of employee]**

Re: Shared Parental Leave

Thank you for advising me of your entitlement to take Shared Parental Leave.

I can confirm that, based on the information you have provided, you are entitled to take Shared Parental Leave.

I can confirm that you currently have weeks of Shared Parental Leave to take. You have weeks of Statutory Shared Parental Pay.

If you and your partner wish to vary the amount of leave and/or pay that you are each entitled to then you must notify me of the change in writing and inform me:

- a) of any Shared Parental Leave or Pay that you or your partner have already booked.
- b) the number of weeks you are adding to your entitlement from your partner's entitlement or the number of weeks you are deducting to give to your partner.
- c) when you expect to take any additional weeks of leave.

You will also need to give me a declaration signed by you and your partner both consenting to the change.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please do not hesitate to speak to me.

Yours sincerely

[Name]
[Job Title]

Appendix 14 Example Letter Request Meeting to Discuss Leave

Below is an example of a letter which can be used to invite employee to a meeting to discuss to discuss the request.

Date

Dear **[name of employee]**

Re: Meeting to Discuss SPL Request

Thank you for your notice to book a period of Shared Parental Leave that was given on **[date]**. I would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **[location]** on **[date]** at **[time]**. You may, if you wish, be accompanied by a workplace colleague, or staff side representative (trade union or professional organisation).

Please could you contact me to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely

[Name]
[Job Title]

Appendix 15 Example Letter Confirmation of SPL Booking

Below is an example of a letter which can be used to confirm the details of agreed shared parental leave arrangements

Date

Dear **[name of employee]**

Thank you for your notice to take Shared Parental Leave commencing on **[date]**.

I can confirm that you are entitled to take Shared Parental Leave as set out in your notification.

I can confirm that you will be away from work on Shared Parental Leave from to **[If leave is discontinuous then please amend as needed]**. You are expected to return to work on the first working day after your leave period ends.

During your leave period you will receive Statutory Shared Parental Pay from..... to..... **[If leave is discontinuous, or where no pay is applicable then please amend as needed]**

If you wish to vary or reduce the leave that you have booked, you must give at least eight weeks' notice before any amended dates occur. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to me.

Yours sincerely

[Name]
[Job Title]

Appendix 16 Example Letter Refusal of a SPL Booking

Below is an example of a letter which can be used to confirm the refusal of a shared parental leave request

Date

Dear **[name of employee]**

Thank you for your notice booking Shared Parental Leave that was given on **[date]**.

Having given the proposal thorough consideration, I regret that the Trust is unable to agree to the pattern of discontinuous leave that you requested.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to weeks will automatically become a continuous block. Unless the Trust is informed otherwise this will begin on the date you originally requested your leave period to start **[date]**.

If you would like the period to begin on a different date, please confirm this to me on or before **[date]**. Please remember that the start date cannot be sooner than eight weeks from the date your original notice was given.

Alternatively, you may withdraw your notification on or before **[date]**. This would then not count as one of your notifications.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to me.

Yours sincerely

[Name]
[Job Title]

Appendix 17 Application for Neonatal Care Leave and Pay

SECTION A – TO BE COMPLETED BY THE EMPLOYEE			
Part 1 – Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Start Date with Trust:		Start Date with NHS:	
Part 2 – Notification and Evidence			
I wish to request Neonatal Care Leave and advise the following dates:			
Date of commencement:		Duration of the Neonatal Care Leave:	
Date of baby's birth:			
Has your baby had neonatal care for a continuous period of seven days or more?	YES	NO	
Are you requesting for this leave to be taken within 68 weeks of the baby's date of birth?	YES	NO	
I confirm that I have attached evidence of the baby's admission to neonatal care, such as a hospital letter or medical certificate, to support this request.			<input type="checkbox"/>
Part 3 – Request for Neonatal Pay			
I wish to request Neonatal Care Pay and confirm that I meet the eligibility requirements (26 weeks of continuous service and minimum earnings threshold)			<input type="checkbox"/>
Part 4 - Declaration			
I have read and understood the Neonatal Care Leave section and wish to apply for leave and pay (if applicable) as indicated above. I have attached the required documentation and believe I meet the criteria as detailed in the policy.			<input type="checkbox"/>
I understand that I must notify my manager of any changes to the dates or duration of my neonatal leave as soon as reasonably practical.			<input type="checkbox"/>

Signed:		Date:	
SECTION B – TO BE COMPLETED BY THE MANAGER			
I confirm I have discussed this application and its implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.			
Name (Print):		Job Title:	
Signed:		Date:	
Is this a revised application? (I.e. has this application been submitted previously but the date has changed). Yes <input type="checkbox"/> No <input type="checkbox"/>		Date copy of this application, evidence and ESR Commencement of Leave form sent to Pay Services: -----	

Line Manager Action

- Retain a copy of the signed application, evidence and ESR Commencement of Leave form on the individual's personal file.
- Send the application for Neonatal Leave and Pay, evidence and ESR form to Pay Services.

Please note if the commencement of leave date changes a new application must be submitted, and a further copy and commencement of leave form sent to Pay Services indicating that this is a revised application.

Appendix 18 Re-orientation Checklist on Return to Work

Employee Name	Job Title
Location	Return to Work date

Welcome back to the Trust. This is your re-orientation checklist which has been designed to help you become re-acquainted with your department, and the policies and procedures of the Trust.

In order to monitor your re-orientation, you and your manager are required to sign each item when you both agree the topic has been adequately covered. Please bring to the attention of your line manager any items that are outstanding or those on which you would require further assistance. Your line manager will keep the completed form in your personal file and give you a copy.

Departmental Re-Orientation	Employee's Signature	Manager's Signature
Changes to Department		
Directorate Head		
Head of Department		
Immediate Supervisor		
Introduction to new colleagues		
The Job		
Trust and Department Objectives		
Rules and Guidelines		
Confidentiality		
Holiday Entitlement		
Policies and Procedures		
Policies and Procedures Manual		
Health and Safety Manual		
Risk Assessment (Update)		
Fire Procedure		
Manual Handling		
Resuscitation (if applicable)		
Other - Please specify		
Is employee breastfeeding and if so, do adjustments need to be made? <ul style="list-style-type: none"> – Consider privacy for employee to express milk (toilets are not suitable) – Consider storage facilities for expressed milk 		

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