

## Family Leave Toolkit v1.0 –

### Key Notes:

This Toolkit should be read in conjunction with the Family Leave Policy.

<b>CONTENTS</b>
1.0 Maternity and Adoption Leave
2.0 Paternity (Maternity Support) Leave
3.0 Parental; Leave
4.0 Fertility Treatment Leave
5.0 Shared Parental Leave
Appendix 1 Application for Maternity Leave/Pay
Appendix 2 Application for Adoption Leave/Pay
Appendix 3 Entitlement to Maternity/Adoption Leave/Pay
Appendix 4 Application for Paternity/Partner Leave/Pay
Appendix 5 Entitlement to Ordinary Paternity/Partner Leave flow chart
Appendix 6 Entitlement to Additional Paternity/Partner Leave flow chart
Appendix 7 Unpaid Parental Leave Record Form
Appendix 8 Application for Fertility Treatment Leave
Appendix 9 Notice of Entitlement and Intention to Take Shared Parental Leave

Please note there are separate toolkits for the following, which can be found on the Intranet:

- Special Leave toolkit

## **1 - Maternity and Adoption Leave**

### **1.1 New and Expectant Mothers**

For reasons of health and safety, the employee must inform the line manager at the earliest possible opportunity that they are pregnant. This is to ensure that the job the employee is doing will not adversely affect either the employee or their unborn child during pregnancy. Please refer to the New and Expectant Mothers Risk Assessment Policy, which includes the risk assessment form.

### **1.2 Breastfeeding**

If an employee is returning back to work they can still breastfeed. It is for an employee to decide for how long they wish to breastfeed and returning to work does not mean they have to stop.

On returning to work an employee should provide their employer with written notification that they are breastfeeding and if possible ideally let their employer know before they return. The employee's line manager must then conduct a specific risk assessment (please refer to the New and Expectant Mother Risk Assessment Policy).

An employer is required to provide somewhere for pregnant and breastfeeding mothers to rest. HSE recommends to employers that it is good practice to provide a private, healthy and safe environment for nursing mothers to express and store milk (but this is not a legal requirement). The Trust will ensure that there are suitable locations available for breastfeeding. It is not suitable to use toilets for this purpose. The employee and their manager should agree the arrangements for locally storing breastmilk.

### **1.3 Maternity & Adoption Leave and Pay**

When the employee receives medical confirmation that they are pregnant, the employee should notify their manager of this, the expected week of childbirth (EWC) and the date on which the employee wants to commence Maternity and Adoption leave, (which must not be a date earlier than the 11<sup>th</sup> week before the EWC or more than 14 days before the child is placed with the family).

The Trust undertakes to ensure that Maternity and Adoption leave does not cause staff any long-term disadvantage in relation to training needs and/or self-development. Employees returning to work during or at the end of the first 26 weeks (Ordinary maternity/adoption leave, or Paternity Leave) are entitled to return to the same job on the same terms and conditions.

Employees taking more than 26 weeks (Additional maternity/adoption leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably practicable the employee is entitled to return to a suitable job on terms and conditions, which are no less favourable.

### **1.4 Leave Entitlements**

The employee is entitled to take up to a maximum of 52 weeks Maternity/Adoption Leave. This is made up of two parts;

### **1.5 Ordinary Maternity and Adoption Leave (OML)**

The first 26 weeks of Leave is referred to as Ordinary Maternity /Adoption Leave. Employees are entitled to take 26 weeks ordinary Maternity or Adoption leave irrespective of their length of service

or the number of hours worked each week, provided they comply with certain notification requirements.

### **1.6 Additional Maternity and Adoption Leave (AML)**

Employees who qualify for ordinary Maternity or Adoption leave will also qualify for Additional Maternity Leave (AML). This is a further 26 week period that starts the day after the OML ends.

### **1.7 Compulsory Maternity leave**

Legislation prohibits mothers from returning to work during the two week period immediately after the birth of their child.

### **1.8 Commencement of Maternity Leave**

The employee may commence maternity leave at any time from 11th week before the expected week of confinement up to the date of birth, provided that the notification procedures have been complied with.

Maternity leave will automatically commence in the event of absence from work for any pregnancy related illness during the four weeks prior to the commencement of the EWC, regardless of when maternity leave was actually planned to begin. Maternity leave will begin automatically on the day after the first day of their absence from work in such cases.

If an employee gives birth before their maternity leave period was due to commence, they must notify the Trust in writing as soon as is reasonably practicable of the date on which they gave birth. In this instance, the maternity leave period will commence automatically on the day after the date of birth.

Once the Trust has been notified of the date on which the Maternity or Adoption leave is due to commence (see below), it is still possible to vary this date provided notification of the variation is given to their manager at least 28 days before the new date, (unless this is not reasonably practicable).

### **1.9 Notification Requirements**

To qualify for maternity leave, an employee should notify the Trust by completing the Application Form for Maternity or Adoption Leave (**Appendix 1 and Appendix 2**) no later than the end of the 15th week before the expected week of childbirth (EWC) or more than 28 days before the child is placed with the family in cases of adoption. The notice must state;

- Whether they intend to take ordinary Maternity and Adoption leave and/or additional Maternity and Adoption leave
- When they want the Maternity and Adoption leave to start; this date cannot be earlier than the 11th week before the EWC or more than 14 days before the child is placed with them in cases of adoption. If the child is coming from abroad, adoption leave may begin on the date the child enters the UK or a date up to 28 days later.
- The week in which the child is due/or due to be placed (note that for these purposes a week begins on a Sunday)

An **original** copy of the MAT B1 form signed by the GP or midwife should be attached with the application which confirms the EWC. For Adoption, a Matching Certificate should be attached, (please note that Maternity and Adoption pay cannot be processed without the MAT B1 or Matching Certificate).

Once the manager has been notified of the intended start date or that the ordinary Maternity and Adoption leave period has been triggered due to absence or premature childbirth, written notification will be given to the employee by the Workforce Team.

Of the date on which the ordinary Maternity and Adoption leave period will end;

- Of the date the additional Maternity and Adoption leave period will end.
- The above notification will also be given where the Trust has been notified of:
  - The intended start date, or that it has been triggered by premature absence or premature childbirth within 28 days from the date in which the Trust received the notification;
  - A variation, within 28 days of the date on which the employees ordinary Maternity and Adoption leave period commenced.
  - If the adoption placement is disrupted during adoption leave, for example because it is terminated or because the child to be adopted dies, the adoption leave and pay will continue for up to eight weeks after the week that the disruption occurs, although not beyond the original date of the adoption leave

### 1.10 Premature and Stillbirth

If an employee's baby is born early and she is still working at the time of the premature birth, her maternity leave and SMP will automatically begin the day after the baby is born.

Where an employee's baby is born alive prematurely i.e. at least 11 weeks before the baby is due the employee can agree with the line manager for the Maternity and Adoption leave to be split, taking a minimum of two weeks leave immediately after the childbirth and the rest of the leave when the baby is discharged from Hospital.

In the event of a stillbirth occurring after 24 weeks or more into the pregnancy, the employee will be entitled to the same amount of Maternity Leave and pay as if her baby was born alive.

A stillbirth prior to this date will mean the employee will not have the right to maternity leave or pay, but normal sick leave provisions will apply.

### 1.11 Maternity and Adoption Pay

Rates of pay for Maternity/Adoption Leave will be dependent upon the employee's individual situation. (**Appendix 3**) details Maternity/Adoption Leave and Pay Entitlements.

### 1.12 Statutory Pay

If an employee has at least 26 weeks' continuous service at the start of the 15th week before their child is born, they will normally be entitled to receive **Statutory** Maternity and Adoption pay (SMP & SAP) whether or not they intend to return to work. Statutory Maternity and Adoption pay is payable at two rates for a maximum of 39 weeks. For the first six weeks the **higher rate** of either Statutory Maternity pay or 90% of salary will be paid.

After this time employees will be paid at the rate of Statutory Maternity Pay or 90% of their earnings, **whichever is less**. Statutory pay rates can be found on the HM Revenues and Custom website: [www.hmrc.gov.uk/payee/employees/statutory-pay/smp-overview.htm#1](http://www.hmrc.gov.uk/payee/employees/statutory-pay/smp-overview.htm#1)

### 1.13 Occupational Pay

Those staff that have 12 months continuous service **with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth** and intend to return to work for a minimum of 3 months after their leave are also entitled to **Occupational** Maternity and Adoption Pay. This is paid at 8 weeks full pay inclusive of Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay, 18 weeks half pay plus Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay.

Full pay is calculated by taking the average over the eight week period prior to the qualifying week. For monthly paid staff this will include all the pay the employee receives in the 2 months up to and including the last normal pay day before the end of the qualifying week. The qualifying week is 15 weeks before the expected week of childbirth.

Should the employee opt to receive Occupational Maternity/Adoption pay and then not return to undertake the 3 months of work required within this policy, except in exceptional circumstances, they may be liable to repay the difference between Statutory Pay and the Occupational Pay received.

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

### 1.14 Maternity/Adoption Allowance

Those employees who have less than 26 weeks continuous service at the start of the 15th week before their child is born/adopted will need to contact the Department for Work and Pensions to apply for payment of Maternity/Adoption Allowance. The Department for Work and Pensions website is: [www.dwp.gov.uk](http://www.dwp.gov.uk).

If an employee is not eligible for Maternity or Adoption pay they may be entitled to claim Maternity Allowance direct from the Department for Work and Pensions by completing an SMP1 form, which, the payroll department will provide if the employee is not eligible for any maternity pay scheme.

If an employee is unsure as to what maternity/adoption leave they are entitled to it is their responsibility to contact the Department for Work and Pensions.

### 1.15 Maternity/Adoption Leave whilst on a Fixed Term or Training Contract

If the employee's contract expires more than 15 weeks before the baby is due, they are not entitled to maternity/adoption leave or pay. If it expires less than 11 weeks before the baby is due, or during their maternity/adoption leave, they will be entitled to the same maternity/adoption pay as if they had a permanent contract. If it expires between the 11th and 15th week, then they will not be entitled to OMP, but they may be entitled to SMP.

If the employee's contract expires during their maternity/adoption leave, they will not be entitled to return to work.

If the employee is on one of the above contracts, which expires after the 11th week before the expected week of birth and before the 6 weeks after the expected week of birth, providing they satisfy the conditions of the relevant maternity/adoption pay entitlements their contract will be extended in order for them to receive the full 26 weeks paid Maternity/Adoption Leave. If the employee does not satisfy the conditions, they may be entitled to SMP. In these cases, where the contract expires after the 15th week before the expected week of birth, but before the 14 weeks

after the expected week of birth, the contract will be extended to allow the employee to receive SMP.

The contract will not be extended to cover a period of unpaid leave, but if the employee has 2 or more years' continuous service, they may have an absence (before they return to work in their next appointment) for up to 29 weeks beginning the week in which their baby is born and this will not constitute a break in service.

If the employee is a medical practitioner or are participating in a planned rotation of appointments as part of a training programme, they have the right to return to the same post or in the next planned post with the same or another authority, irrespective of whether the contract would have ended if pregnancy and birth had not occurred. In this case, the contract will be extended to enable the training programme to be completed. Further information on Maternity/Adoption Leave for Doctors in Training can be found on the NHS Employers website at: [www.nhsemployers.org](http://www.nhsemployers.org)

If there is no right of return to be exercised because the contract would have ended if pregnancy/adoption had not occurred 'Failure to return to work' will not apply unless the employing authority can demonstrate that the declaration of intent to return was not signed in good faith.

### **1.16 Antenatal Care**

All pregnant women have a statutory right to paid time off for antenatal care, regardless of length of service or the number of hours worked. Antenatal care may include relaxation and parent craft classes recommended by the employee's doctor, midwife or health visitor.

After the employee's first antenatal appointment, the employee should show their manager their appointment card and discuss their need for time off, so that the manager has time to make any necessary arrangements to cover the employee's absence. In exceptional circumstances, the employee's manager may ask them to change the time of their appointment, if it will be inconvenient to the department and the employee should comply with this if practical.

### **1.17 Medical evidence**

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

There is no requirement for the employee to produce any documentation to demonstrate that they are fit to work past the employee's 29th week of pregnancy, although the employee should still discuss their fitness to work with their Doctor or Midwife, and only work for as long as he/she recommends. The employee's manager may ask the employee to see an Occupational Health Adviser to ensure that the work the employee does will not cause any harm to either the employee or their baby.

### **1.18 Sickness during pregnancy**

If the employee is sick for a pregnancy related reason at any time during the four weeks before the expected week of childbirth, their maternity leave will automatically begin on the day after the first day of the absence, even if that day is before the date the employee has notified as the date on which they intend their maternity leave to begin. If the employee is sick earlier than this, or as a result of a reason other than their pregnancy, the absence will be recorded in the normal manner.

Special consideration will be given to managing the health and attendance of pregnant women and pregnancy related absences will be disregarded for the purposes of setting targets under the Trust's Absence Policy in relation to short-term sickness absence.

### **1.19 Annual Leave**

An employee's entitlement to annual leave accrues during their maternity/adoption leave, whether it is paid or unpaid. If the employee has any outstanding annual leave before the start of their maternity/adoption leave, they should discuss and agree with their manager whether it would be a good idea to take some or all of it before their maternity/adoption leave starts. If this is not possible, the employee should discuss and agree with their manager the possibility of taking accrued annual leave when they return from maternity/adoption leave, either in a single period or to allow a short period of part-time working, especially where the employee may be carrying annual leave over into a new leave year.

However, the employee cannot take annual leave directly after paid maternity/adoption leave, if it is their intention to take unpaid maternity/adoption leave, as it would amount to the employees returning to work. If the employee does so, the unpaid maternity/adoption leave would be treated as normal unpaid leave, which the employee's manager is under no obligation to grant. However, the employee may make an application for a period of unpaid leave in line with the Trust's Flexible Working Policy or for a period of statutory unpaid parental leave, details of which are given in this Policy under Appendix 3 for Parental Leave.

If the employee declares their intention not to return to work at all, any outstanding annual leave for the entire period of maternity leave will ideally need to be taken prior to the employees maternity leave start.

### **1.20 NHS Pension Scheme**

Pension rights and contributions are dealt with in line with the provisions of the NHS Pension Scheme. During periods of paid maternity/adoption leave, the Trust will continue to make pension contributions as if the employee is working and earning their normal pay. The employee will continue to make contributions at the usual percentage rate of their maternity/adoption pay.

During periods of unpaid maternity/adoption leave, the employee's occupational pension rights will continue to accrue. If the employee is already making contributions to the NHS Pension Scheme and they decide to take the option of unpaid maternity/adoption leave, the employee will be required to pay the accumulated contributions to cover the period of unpaid maternity/adoption leave. The accumulated contributions are taken over a period of time from the employee's salary when they return to work.

If the employee decides that they do not wish to return to work when they previously stated that it was their intention to do so, then they will still be liable for contributions to the scheme and arrears may be payable if the employee has taken a period of unpaid leave.

### **1.22 Pay Awards, Incremental dates and Continuous Service**

Taking a period of maternity/adoption leave will not affect the employee's incremental date, this includes increments where the employee is at a gateway point, pay awards or their continuous NHS and Trust service.

### **1.23 Working and keeping in touch (KIT) days during maternity/adoption leave**

Before starting maternity/adoption leave, the employee's manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee may also agree to receive occasional work-related updates. The employee is under no obligation to keep in touch or to maintain any contact discussed before the maternity/adoption leave begins.

The employee may not work by law during the two weeks immediately following the birth of a child.

The law allows employees to attend work on a maximum of 10 'Keeping in Touch' (KIT) days during their maternity/adoption leave to facilitate a smooth return to work. These days can be consecutive, can be shorter than a normal working day and can include training sessions etc. Working for a part of any days counts as one of the 10 KIT days. Any such KIT days and the arrangements for them must be agreed by both the employee and their manager and neither can insist on KIT days being used.

KIT days will be paid at the normal hourly rate as if the employee were at work if taken during the unpaid part of their maternity/adoption leave. If a KIT day is taken during paid maternity leave the employee will be paid at the normal hourly rate with an adjustment made to the SMP and OMP calculation for that week. Payment of KIT days will be given on the return from maternity/adoption leave. The employee's manager should complete an e-changes form on the employees return stating the number of KIT days and the dates.

Professional Registration must be maintained or renewed if this has expired whilst an employee is on maternity/ adoption leave, if the employee wishes to work and be paid for KIT days.

Normally, KIT days would include for example:

- Training
- Away or development days with the team
- To communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change.

### **1.24 Return to work**

The employee will be asked on the Maternity/Adoption Leave Pay Application Form that they will be required to complete prior to commencing their maternity/adoption leave, whether they intend to return to work for Occupational Maternity/Adoption Leave purposes. Once the employee has submitted their Maternity/Adoption Leave Application Form, the Line Manager will write to them within 28 days to confirm their return to work date and entitlement to maternity/adoption leave and pay.

If the employee wants to return to work before the end of the stated maternity/adoption leave period, they must give their manager 8 weeks' notice of the date they wish to return to work. This notification does not have to be in writing and may be given before the period of maternity/adoption leave begins. We would encourage the employee to discuss their return to work date with their manager at the earliest opportunity, so that suitable arrangements are put in place.

If the employee does not give the required notice of an early return to work the Trust may postpone their return until a date that would secure the 8 weeks' notice. If the employee still returns to work before this date, the Trust is under no obligation to pay them during the period of postponement.

If the employee is unable to return to work on the date notified because of sickness, the Trust's normal procedures for managing sickness absence will apply and they should notify their manager in the usual way.

If the employee wishes to resign during or after a period of maternity/adoption leave, they should give written notice in the usual manner to their manager.

If the employee wishes to apply for a period of unpaid parental leave or a flexible working arrangement after a period of maternity/adoption leave, they should refer to the Appendix 3 in this Policy on Parental Leave or the Trust's Flexible Working Policy.

There is no automatic right for the employee to reduce their hours or return to work on different conditions, but their manager will consider the request in line with the Trust's Flexible Working and Leave Policy and give the employee objective reasons in writing, if it cannot be granted.

On the employees return to work after a period of maternity/adoption leave, subject to any organisational change, they have the right to return to the same job, on no less favourable terms and conditions. If there is no right of return because the contract of employment would have ended if pregnancy and childbirth had not happened, the repayment provisions set out above will not apply.

When the employee returns to work, their manager will update them on developments in their absence, including new and amended policies and arrange an induction appropriate for the length of the employee's absence from work.

The employee has the right to paid time off for post-natal care. The employee should show their manager their appointment card and discuss the need for time off, so that their manager has time to make any necessary arrangements to cover their absence. In exceptional circumstances, the employee's manager may ask them to change the time of their appointment, if it will be inconvenient to the department, and the employee should comply with this if practical.

## Frequently Asked Questions – Maternity/Adoption Leave

In addition to this a fact sheet on maternity rights can be found on the Working and Families website: [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

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

You will be required to notify your manager of your intention to take maternity/adoption leave by the 15th week before your expected week of childbirth (EWC). If this date changes, you must give your employer 28 days' notice of this change, unless that is not reasonably practicable.

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

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

### **3. When will my maternity/adoption pay start?**

The earliest point at which maternity/adoption pay can commence leave is the 11th week before your baby is due, as per maternity/adoption leave.

Bear in mind that you must inform your manager, in writing, that you are pregnant and of the date on which you wish to begin maternity leave by the 15th week before your due date.

You may change this date later providing you give at least 28 days' notice. You can also change your mind about the date you return - again with the requirement that you give your line manager 28 days' written notice of your new return to work date.

### **4. Will I be entitled to time off for Antenatal Care?**

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

### **5. What happens if my baby is born early?**

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

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

If your baby is born after the 11th week before your expected week of childbirth, and the baby is in hospital, with the agreement of your manager you may choose to split your maternity leave entitlement, taking a short period of leave (minimum of 2 weeks) immediately after your baby is born, and then returning to work and take the balance of leave when your baby is allowed home from hospital.

### **6. What happens if I lose my job before beginning my SMP/SAP?**

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

Your SMP/SAP will begin on either:

- The Sunday of the 11th week before your baby is due or

- The Sunday after the week in which your employment ends, whichever is later.

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

If you want to return to work before the end of your agreed maternity/adoption leave you will need to give your employer 8 weeks' notice of your new return to work date. This notification does not have to be in writing and may be given before the period of paid/adoption leave begins. Employees are encouraged to discuss their return to work date with their line manager at the earliest opportunity, so that suitable arrangements are put in place.

If you intend to return to work at the end of your full maternity leave entitlement you will not be required to give any further notification.

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

In order to qualify for maternity/adoption leave, regardless of pay, you are required to inform your line manager of your pregnancy or adoption intentions in writing. You may be entitled to Maternity/Adoption Allowance, which is available from the Department of Work and Pensions (DWP). You will be provided a SMP1 form from payroll in order for you to complete, with which you will be able to claim Maternity Allowance/Adoption Allowance direct from the Department of Work and Pensions (DWP).

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

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

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

You will need a sick certificate from your doctor. You will be recorded as having returned from maternity leave, and you will then be on sick leave and will need to follow the normal Trust's and your departmental procedures for reporting sickness absence. Refer to the Trust's Health Wellbeing and Attendance Policy for further information.

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

If you wish to apply for a flexible working arrangement following maternity/adoption leave then you would need to do so in line with the Trust's Flexible Working Policy. Options may include part-time working or job share, where these options are appropriate and available and within the needs of the service provision. However, in the absence of such an agreement, you will be expected to return to your previous job under the same terms and conditions.

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

No. Unless your child was born before the Sunday of the 29th week of pregnancy, once you have returned to work from your maternity leave you will not be able to go back onto Maternity Leave, paid or unpaid with respect to the birth of that child (or children). Subsequent pregnancies will, of course, give rise to maternity leave rights associated with that separate pregnancy.

### **13. Will I still be entitled to Annual Leave?**

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

### **14. What happens to my incremental date?**

Your incremental date will not change due to going on maternity leave.

**15. Will my pension contributions be interrupted?**

During paid maternity/adoption leave, the Trust will continue to make pension contributions as if you are working and earning your normal pay.

During the unpaid maternity/adoption leave, your occupational pension rights will continue to accrue. If you are already making contributions to the NHS Pension Scheme and you decide to take the option of unpaid maternity/adoption leave, you will be required to pay the accumulated contributions to cover the unpaid maternity/adoption leave. The accumulated contributions are taken over a period of time from your salary when you return back to work.

**16. What happens if I have miscarriage before the 24<sup>th</sup> week of pregnancy?**

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

**17. What happens if I have a stillbirth after the 24<sup>th</sup> week of pregnancy onwards?**

If you have a stillbirth after the 24<sup>th</sup> week of pregnancy onwards you would be eligible for maternity leave, OMP, SMP and MA in the usual way.

**18. Can I work bank shifts whilst on maternity leave?**

If you are not in receipt of payments from the Trust (either OMP or SMP) and are on unpaid leave, you can undertake bank shifts or work for another employer.

## **2. Paternity/Partner Leave**

### **2.1 Paternity/Partner leave - Birth/Adoption of a child**

Paternity leave applies to biological and adoptive fathers (or adoptive mothers if the father is the primary care giver), nominated carers and same sex partners.

There are two types of Paternity Leave;

- Ordinary Paternity Leave – OPL (taken within 56 days of baby's birth date)
- Additional Paternity Leave – APL (to be taken at least 20 weeks after the baby's birth date).

### **2.2 Ordinary Paternity/Partner Leave**

Employees who meet the eligibility criteria are entitled to **two weeks** paid leave and reasonable paid time off to attend antenatal classes (the line manager may request sight of the appointment card). The Contract of Employment continues throughout Paternity/Partner Leave and an employee is entitled to return to the same job.

Ordinary Paternity/Partner leave should be taken within 56 days of the date of the child's birth, Adoption placement, or start of the expected week of childbirth. This can be taken as one week or two consecutive weeks. Managers should ensure that requests for paternity leave are dealt with as quickly as possible and that all requests are honoured where possible. All requests must be considered in line with individual needs and service requirements.

### **2.3 Process for obtaining paternity leave**

A request for ordinary Paternity/Partner Leave and Paternity/Partner Pay should be made by completing a Paternity/Partner Leave Application form as detailed in **Appendix 4** and submitted to the employee's line manager at least 28 days before the date they expect the leave to start. The manager may ask for evidence i.e. Copy of MAT B1/Matching Certificate. Employees are entitled to reasonable time off to attend antenatal classes or official Adoption meetings.

Employees must also complete a SC3 form or SC4 form if adopting, 'Becoming a Parent' at least 28 days before the date they expect the leave to start. The SC3/SC4 forms can be obtained from the HR Department or from the following website: <http://www.hmrc.gov.uk/forms/sc3.pdf>

Paternity/Partner Leave cannot start until after the birth or placement of the child.

### **2.4 Ordinary Paternity/Partner Pay**

Rates of pay for Ordinary Paternity/Partner Leave will be dependent upon the employee's individual situation. **Appendix 5** details a flow chart that summarises the entitlements to Ordinary Paternity/Partner Leave/Pay.

### **2.5 Statutory Paternity/Partner Pay during Ordinary Paternity/Partner Leave**

An employee is entitled to 2 weeks paid Statutory Paternity/Partner leave if they;

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner
- have worked continuously for the Trust 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.

Statutory Paternity/Partner leave is paid at the rate of statutory pay or 90% of their earnings, whichever is less.

## 2.6 Occupational Paternity/Partner Pay during Ordinary Paternity/Partner Leave

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

## 2.7 Additional Paternity Leave regulations

Additional paternity/partner leave allows employees who are eligible to take up to **26 weeks** leave to care for their new baby (in addition to the current 2 weeks Ordinary Paternity/Partner leave). It must be taken in one block of time for a period of between 2 weeks and 26 weeks and cannot start earlier than 20 weeks after the birth and must end before the child's first birthday. **Appendix 6** details a flow chart that summarises the entitlement to Additional Paternity/Partner Leave/Pay.

Additional paternity/partner leave and pay may be available to employees if they meet the requirements for Ordinary Paternity/Partner leave.

In addition, the child's mother must be entitled to statutory maternity leave, maternity pay or allowance or statutory adoption leave or pay. At the point that Additional Paternity/Partner leave is to be taken the child's mother or adopter must have returned to work. If the mother or primary adopter takes annual leave, sick leave or parental leave at the end of the maternity leave pay period, this does not count as a return to work.

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

In the case of adoption additional Paternity/Partner Leave can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.

A request for Additional Paternity/Partner Leave and Paternity/Partner Pay should also be made in writing by completing the Paternity/Partner Leave Application form as detailed in **Appendix 4** and submitted to the employee's line manager at least 8 weeks before the start of leave. This must include:

- the expected date of the baby's birth or date of notification of being matched for adoption or the actual date of baby's birth, or placement of adoption;
- the start date of the Additional Paternity leave and pay;
- confirmation of the relationship to the mother and that the leave is to be taken to care for the child;
- mother of the child's name and place of work;
- the date the child's mothers maternity/adoption pay commenced;
- the date the child's mother intends to stop receiving maternity/adoption pay;
- the date the child's mother intends to return back to work.

Additional Paternity/Partner Pay will be at the statutory rate of pay (or 90% of the employee's average weekly earnings, whichever is lower), only up to the point where the child's mothers Statutory Maternity/Adoption pay would have ended. Following this, the entitlement will be unpaid. Statutory pay rates can be found on the HM Revenues and Custom website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

## 2.8 Notification to Payroll of Additional Paternity/Partner Leave

The manager must notify the Payroll Department via a P3 form that Paternity/Partner Leave has been granted including dates and how leave has been granted alongside detailing whether this is Ordinary Paid Paternity/Partner leave or Additional Paternity/Partner Leave.

## **2.9 Stillbirths**

If a stillbirth occurs after the 24<sup>th</sup> week before the expected week of confinement, Paternity/Partner leave is still applicable provided that all the other conditions have been met.

## **2.10 Return to Work**

Employees are entitled to return to the same job following Paternity/Partner Leave

### 3 Parental leave

#### 3.1 Unpaid Parental Leave

- Employees who are either natural or adoptive parents, or who have parental responsibility under the Children Act, and who have one year's continuous service with the NHS may take up to eighteen weeks of unpaid parental leave to look after or to make arrangements for the benefit of a child or children.

Examples are:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents

Unpaid parental leave must be taken before a child's 18th birthday. The entitlement is for each child and so is multiplied for multiple births (e.g. doubled for twins). Foster parents do not have the right to Parental Leave.

An employee has the right to unpaid parental leave if he or she:

- has at least one year's continuous service with the NHS at the time of the request **and**
- is the parent (named on the birth certificate or adoption certificate) or,
- has, or expects to have, formal parental responsibility, as defined by the Children Act 1989 or the Children (Scotland) Act 1995.

A record of parental leave taken will be kept by the manager and retained on the employee's personal file for future confirmation. A parental leave record sheet is included in **Appendix 7**

The Trust may request confirmation from a previous employer of any periods of parental leave or ask the employee to sign a declaration about the amount of parental leave already taken.

Dishonest claims for parental leave will be dealt with under the Trust's Disciplinary Policy.

#### 3.2 Applying for unpaid parental leave

The first application for parental leave for each child should be accompanied by supporting evidence of parental responsibility. This can be in the form of:

- child's birth certificate
- adoption matching certificate/official notification
- documents from a court detailing acquired formal parental responsibility

In cases where a father or the partner of a mother wishes to take parental leave immediately after the birth of a child, a copy of the MAT B1 certificate should be provided as supporting evidence. A copy of the child's birth certificate should be forwarded to the manager at the earliest convenience. Such parental leave would be in addition to any entitlement to paternity/partner leave.

Employees wishing to take parental leave should discuss their request with their manager as early as possible to facilitate cover arrangements.

An employee should make a request for parental leave on the form attached to this policy and send it to his or her manager at least 21 days before the proposed start of the leave. The manager will confirm in writing the dates of the parental leave requested and whether or not it has been granted.

Managers are responsible for advising payroll about a period of unpaid parental leave via an e-changes form and should also log all parental leave dates on the payroll monthly return form.

Parental leave must be taken in periods of not less than one working week. It may be taken as a single period of eighteen weeks. One week of unpaid parental leave is equivalent to an employee's normal working week. The Trust's Flexible Working and Leave policy deals with time off for domestic reasons other than parental leave.

In the case of multiple births, 18 weeks parental leave is available for each child. Managers will act reasonably in considering all requests for parental leave and will, where possible, grant the leave requested.

### **3.3 Postponing parental leave**

There may be exceptional circumstances in which it is not possible to grant a request for parental leave at the time requested by the individual. This may be due to operational requirements (e.g. peak absence time, difficulty in finding cover). In these circumstances the leave requested may be postponed by the manager for up to six months. Parental leave cannot be postponed by a manager for more than six months.

The Trust will not postpone any period of unpaid parental leave immediately after the birth or adoption of a child if 21 days' notice has been given. Provided the employee has given 21 days' notice of the expected week of birth, a period of unpaid parental leave will start on the day the child is born, regardless of whether the child is born early or late.

When parental leave has been postponed by the Trust, the manager will write to the employee stating the reasons for the postponement.

Parents may request a change to the dates for which parental leave has been agreed, provided they give as much notice as possible. Managers may allow a change to or the cancellation of a period of parental leave, if reasonably practicable.

### **3.4 Continuous service**

A period of unpaid parental leave will count as continuous employment with the Trust, although pay and most contractual benefits are suspended.

### **3.5 Holiday entitlement**

An employee's entitlement to paid holiday accrues during a period of unpaid parental leave.

### **3.6 Pension contributions**

When an employee is on a period of unpaid parental leave, occupational pension rights are preserved until the employee returns to work. If the employee wishes the period to be counted for pensionable service, he or she will need to make up the necessary employer's and employee's contributions via the Authority's pensions office. It is the responsibility of the employee to make any necessary arrangements.

### **3.7 Return to work**

At the end of a period of unpaid parental leave, an employee is entitled to return to the same job.

A period of parental leave does not fulfil the obligation of a mother to return to work for three months to qualify for the higher maternity benefits provided by the NHS maternity scheme. The mother must physically return to work for a total of three months after maternity leave and any subsequent periods of parental leave, unless prevented from doing so by sickness. The Maternity Leave section in this policy gives further guidance on this issue.

Employees not wishing to return to work after a period of parental leave should resign in writing to their manager in the usual way.

## **4. Fertility Treatment Leave**

### **4.1. Introduction**

This guidance is for both managers and staff who are undertaking IVF treatment or have a partner who is receiving treatment. It outlines the procedure to be followed when a member of staff requests leave to attend appointments for treatment and how to apply for fertility treatment leave. At all times managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality.

### **4.2. Eligibility**

An employee who has 12 months continuous service with the Trust at the time of applying and who is undergoing fertility treatment may be granted fertility treatment leave.

Employees are asked, wherever possible, to arrange appointments outside of work, however where this is not possible, an employee may be granted up to 5 working days of paid fertility leave in order to undertake fertility treatment and attend appointments specifically associated with the 'end part' of the IVF process (i.e. pre-booked interventions for consultant appointments, collection and Delivery of eggs etc.)

A woman undergoing IVF is deemed to be pregnant from the point of implantation of the fertilised ova (embryo transfer,) until it is determined otherwise and will therefore be entitled to time off for antenatal appointments

The fertility treatment paid leave can be taken to suit the member of staff's needs, e.g. 5 days in one block, separate days or ½ days.

If an employee should require any additional time off, then alternative leave arrangements should be agreed with their line manager to include annual leave or unpaid leave.

### **4.3. Partner Eligibility**

If it is an essential requirement within the course of treatment for the partner to attend a specific appointment, the Trust will also allow up to 2 day of fertility treatment leave to undertake fertility treatment.

The fertility treatment paid leave can be taken to suit the member of staff's needs, e.g. 2 days in one block, separate days or ½ days.

Where partners are not receiving treatment but would like to attend appointments with their partner they would be expected to take annual leave or unpaid leave.

## **4. 4 Application for Leave**

Employees should advise their manager as soon as possible that they are undergoing treatment and wish to apply for fertility treatment leave. Employees should provide documentary evidence of all appointments (letter or appointment card)

Employees should try and arrange for appointments that will cause minimum amount of inconvenience to the service.

Employees should complete the application for fertility treatment leave (**Appendix 8**) and should meet with their manager to inform them of the appointment and acquire authorisation. The form should then be placed on the employee's personnel file.

#### **4.5.     Sickness as a Result of Treatment**

Should the employee require time off due to side effects of the treatment, which may include recommended periods of rest, this will be recorded in line with Trust's sickness absence procedure. (See the Absence Policy)

## 5 Shared Parental Leave

### 5.1 Shared Parental Leave (SPL)

The following paragraphs provide a general overview of SPL. More detailed information is available at: [www.gov.uk/sharedparentalleave](http://www.gov.uk/sharedparentalleave)

### 5.2 . Overview

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take SPL and also may have an entitlement to Statutory Shared Parental Pay (ShPP).

An employee may be entitled to SPL) and Statutory ShPP if:

- Their baby is due on or after 5 April 2015
- They adopt a child on or after 5 April 2015

### 5.3 Shared Parental Leave eligibility criteria

To qualify for SPL, you must share responsibility for the child with one of the following:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance.

You must also:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date (or by the date you're matched with your adopted child)
- stay with the same employer while you take SPL

An employee, if eligible, can commence SPL if they or their partner ends maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will be available as SPL. The remaining weeks of pay will be available as ShPP.

An employee can share the leave with their partner if they are also eligible for SPL, and can choose how much of the leave each partner will take.

#### **Example:**

A mother and her partner are both eligible for SPL. The mother ends her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. She takes 30 weeks and her partner takes the other 10 weeks.

If both parents are employees and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother/partner has decided to curtail their maternity/adoption leave.

A mother/partner, subject to certain criteria, will be entitled to statutory pay/adoption pay/ maternity allowance for up to 39 weeks. If the mother/partner gives notice to reduce their entitlement before they will have received it for 39 weeks then the remaining weeks could become available as ShPP.

During the 66 weeks before the week the baby's due (or the week you are matched with your adopted child) your partner must:

- have been working for at least 26 weeks (they don't need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

This can be as an employee, worker or self-employed person. Your partner doesn't have to be working at the date of birth or when you start SPL or ShPP.

#### **5.4 Statutory Shared Parental Pay (ShPP)**

**You can get ShPP if you're an employee and one of the following applies:**

- you are eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP)
- you are eligible for Statutory Paternity Pay (SPP) and your partner is eligible for SMP, Maternity Allowance (MA) or SAP

#### **5.5. Starting Shared Parental Leave**

An employee or their partner can only start (SPL) once the child has been born or adopted. The mother or adopter must have either:

- Ended any maternity or adoption leave by returning to work
- Given 'binding notice' (a decision that can't normally be changed) to their employer of the date when they plan to end any maternity or adoption leave
- Ended maternity pay or Maternity Allowance (if they're not entitled to maternity leave, e.g. they're an agency worker or self-employed)

The mother or adopter must give notice to their employer (at least 8 weeks) to end maternity or adoption pay, or to the Job Centre Plus to end Maternity Allowance.

SPL may commence whilst a partner is still on maternity or adoption leave as long as they have given binding notice to end it.

Where a mother or adopter takes 38 weeks or more of statutory maternity or adoption pay or maternity allowance, then no statutory shared parental pay can be created.

#### **Example:**

A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

#### **5.6. Application Process**

You must give notice to your employer in writing if you want to start Shared Parental Leave (SPL) or Pay (ShPP) using **Appendix 9**. You can give notice for leave and pay at the same time if you are eligible to get both.

You can change your mind later about how much SPL or ShPP you plan to take and when you want to take it. You must give notice of any changes at least 8 weeks before the start of any leave. Your partner must apply to their own employer if they also want SPL or ShPP.

Your employer can ask you for more information within 14 days of you applying for SPL or ShPP. They can ask for:

- a copy of the birth certificate
- a declaration of the place and date of birth (if the birth hasn't been registered yet)
- the name and address of your partner's employer or a declaration that your partner has no employer

If you are adopting, your employer can ask for the:

- name and address of the adoption agency
- date you were matched with the child
- date the child will be start to live with you
- name and address of your partner's employer or a declaration that your partner has no employer

You must give this information within 14 days of being asked for it.

## **5.7 Splitting Blocks of Leave**

If your employer agrees, you can split blocks into shorter periods of at least a week.

### **Example**

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of 2 weeks on, 2 weeks off during the block.

## **5.8 Shared Parental Leave in touch (SPLIT) days**

You and your partner can each work up to 20 days while you're taking SPL. These are called 'Shared Parental Leave in touch' (or SPLIT) days.

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

KIT and SPLIT days are optional - both you and your employer must agree to them.

## Appendix 1

### APPLICATION FOR MATERNITY LEAVE/PAY

**IMPORTANT** – before completing this form you should ensure that you have read the Family Leave Policy and have discussed any queries with your line manager before your Maternity Leave commences.

Please complete this form in black ink and use BLOCK CAPITALS

**PLEASE ATTACH MATB1 CERTIFICATE TO THIS FORM**

#### Section 1 – Personal Details

Assignment Number:	
Full Name:	
Home Address:	
Telephone Number:	
Division	
Department	
NHS Continuous Service Start Date	
Trust Start Date	

#### Section 2 – Maternity Leave Details

Expected Date of Childbirth:	
Date you wish to commence maternity leave:	
(This can be any day of the week but should be no earlier than the 11 <sup>th</sup> week before your expected date of childbirth)	

#### Section 3 – Maternity Pay

Please tick the box that applies

I wish to apply for Maternity pay and intend to continue in my present position, or another NHS employer, for a minimum of 3 months (based on current contacted hours) after the expiry of my Maternity Leave. I intend to return to work within 52 weeks. If I do not return to work I accept that I will have to repay any overpayment of Maternity pay that I have received.

Occupational Maternity Pay to be spread equally over Maternity Leave Period YES/NO

If YES spread over  9 months  12 months

*Please note, if you choose to spread your Occupational Maternity Pay your Statutory Maternity Pay (SMP) is not included in the first 8 weeks of your payments.*

I wish to apply for Maternity pay and do not intend to return to work. I will receive Statutory Maternity Pay only.

I wish to apply for Maternity pay and exercise my right to return to work within 52 weeks but defer the payment of Occupational Maternity Pay. I understand that any outstanding maternity pay will be paid following my return to work after 3 months (based on current contacted hours)

Employees Signature:

Date:

---

**Authorisation by Head of Department**

Signature:

Date:

Name:

**Appendix 2**

**APPLICATION FOR ADOPTION LEAVE/PAY**

**IMPORTANT** – before completing this form you should ensure that you have read the Family Leave Policy and have discussed any queries with your line manager before your Adoption Leave commences.

Please complete this form in black ink and use BLOCK CAPITALS

**PLEASE ATTACH ADOPTION MATCHING CERTIFICATE TO THIS FORM**

**Section 1 – Personal Details**

<b>Assignment Number:</b>	
<b>Full Name:</b>	
<b>Home Address:</b>	
<b>Telephone Number:</b>	
<b>Division</b>	
<b>Department</b>	
<b>NHS Continuous Service Start Date</b>	
<b>Trust Start Date</b>	

**Section 2 – Adoption Leave Details**

<b>Expected Date of Adoption:</b>	
<b>Date you wish to commence adoption leave:</b>	
<b>(This can be any day of the week but should be no earlier than the 11<sup>th</sup> week before your expected date of adoption)</b>	

**Section 3 – Adoption Pay**

Please tick the box that applies

I wish to apply for Adoption pay and intend to continue in my present position, or another NHS employer, for a minimum of 3 months (based on current contacted hours) after the expiry of my Adoption Leave. I intend to return to work within 52 weeks. If I do not return to work I accept that I will have to repay any overpayment of Adoption pay that I have received.  
Occupational Adoption Pay to be spread equally over Adoption Leave Period YES/NO

If YES spread over  9 months  12 months

***Please note, if you choose to spread your Occupational Maternity Pay your Statutory Maternity Pay (SMP) is not included in the first 8 weeks of your payments***

I wish to apply for Adoption pay and do not intend to return to work. I will receive Statutory Adoption Pay only.

I wish to apply for Adoption pay and exercise my right to return to work within 52 weeks but defer the payment of Occupational Adoption Pay. I understand that any outstanding adoption pay will be paid following my return to work after 3 months (based on current contacted hours)

Employees Signature:

Date:

---

**Authorisation by Head of Department**

Signature:

Date:

Name:

### Appendix 3

#### ENTITLEMENT TO MATERNITY/ADOPTION LEAVE & PAY

<b>LENGTH OF SERVICE</b>	<b>LEAVE ENTITLEMENT</b>	<b>PAY ENTITLEMENT (RETURNING TO WORK)</b>	<b>PAY ENTITLEMENT (NOT RETURNING)</b>
1 year or more continuous NHS service at 11 weeks before EWC/placement (must include at least 26 weeks Trust service to qualify for the SMP/SAP element of pay)	52 weeks	39 WEEKS PAY AS FOLLOWS  8 weeks full OMP/OAP 18 weeks ½ OMP/OAP + lower rate SMP/SAP providing the total does not exceed full pay 13 weeks lower rate SMP/SAP plus 13 weeks unpaid	39 WEEKS PAY AS FOLLOWS  6 WEEKS 90% SMP/SAP 33 weeks lower rate SMP/SAP plus 13 weeks unpaid
26 weeks or more Trust service at 15 weeks before EWC	52 weeks	39 WEEKS PAY AS FOLLOWS 6 weeks 90% SMP/SAP 33 weeks lower rate SMP/SAP plus 13 weeks unpaid	39 WEEKS PAY AS FOLLOWS 6 weeks 90% SMP/SAP 33 weeks lower rate SMP/SAP plus 13 weeks unpaid
Less than 26 weeks Trust service at 15 weeks before EWC	52 weeks	No pay due	No pay due

**Note:**

**OMP = Occupational Maternity Pay**

**OAP = Occupational Adoption pay**

**SMP = Statutory Maternity Pay**

**SAP = Statutory Adoption Pay**

**Where entitlement is ½ OMP/OAP + SMP/SAP this cannot exceed full pay.**

**APPENDIX 4**

**APPLICATION FOR PATERNITY/PARTNER LEAVE/PAY \***

**\*Please delete as applicable**

**Name.....**

**Post/Band .....**

**Address.....**

.....

**Ward/Dept .....**

**Speciality .....**

**Start Date with the Trust .....**

**Start date with the NHS .....**

**The \*Baby/\*Placement is Due on:-**

.....

**I wish to take:-**

**Occupational Paternity/Partner Leave** from ..... until .....

**Additional Paternity/Partner Leave** from ..... until .....

**For Additional Paternity/Partner Leave requests, please complete details of the Mother of the Child**

**Mothers Name .....**

**Place of Work.....**

**Date Maternity/Adoption Pay commenced .....**

**Date Mother intends to stop receiving Maternity/Adoption Pay .....**

**Date Mother intends to return back to work .....**

***Please note:- Annual leave, sick leave or parental leave, which, directly follows maternity or adoption leave will not count as a return to work.***

**Declaration**

You must be able to place a tick in all three of the bullet points below to get Statutory Paternity/Partner Pay and Paternity/Partner Leave.

I am the baby's biological Father

or  
Married to or partner of the Mother/Adopter

or  
Living with the Mother/Adopter in an enduring family relationship,

but am not an immediate relative

• I have responsibility for the child's upbringing

• I will take time off work to support the mother or care for the child

**SIGNED:**.....

**DATE:** .....  
*(N.B False information may lead to disciplinary action)*

**Please give this form to your manager.  
Application for Paternity/Partner Leave and Pay authorised by:**

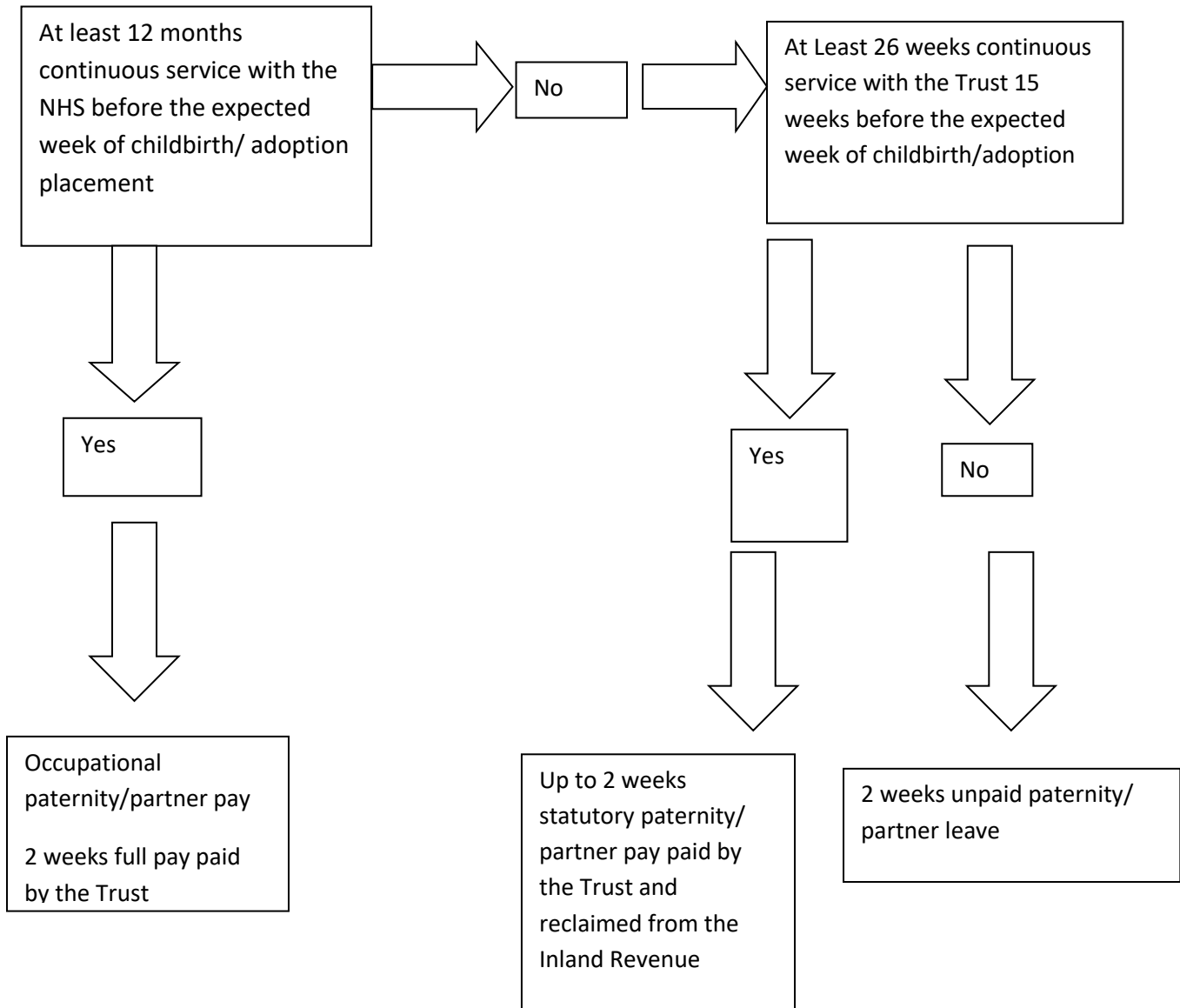
SIGNED .....DATE.....  
Ward/Departmental Manager

Please send this form together with the e-changes form to the Workforce Department

SIGNED ..... DATE

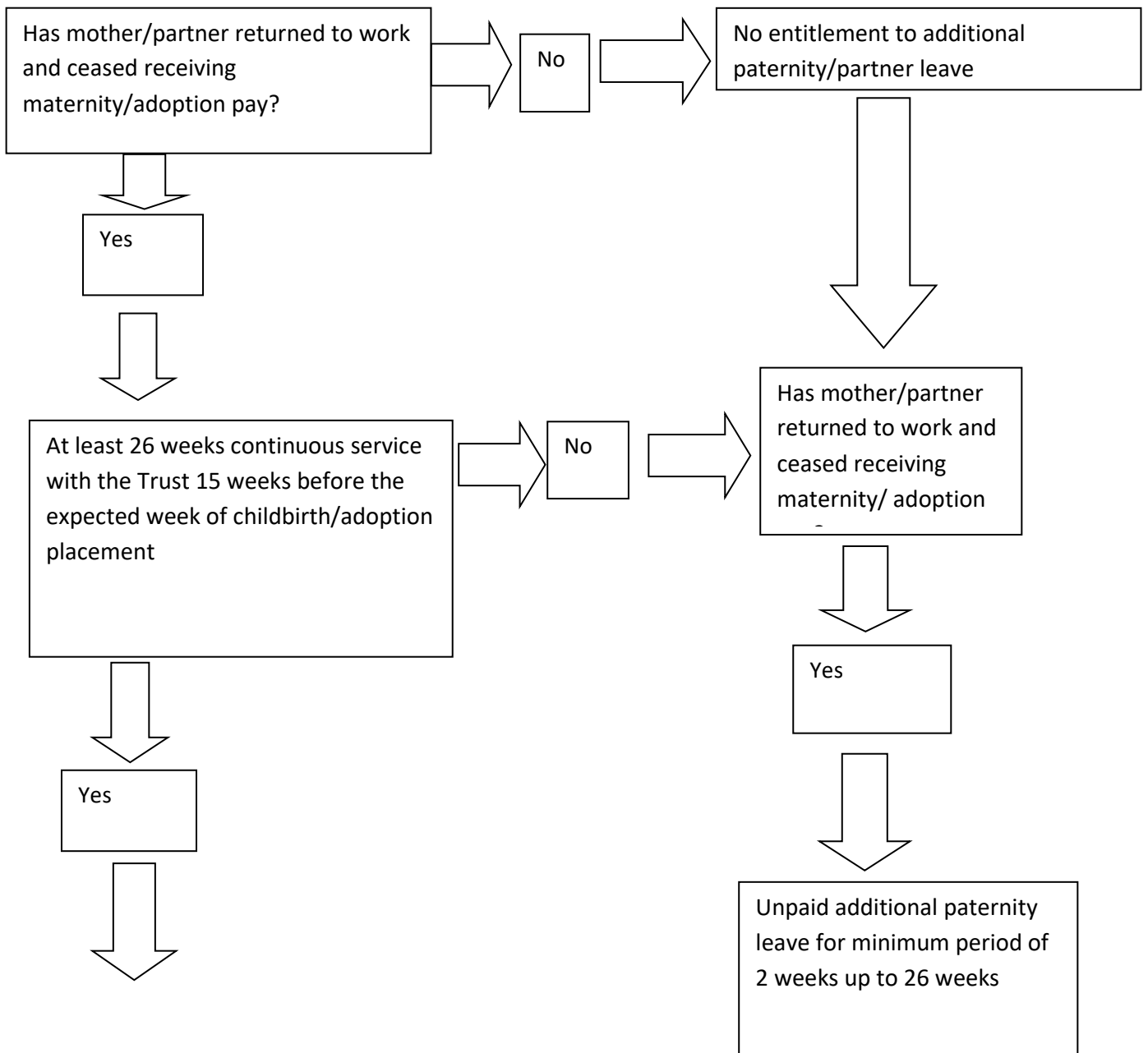
## Appendix 5

### Entitlement to Ordinary Paternity/Partner Leave Flow Chart



## Appendix 6

### Entitlement to Additional Paternity/Partner Leave Flow Chart



## Appendix 7

### Unpaid Parental Leave Record Form

Parent's Name.....
Division.....Department.....
Child's name..... Date of Birth.....
Evidence provided – Please tick one

Parental Leave Remaining	Dates Requested	Employees signature	Managers signature	Date authorised
18 weeks				
17 weeks	<input type="checkbox"/>			
16 weeks				
15 weeks				
14 weeks				
13 weeks				
12 weeks				
11 weeks				
10 weeks				
9 weeks				
8 weeks				
7 weeks				
6 weeks				
5 weeks				
4 weeks				
3 weeks				
2 weeks				
1 week				

## Appendix 8

### APPLICATION FOR FERTILITY TREATMENT LEAVE

Applicants: Once you have completed this form inserting the appropriate dates, sign and pass to your manager for authorisation of leave.

#### Personal Details

Forename (s) .....Surname.....

Job Title: .....

Ward/Dept & Base.....

Home Address.....  
.....

NHS Continuous Service Date (if known) .....

Date Commenced in the Trust.....

I wish to apply for paid Fertility Treatment Leave

First Day of Absence .....

Last Day of Absence .....

**Totals Days Absent** .....

Amount of Total Allowance remaining .....

I also understand that I must provide evidence of my treatment/appointments in order to qualify for leave under this policy.

Signed: ..... Date: .....

---

Application **APPROVED/NOT APPROVED** (please delete)

Manager's Name: ..... Date: .....

Managers Signature: ..... Job Title:.....

Please forward a copy of this form to Payroll

## Appendix 9

### Notice of Entitlement and Intention to Take Shared Parental Leave

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

#### Basic Details

Employee Name:	
Are you the <b>mother / main adopter</b> of the child <b>or</b> the <b>partner</b> of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

#### Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

I wish my maternity / adoption leave to end on the following date:	
Signed:	Date:

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
---	--

#### Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay <b>you</b> intend to take	
Number of weeks of shared parental leave / pay the <b>other parent</b> intends to take	

**Shared Parental Leave and Pay Dates**

Please detail the start and end dates of the shared parental leave/ pay that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above that you will take	
--	--

The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate “Yes”: **Yes / No**

If you indicate “No”, then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

**Declarations  
By the Employee**

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- I consent to you retaining and processing the information contained in this form

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

**By the Employee's Partner**

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- I consent to you retaining and processing the information contained in this form

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