

**Pregnancy, Maternity, Paternity, Adoption, Shared Parental Leave and Parental Leave Policy and Procedure (including loss during or after pregnancy)**

This document provides guidance for managers and employees regarding Pregnancy, Maternity, Paternity, Adoption, Parental or Shared Parental leave provisions.

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		<ul style="list-style-type: none"> <li>- This will enable eligible parents to</li> <li>- choose how to share the care of their child during the first year of birth of adoption (no age limit on adopted child).</li> <li>- All employees provided they meet eligibility criteria can opt into the Shared Parental Leave and Pay scheme. To opt into the scheme the employee will need to “curtail” their maternity leave after their 2 weeks compulsory maternity leave (or adoption leave).</li> <li>- In the first year of this legislation being effective, this scheme will only apply to parents of babies born on or after 5 April 2015 (or a child placed for adoption on or after 5 April 2015).</li> <li>- Shared Parental Leave (SPL) is <b>optional</b> for employee but is <b>not optional</b> for the employer.</li> <li>- Added new section and new appendix to the policy (Appendix 5) reflect this introduction of this change.</li> <li>• Information regarding Surrogacy and entitlements for the surrogate mother (birth mother) and intended parents (see section 12 within policy).</li> </ul>
7	1 July 2019	<p>Policy and all appendices (1-5) merged into one document. New changes to shared parental leave introduced in Agenda for Change Terms and Conditions Handbook:</p> <ul style="list-style-type: none"> <li>• From 1 April 2019, shared parental leave pay enhanced to the same levels as occupational maternity leave and adoption leave.</li> </ul>
8	5 October 2020	Policy reviewed and no changes required.
9	19 July 2022	Risk assessment updated to include high consequence respiratory infections including COVID-19.
10	25 September 2023	<p>Policy rewritten to include new provisions and guidance for early birth and loss during or after pregnancy following the Early Years Charter.</p> <p>Existing provisions, merged for ease of reading. Appendix updated and included support documents for new provisions.</p>
11	1 February 2024  12 April 2024	<p>Changes to parental leave updated for new legislation commencing on 6 April 2024.</p> <p>Amended 3.18 Payslips - confirm accessed via ESR App</p> <p>Section 3.21 Right to return to work – re-inserted paragraphs ‘Unsure if returning to work’ and ‘not returning to work’ in line with NHS Terms and conditions.</p>
12	8 July 2024	Maternity table at 2.4.3 updated for clarity.
13	7 January 2025	<p>Appendix 11 ‘Shared parental leave guide’ added as an appendix.</p> <p>Support at antenatal appointments confirmed, unpaid leave of a maximum of two appointments of up to 6.5 hours per appointment.</p>

## Key individuals involved in developing and consulting on the document

Name	Designation
Nichola Wood	Senior Human Resources Advisor
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Wider consultation	All LPT Staff Band 7 and above

## Governance

Level 2 or 3 approving delivery group	Level 1 Committee to ratify policy
Strategic Workforce Group	People and Culture Committee

## Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

## Due Regard

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and procedures and services are free from discrimination.
- LPT complies with current equality legislation.
- Due regard is given to equality in decision making and subsequent processes.
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 14) of this policy.

In this policy due regard has been shown in the following areas:

Maternity Leave and Pay Entitlements	Section 2.1 – All employees are entitled to 52 weeks of Statutory Maternity Leave.
Paternity Leave and Pay Entitlements	Section 2.5 - The Trust recognises that a partner may need time to provide support to their partner before or following childbirth. It can also be taken for adoption where the individual is not the main carer.  Paragraph - Eligibility: Employees who are biological and adoptive fathers, nominated carers, and same sex partners. NB. Paternity leave may also be claimed by a woman in cases of adoption where she is not the main carer.  Paragraph–

	Subject to eligibility criteria, an employee can be entitled to Ordinary Paternity Leave and or Additional Paternity Leave.
Adoption Leave and Pay Entitlements	Section 2.8 – Adoption leave is available to employees who are wishing to adopt a <u>newly matched child</u> and have primary care responsibilities for the child.
Surrogacy Arrangement / Fostering to Adopt	Section 2.9– Surrogacy Arrangement / Fostering to Adopt is available to employees subject to eligibility criteria.
Shared Parental Leave and Pay Scheme	Section 2.7 - All employees provided they meet the eligibility criteria and also pass the “employment and earnings test”, is entitled to opt into the Shared Parental Leave and Pay scheme. Shared Parental Leave is optional for the employee but is not optional for the employer.
Parental Leave Entitlements	Section 2.10 – Employees who have one year’s continuous service with the NHS may be entitled to a maximum of 18 weeks <b>unpaid</b> parental leave, in respect of any individual child. Parental leave is applicable to any employee of the Trust who has nominated caring responsibility for each child and adopted child up their 18 <sup>th</sup> birthday.
Protection against Unfair Treatment or Dismissal in respect to Maternity /Paternity / Adoption / Shared Parental Leave / Parental Leave	Paragraphs 1.6 - It is unfair and unlawful for an employer to select an employee for redundancy or dismissal for a reason connected with: <ul style="list-style-type: none"> <li>• Maternity Leave</li> <li>• Birth or pregnancy</li> <li>• Paternity leave</li> <li>• Adoption Leave</li> <li>• Parental leave</li> <li>• Shared Parental Leave</li> <li>• Time off for dependants</li> </ul> During parental leave the employee retains all contractual rights, except remuneration.

### Definitions that apply to this Policy

AAL - Additional Adoption Leave	Last 26 weeks of the Statutory Adoption Leave entitlement.
ADP - Actual Date of Placement	The date on which the child will commence living with its adoptive parent/s.
AML - Additional Maternity Leave	Last 26 weeks of the Statutory Maternity Leave entitlement.
CAP - Contractual Adoption Pay	Combination of Occupational Adoption and Statutory Adoption Pay.
CMP - Contractual	Combination of Occupational Maternity and Statutory Maternity Pay.

Maternity Pay	
Curtailing	Where maternity or adoption leave and pay comes to an end early. This is sometimes referred to as reducing the maternity/adoption leave period to then opt into the Shared Parental Leave scheme.
EDC - Expected Date of Confinement	The date on which the GP/Midwife has estimated the baby will be born, as detailed on the MAT B1 Form.
EDP - Expected Date of Placement	The date on which it is expected the child will commence living with its adoptive parent/s.
EWC - Expected Week of Confinement	The week in which the baby is due as detailed in the MAT B1 Form. The week always starts from the Sunday prior to the expected date of confinement.
IVF	In Vitro Fertilisation.
MA - Maternity Allowance	May be payable to those who are not entitled to SMP, subject to the necessary qualification criteria being met. This is not paid by the employer and should be claimed via the Job Centre Plus.
MAT B1 Form	A certificate, which the employee's GP/Midwife/Obstetrician will issue to an employee confirming the date their baby is due (EDC). It is normally issued around 14 weeks prior to expected week of confinement. The MAT B1 Form should not be signed more than 20 weeks before the EWC as it will be invalid.
Matching Certificate	Statement of confirmation from an Adoption Agency that a person/s have been officially matched to a child for adoption.
Molar Pregnancy	A molar pregnancy is when there's a problem with a fertilised egg which means a baby and a placenta do not develop the way they should after conception. A molar pregnancy will not be able to survive.
OAL - Ordinary Adoption Leave	First 26 weeks of the Statutory Adoption Leave entitlement .
OAP – Occupational Adoption Pay	The enhanced level of entitlement, under NHS terms and conditions, to those who have the required length of NHS service.
OML - Ordinary Maternity Leave	First 26 weeks of the Statutory Maternity Leave entitlement.
OMP – Occupational Maternity Pay	The enhanced level of entitlement, under NHS terms and conditions, to those who have the required length of NHS service.
OPL – Ordinary Paternity Leave	Two week leave entitlement.
OPP – Occupational Paternity Pay	Occupational Paternity Pay is the enhanced level of entitlement, under NHS terms and conditions, to those who have the required length of NHS service.
Partner	A 'partner' could be the baby's father, or the mother's spouse, civil



	partner, or partner in an enduring relationship (same sex partners). It could also be the parents of a child in a surrogacy arrangement.
SAL - Statutory Adoption Leave	Statutory Adoption Leave is split into Ordinary (OAL) and Additional (AAL).
SAP - Statutory Adoption Pay	The statutory amount of adoption pay to which employees are legally entitled to, subject to meeting the qualification criteria. Employees are entitled to this regardless of whether they intend to return to work or not.
SML - Statutory Maternity Leave	Statutory Maternity Leave is split into Ordinary (OML) and Additional (AML)
SMP - Statutory Maternity Pay	The statutory amount of maternity pay to which employees are legally entitled to, subject to meeting the qualification criteria. They are entitled to this regardless of whether they intend to return to work or not.
ShPP – Shared Parental Pay	Statutory amount of shared parental pay an employee could be entitled to provided they have met the eligibility criteria.
SPL – Shared Parental Leave	Shared Parental Leave is a scheme where an employee if eligible can opt into if curtailing their maternity/adoption leave and pay.  There is further guidance on this under section 2.7 and appendix 11 'Shared Parental leave – a guide'.
SPLIT – Shared Parental In Touch	Employees can come into for up to 20 working days during any of Shared Parental Leave periods (both paid and unpaid) to enable them to keep updated with news, changes, professional practice etc.
SPP - Statutory Paternity Pay	The statutory amount of paternity pay to which employees are legally entitled to, subject to meeting the qualification criteria. They are entitled to this regardless of whether they intend to return to work or not.
KiT – Keeping in Touch	Employees can come into work (or attend training) for up to 10 working days during their maternity leave to enable them to keep updated with news, changes, professional practice etc.
SPLiT - Shared Parental Leave in Touch	Employee can come into work (or attend training) for up to 20 days during SPL. SPLiT days are similar to KiT day.

## SECTION 1 – GENERAL INFORMATION

### 1.1 Introduction

This Policy and Procedure provides guidance for managers and employees regarding the application of Section 15 and the relevant parts of Section 35 of the Agenda for Change Terms and Conditions of Service Handbook in relation to Maternity, Paternity, Adoption, Parental Leave and Shared Parental Leave, in addition to the individual's statutory rights.

Further provisions pertaining to any leave within the scope of this policy are found in section 3.

Doctors should contact the Medical Staffing Team for advice regarding maternity, paternity, adoption, parental or shared parental leave and pay. This policy does not apply to Foster carers (unless parental responsibility has been secured through the courts (see section 2.8) In these circumstances the special leave provisions will be applicable, please refer to the special leave policy.

Maternity, Paternity, Adoption, Parental and Shared Parental leave regulations are complex and are subject to frequent change. Each set of regulations has eligibility criteria which will determine the length of statutory leave that is granted and any associated pay. In addition the NHS has contractual entitlements that also have eligibility criteria to determine the contractual leave and pay that employees may be entitled to. LPT as an NHS employer also has certain obligations in line with legislative requirements such as Health & Safety and Equality laws.

This Policy and Procedure will work in conjunction with and compliment the provisions outlined in the Trust's Special Leave Policy. This policy applies to all employees within the Trust, including those on temporary or fixed term contracts.

All staff should act in accordance to our Trust leadership behaviours for all and be able to evidence adherence in situations that involve Maternity, Paternity, Adoption, Parental and Shared Parental leave. A fundamental approach to developing our Leadership behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

## **1.2 Purpose**

The purpose of this policy is:

- To inform employees of their statutory and contractual entitlements and explain their responsibilities.
- To ensure that the health and safety of new and expectant mothers/birthing persons is maintained.
- To ensure that every employee receives fair and consistent treatment and is not discriminated against in any way.

## **1.3 Roles and Responsibilities of Key Members of Staff**

### **1.3.1 Employee Responsibilities**

It is the responsibility of employees to:

- Inform their line manager as soon as they are aware that they are pregnant so that an initial risk assessment can be carried out. This can be found on the Staff net.
- The employee must complete the Maternity Leave Application Form (Appendix 1) by the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC) (25 weeks of pregnancy), stating when they wish to commence maternity leave and if they intend to return to work. This must be submitted to the Manager with their signed MATB1/adoption certificate.
- Agree to make reasonable contact with their manager during their maternity leave.
- An employee can agree to do up to 10 'Keeping in Touch Days' during their maternity leave which could be used for example to undertake training and attend meetings.

The employee must agree with their manager which dates they wish to work and the arrangements including what they will be doing and how they will be paid.

- If an employee decides to return to work earlier than the end of their maternity leave, they must give 8 weeks' notice of their revised return date. If they decide not to return to work after maternity leave, they must give the normal notice in accordance with their terms and conditions of employment that they are leaving their job.
- If an employee intends to return to work within six months of the birth and/or if they are breast feeding, they will need to inform their manager, so that a further risk assessment can be undertaken. If it is found, or a medical practitioner considers, that the employee or their child would be at risk by continuing with their normal duties, they will be provided with suitable alternative work for which they will receive their normal pay.

### **1.3.2 Manager Responsibilities**

It is the responsibility of Managers / Team leaders to:

- Ensure the employee is directed to this policy and procedure and requests for any leave within the scope of this policy is dealt with as soon as possible to prevent any unnecessary delay.
- Responsible for undertaking any necessary workplace risk assessments for their staff as relevant (and if necessary even after their return to work) and to ensure that they keep in touch (e.g. for example keep them updated of any significant changes) with staff who are on extended periods of leave within the scope of this policy and procedure.
- Discuss with the employee their chosen options including, making arrangements for them to take annual leave, keeping in touch & flexible working, where applicable.
- Ensure appropriate documentation is completed in conjunction with the employee and sent with supporting documentation to Employee Services within the specific timescales outlined within the relevant section of this policy and procedure. Also ensure a copy is made of the documentation and retained on the employee's personal file.
- Notify Employee Services of any changes to the date of any leave requested within the scope of this policy and procedure.
- Make suitable arrangements for the employee's return to work, including notifying in writing to Employee Services confirming the date the employees leave is finishing and take action should the employee not return from their leave as agreed.
- Ensure that Employee Services are notified of any changes to the employee's employment conditions, completing and submitting to the Employee Services the necessary Change of Circumstance form.
- Be mindful regarding expiry of training and should include this in their discussions with the staff member who has notified them of their return to work. Both the manager and the employee has a responsibility to ensure the employee is not at risk in their practice because of being non-compliant with any mandatory or role essential training.
- Maintain contact with the employee during maternity leave, keeping them in touch with developments at work (for example changes within the Department, Job Band changes, job vacancies), and any developments which may affect their return in addition to mutually agreeing, where appropriate, for the employee to do up to their entitlement of 10 'Keeping in Touch days'. The Manager and the employee must both agree to work on the 'Keeping in Touch Days', if they wish and the arrangements including what they will be doing and how they will be paid.

### 1.3.3 HR Responsibilities

It is the responsibility of the Human Resources Department to:

- Be responsible for the implementation, monitoring and review of this policy and procedure.
- Deal with any queries from employees and managers regarding entitlements under this policy and procedure.
- Ensure that employees are provided with full details of their leave & pay options/entitlements within the scope of this policy and procedure and that the implications of those options/entitlements are fully understood.
- Confirm in writing the leave and pay that the employee is entitled to within 28 days of receiving the relevant completed forms and supporting documentation dependant.
- Forward to the HR Employee Services ([lpt.hrinputting@nhs.net](mailto:lpt.hrinputting@nhs.net)) the relevant paperwork in a timely fashion.

### 1.3.4 Payroll Services

It is the responsibility of the Payroll Services ([lpt.hrinputting@nhs.net](mailto:lpt.hrinputting@nhs.net)) to:

- To process the paperwork in a timely fashion to ensure that employees receive their pay.
- To provide a detailed breakdown to the employee of their pay (maternity, adoption, or shared parental pay as applicable), during the pay period in which their leave is commencing.
- To process paperwork in a timely fashion to ensure that employees are not overpaid in relation to time unpaid taken off to accompany a woman to antenatal appointments. (This will only apply to employees who is the expectant father or the pregnant woman's partner).

## 1.4 Protection Against Unfair Treatment or Dismissal

1.4.1 It is unfair and unlawful for an employer to select an employee for redundancy or dismissal for a reason connected with:

- Maternity leave
- Birth or pregnancy
- Paternity leave
- Adoption Leave
- Shared Parental Leave
- Parental leave
- Time off for dependants
- **Unpaid** time off by an expectant father or a pregnant woman's partner to accompany the pregnant woman to antenatal appointments.
- **Time off** for dependants.

1.4.2 Employees can be made redundant whilst they are on any leave within the scope of this policy and procedure, but only if the Trust can fairly justify the reasons why, for example the closure of a service. Employees that have been made redundant have the right to be offered any suitable alternative jobs in the Trust, and if accepted, would commence when they returned from any leave within the scope of this policy. Employees that are made redundant or dismissed during any leave within the scope of this policy and procedure, must be given a written statement explaining the reasons

for the decision and receive their normal notice period or pay in lieu of notice and redundancy pay, if they are entitled to receive them.

## 2.0 CONTENT

### 2.0 Maternity Leave Period

- 2.0.1 Regardless of length of service, all employees are entitled to 52 weeks of Statutory maternity leave/adoption leave. This is made up of:
- 26 weeks Ordinary Maternity Leave; and
  - 26 weeks of Additional Maternity Leave.

An employee's entitlement to pay can be located at point 2.4 below. Some of this entitlement may be transferred and taken as additional paternity leave.

- 2.0.2 It is up to the employee how much of the Occupational / Statutory Maternity Leave (dependant on eligibility) they take, but there is a Compulsory Maternity Leave period of two weeks after the baby is born. This is part of the Ordinary Maternity Leave period; not additional to it.
- 2.0.3 Employees wishing to return to work before the end of the 52 weeks must give their Line Manager 8 weeks' notice in writing of their intention to return to work early.

### 2.1 Commencement of Maternity Leave

- 2.1.1 Employees can commence their maternity leave/pay on any day of the week, which cannot be any earlier than the 11<sup>th</sup> week before the expected week of childbirth (EWC).
- 2.1.2 Pregnant employees may continue working as close to the EWC as they wish, provided that they are capable of completing their role appropriately. The manager may require the employee to attend an Occupational Health appointment if it is felt that their health or that of the baby may be suffering due to them continuing to work.
- 2.1.3 If an employee is off work ill, or becomes ill, with a **pregnancy related illness** during the last 4 weeks before the EWC (36 weeks of pregnancy), 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 they worked, whichever is the later. 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 agreed with their Manager.
- 2.1.4 **Pregnancy Related** absence prior to the last 4 weeks (36 weeks of pregnancy) before the expected week of childbirth, supported by a medical certificate or self-certificate, will be treated as sick leave in accordance with normal sick leave provisions and managed in accordance with the Trust's Attendance Management and wellbeing Policy.
- 2.1.5 If an employee is absent on sick leave due to an illness **unrelated to the pregnancy** (and this has been supported by a medical certificate or self-certificate as appropriate), after the 4<sup>th</sup> week prior to the expected week of childbirth (36 weeks of pregnancy), the absence will be dealt with in accordance with the normal provision for paid sickness absence until the date they agreed they would commence maternity leave.

## **2.2 Early Childbirth (for babies born on or after 1/12/2023)**

2.2.1 LPT have adopted the “Smallest Things Employer Charter”. The Trust will support employees with the needs of their premature babies. The Trust has agreed to:

- A) Extend maternity leave for mothers/birthing persons who give birth prematurely (before 37 weeks gestation) by the number of days a baby was born prior to their due date. The Trust will pay extended leave at full pay.
- B) Give partners the time they need to be with their baby in hospital, receiving up to two weeks paid leave on the birth of their premature baby, allowing partners to take their paternity leave at a later date.
- C) Support parents returning to work following the birth of a premature baby. The Trust understands that returning to work can be a difficult time for parents of premature babies and that babies born too soon can have ongoing medical needs, requiring regular hospital appointments and check-ups. The Trust therefore allows employees to apply for flexible working in line with the Trust’s flexible working policy.

For full details and the procedure to apply for the extended leave please refer to Appendix 7, 8 & 9.

2.2.2 In circumstances where the baby is born alive at any point during the pregnancy but does not survive, the employee will be entitled to the same maternity leave and pay as if the baby had survived.

## **2.3 Supporting Employees with Pregnancy Loss (effective from 1/12/2023)**

2.3.1 The Trust is committed to supporting all employees who suffer the loss of a pregnancy, whether it happens directly to them, their partner or their baby’s surrogate, regardless of the nature of their loss, or their length of service.

2.3.2 Pregnancy loss includes but is not limited to: miscarriage, stillbirth, abortion, ectopic pregnancy, molar pregnancy and neonatal loss.

2.3.3 All employees who have become pregnant and then experience a pregnancy loss, which occurs before the 16<sup>th</sup> week before EWC (24 weeks pregnant), including surrogates, are entitled to up to 10 days leave on full pay (pro-rata for part-time staff) to support them through the traumatic time of both the physical and the emotional loss. There is no service length requirement for this entitlement. (effective from 1/12/2023)

2.3.4 Partners of those who experience pregnancy loss are entitled to up to 5 days leave on full pay. Employees who experience the loss of their pregnancy via a surrogate are entitled to up to 5 days leave. (effective from 1/12/2023)

2.3.5 If an individual or couple were to experience more than one pregnancy loss this entitlement would apply to each case.

2.3.6 In the event of a pregnancy loss occurring after the start of the 16<sup>th</sup> week before EWC (24 weeks of pregnancy), the employee carrying the child will be entitled to all the relevant maternity pay and leave entitlements, according to length of service. Partners of those experiencing pregnancy loss on or after the 16<sup>th</sup> week before the expected week of childbirth, will be entitled to the same paternity leave and pay as if the baby had survived.

2.3.7 Employees are entitled to paid time off to attend appointments (or to accompany their partners) relating to pregnancy loss, which do not fall within an agreed period of leave, including but not limited to medical examinations, scans and tests, and mental health-related appointments. (effective from 1/12/2023)

2.3.8 Requests from employees to temporarily amend their working pattern to support them through the difficult time of grieving and recovery following pregnancy loss should be treated sensitively and supportively.

2.3.9 Contact details for support during and after pregnancy loss are contained within Appendix 10 of this policy.

## 2.4 Maternity Pay and Entitlements

2.4.1 Whilst maternity leave is a right from day one, maternity pay is subject to length continuous of NHS service and may be entitled to one of the following categories of maternity pay. This includes surrogates:

- Contractual or Occupational Maternity Pay (OMP)
  - Statutory Maternity Pay (SMP)
  - Maternity Allowance
- \* Refer to table 1 below.

2.4.2 The type of pay entitlement will depend on the length of continuous service with the NHS and this Trust at specific time periods before the expected date of childbirth.

2.4.3 Statutory Maternity Pay (SMP) is based on length of service with the Trust at the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC).

NHS Contractual or Occupational Maternity Pay (OMP) is based on length of continuous NHS service with one or more NHS employer at the beginning of the 11<sup>th</sup> week before the EWC.

Entitlement to Maternity Pay is summarised in the table below:

	Occupational Maternity Pay at Full Pay	Occupational Maternity Pay at Half Pay	Statutory Maternity Pay at higher rate (ie 90% of full pay)	Statutory Maternity Pay at the Lower Fixed Rate
<b>12 months' continuous service</b> with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth <b>AND</b> at least <b>26 weeks' continuous service</b> with the Trust continuing into the "qualifying week" - the 15th week before the expected week of childbirth <b>AND</b> earn on average <b>at least £123 per week (gross)</b> .	8 Weeks	18 Weeks	6 weeks (included within OMP Full Pay)	33 weeks (however first 2 weeks included within OMP Full Pay - remaining 31 weeks payable from week 9)



<b>12 months' continuous service</b> with one of more NHS employers at the beginning of the 11th week before the expected week of childbirth but <b>less than 26 weeks' continuous service</b> with the Trust at 15 <sup>th</sup> week before expected week or childbirth <b>OR</b> earns on average <b>less than £123 per week (gross)</b> .	8 Weeks	18 Weeks	n/a	n/a
<b>At least 26 weeks' continuous service</b> with the Trust continuing into the "qualifying week" - the 15th week before the expected week of childbirth but <b>less than 12 months' continuous NHS service</b> at the 11 <sup>th</sup> week before the expected week of childbirth <b>AND</b> earn on average <b>at least £123 per week (gross)</b> .	n/a	n/a	6 weeks	33 weeks
<b>Less than 26 weeks' continuous service</b> with the Trust at 15th week before the expected week of childbirth <b>OR</b> earns on average <b>less than £123 per week (gross)</b> .	n/a	n/a	n/a	n/a

**Table 1: Entitlement to Maternity Pay**

*\*\* If half pay plus SMP exceeds full pay then only payment up to full pay will be made. Please note SMP is paid at the lower fixed rate.*

*\*\*\*SMP at the lower fixed rate is set by the Government.*

2.4.4 If the employee does not satisfy the eligibility criteria in either Occupational or Statutory Maternity Provisions, they may qualify for Maternity Allowance if they have been employed and paid enough Standard Rate National Insurance Contributions in the reference period.

The reference period is the period of 66 weeks up to and including the week before the week your baby is due to be born.

Maternity Allowance is paid by the Job Centre Plus / Social Security Office for 39 weeks.

If the employee is not eligible for Maternity Allowance, their claim will automatically be considered for Incapacity Benefit. This is for the period of 6 weeks before the week their baby is due to be born, to 14 days after the date on which their baby is born.

**The maternity planner on the following website link <https://www.gov.uk/maternity-paternity-pay-leave> will help work out the earliest date that maternity leave can start and category of maternity pay entitlement.**

- 2.4.5 All maternity pay will be paid directly into the nominated bank account on the normal Trust pay day. There is no requirement for you to complete a timesheet whilst on maternity leave.

Should the employee wish to take the option of having their maternity pay entitlement spread equally over the period of their paid maternity leave, they must, together with their line manager, indicate on the Form H6 Payroll form (Application for Maternity or Adoption Leave/Pay). There is no option to change once you have made this decision. **The employee should note that they can only spread their occupational maternity pay and not their statutory maternity pay element.**

- 2.4.6 As a general rule, if the employee is also employed by another employer (who is not liable to pay them statutory maternity pay) whilst on maternity leave, they will lose their entitlement to Statutory Maternity Pay (SMP for the week in which they worked and the remainder of your maternity pay period). However their statutory maternity pay is not affected if they were employed by the other employer in the 15<sup>th</sup> week before their Expected Week of Confinement (EWC).

## **2.5 Paternity/Partner Leave**

- 2.5.1 Paternity or Partner leave is provided to allow employees time away from work following the birth or adoption of a child. This applies to the partner or nominated carer of mother/birthing person or adopters who have, or are expected to have, responsibility for the child's upbringing.
- 2.5.2 To be eligible for paternity/partner leave with pay, under all the NHS Terms & Conditions of Service, employees must have at least 12 months continuous NHS Service at the beginning of the week the baby is due or ending with the week notified of being matched with child for adoption. Employees are then entitled to 2 weeks at full pay (pro-rotta for part time staff).
- 2.5.3 Employees with less than 12 months continuous NHS service but 26 weeks Trust service at 15<sup>th</sup> week before the Expected Week of Childbirth are entitled to 2 weeks Statutory Paternity Pay (SPP) or 90% of average weekly earnings (if less). For current SPP rates please visit: <https://www.gov.uk/paternity-pay-leave/pay>
- 2.5.4 Employees with less service will be entitled to up to 2 weeks paternity leave without pay. There is also the option to request annual leave in the usual manner which must be agreed by the line manager with consideration to the needs of the service.
- 2.5.5 An employee must give their manager a completed SC3 'Becoming a Birth Parent' and a copy of the MAT B1 form at least 28 days before they want leave to start paternity/partner leave. SC3 forms are available at: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

- 2.5.6 Leave may commence at any time from the time of expected week of the child's birth or placement but must be completed within *56 days, from the 6<sup>th</sup> April 2024 leave can be taken anytime within the 52 weeks of this date.*
- 2.5.7 Paternity leave can be taken as one blocks of 2 weeks or split in to two one week blocks (from 6<sup>th</sup> April 2024)
- 2.5.8 In the event of sickness during the ordinary paternity leave period, sick leave is not payable.
- 2.5.9 The actual delivery date may differ from the expected date and therefore it is acknowledged that the dates requested for leave may alter.
- 2.5.10 Staff should consult with their manager and make reasonable attempts to plan work schedules to accommodate the taking of Paternity Leave in the interest of the service.
- 2.5.11 Employee's will continue to accrue annual leave a period of paternity leave in the usual manner.
- Bank workers (zero hour contracts) may be entitled to Statutory Paternity Pay if they meet the qualifying conditions (i.e. if they have accrued enough NI contributions). There is no entitlement to NHS Occupational Paternity Pay.
  - If an employee has a visa that allows them to live and work in the UK, but includes the condition "no recourse to public funds" they may be able to get Statutory Paternity Pay, if they satisfy the qualifying conditions as Statutory Paternity Pay does not constitute public funds.
  - Employee's taking Shared Parental Leave or Shared Parental Pay (provided they meet the eligibility criteria) will not be entitled to then take Paternity Leave. However employees may choose to exhaust any Paternity Leave entitlement before taking Shared Parental Leave. For further details for eligibility criteria for Shared Parental Leave and Pay refer to Section 6 below.
- 2.5.12 Subject to eligibility criteria (see paragraph 2.5.3 above), employees can take \*unpaid leave to accompany a pregnant woman to antenatal appointments, official meetings and training (in the case of adoption or surrogacy arrangements) regardless of length of service.

The Trust will not refuse to give reasonable time off, however it is entitled to ask for evidence of the appointments or official meetings/training courses. This could be in the form of an appointment card or letter.

\* Unpaid leave to accompany the woman will be up for a maximum of two appointments of up to 6.5 hours each.

## **2.6 Notification and Application**

Employees will be required to inform their manager of their intention to take paternity leave at least 28 days prior to commencing the leave (or 7 days for adoption).

Paternity leave must be taken in full within the period of 56 days beginning with the date of the child's birth or placement with its adoptive parent.

Only one period of leave will be available to employees irrespective of whether more than one child is born because of the pregnancy, or the number of children placed under the same adoption arrangement.

## **2.7 Shared Parental Leave and Pay**

- 2.7.1 Shared Parental Leave (SPL) is a legal entitlement which applies to eligible parents of babies due or children placed for adoption. It provides parents with additional flexibility around the arrangements to care for their child during the child's first year or 1<sup>st</sup> year of placement (in adoptions).
- 2.7.2 Parents will remain entitled to take maternity, paternity and adoption leave as described above, however SPL will provide eligible mothers/birthing persons or adopters to choose to reduce their maternity/adoption leave early and opt in to SPL. 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.
- 2.7.3 The birth person is required to take two weeks compulsory maternity leave following the birth of a child but after this period they can choose to end their maternity leave at any stage.

Similarly, an adopter can choose to end their adoption leave at any stage once they have taken their compulsory leave for two weeks. A mother/birthing person can only share their maternity/adoption leave with one other person. An employee is not entitled to extra SPL or Shared Parental Pay (ShPP) if they are expecting more than one child through either pregnancy or adoption.

- 2.7.4 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/birthing person's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave.
- 2.7.5 If the mother/birthing person/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/birthing person/adopter.
- 2.7.6 To qualify for SPL an employee seeking to take SPL must satisfy each of the following criteria:
- 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
  - the employee must still be working for the Trust at the start of each period of SPL
  - 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
  - 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 a set amount (for current rates please refer to [www.gov.uk](http://www.gov.uk) website at the time of

applying to opt into the Shared Parental Leave and Pay scheme) a week in any 13 of those weeks.

- the employee must correctly notify the Trust of their entitlement and intention to take SPL and provide evidence as required (Appendix 4).

- 2.7.7 Mothers/birthing persons who qualify for statutory maternity/adoption pay or maternity allowance may be able to reduce their pay entitlement before they have received it in full (at 39 weeks) and convert this to Shared Parental Pay (ShPP).

To qualify for ShPP the employee and the partner/parent sharing primary caring responsibility for the child need to meet the criteria outlined in section 2.7.6. In addition, the employee must also have earned above the 'lower earnings limit' in the eight weeks leading up to and including the 15<sup>th</sup> week before the child's due date/matching date and still be employed by the Trust at the start of the leave period.

- 2.7.8 SPL can start on any day of the week but can only be taken in complete weeks. SPL can be taken as one continuous period and eligible employees have a statutory right to take SPL in this way.

Alternatively, SPL can be requested in up to three discontinuous (separate) blocks where the employee returns to work in between. Requests for discontinuous leave must be made to the line manager who will meet with the employee to discuss the request and confirm the outcome in writing within calendar 14 days of the request. If the request for discontinuous leave is declined then the total amount of leave in the request must be taken as one continuous block unless the employee submits a new request.

- 2.7.9 Employees eligible for SPL must give at least 8 weeks' notice of their intention to take SPL by completing the form in Appendix 4 and submitting this to their line manager with a copy of the birth certificate or letter from the adoption agency. Within 28 days of their request, the Human Resources department will write to the employee confirming the start and end dates of the employees SPL.

- 2.7.10 Employees can change the dates of their SPL providing they give 8 weeks' notice in writing before the leave period is due to commence. Where the child is born before their expected due date it is accepted that employees may not be able to provide 8 weeks' notice, however notice should be given as soon as is reasonably practicable following the actual birth.

- 2.7.11 If the circumstances for previously booked SPL change and employee is no longer responsible for caring for the child (unless it because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must notify the Trust.

- 2.7.12 Should the child die before the employee has submitted an application to take SPL then they cannot opt into SPL, however they would be entitled to Pregnancy Loss leave. If the employee has already booked SPL, they will still be entitled to take the booked leave.

There is also the opportunity in accordance with statutory provisions to make one variation notice to reduce the period of leave or rearrange discontinuous leave into one single block. If the employee is already on SPL, they may cancel the agreed SPL and return to work by giving the Trust 8 weeks' notice of their return to work.

2.7.13 Provided both the employee and employer agree, the employee will be able to take up to 20 Shared Parental Leave In Touch (SPLIT) days. There is no obligation to comply with these days.

2.7.14 During a period of SPL the provisions outlined in sections 2.10, 2.11, 2.12, 2.13, 2.14 and 2.18 of this policy also apply to eligible employees.

2.8.15 Any employee considering taking ShPP please speak to Employee Services for advice of sharing pay before submitting your application. There is also a helpful guide in Appendix 11 'Shared Parental leave – a guide'.

## 2.8 Adoption Leave

2.8.1 All Trust employees have an entitlement to Adoption Leave; however the level of pay is dependent upon their NHS Service 2.8.2 All employees who have 12 months NHS service at the week of notification of match are eligible.

2.8.2 The following briefly lays out adoption pay entitlements for employees whilst they are employed by this Trust. Entitlements will depend upon the employee's length of service and whether they intend to return to work within the NHS.

### Occupational Adoption Pay

- Employees must have 12 months continuous NHS service\* ending with the week in which they are notified of being matched\*\* with the child for adoption. This will cover the circumstances where employees are newly matched with the child by an adoption agency.

**NOTE** – \* NHS service refers to employment with this or any other NHS employer.

**\*\*Adoption leave is not available in circumstances where a child is not newly matched for adoption for example when a step-parent is adopting a partner's children.**

- Occupational Adoption pay and leave will be made up of:

<b>8 weeks</b>	Full Pay
<b>18 weeks</b>	Half Pay plus SAP**
<b>13 weeks</b>	Statutory Adoption Pay (at the lower fixed rate***)
<b>Remaining 13 weeks</b>	Unpaid leave

**\*\* If half pay plus SAP exceeds full pay then only payment up to full pay will be made. Please note SAP is paid at the lower fixed rate.**

**\*\*\*SAP at the lower fixed rate is set by the Government.**

### Statutory Adoption Pay

- Have worked continuously for the Trust for at least 26 weeks at the beginning of the week in which you have been notified of being matched with a child / children from an adoption agency (the 'matching week').

- Statutory Adoption pay (SAP) and leave will be made up of:

<b>6 weeks</b>	90% of average weekly earnings.
<b>33 weeks</b>	Flat rate SAP or 90% of average weekly earnings if this is less than the standard rate of SAP
<b>13 weeks</b>	Unpaid leave

Should the employee wish to take the option of having their adoption pay entitlement spread equally over the period of their paid adoption leave, they must, together with their line manager, indicate on the Form H6 Payroll form (Application for Maternity or Adoption Leave/Pay). There is no option to change once you have made this decision.

**The employee should note that they can only spread their occupational adoption pay and not their statutory adoption pay element.**

Not eligible for either Occupational or Statutory Adoption Pay

If the employee does not have the service to qualify for either the Occupational or Statutory Adoption Pay, unpaid leave may be granted up to a maximum of 26 weeks provided the employee meets the criteria detailed in 2.8.1 above.

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP.

- 2.8.3 Employees are entitled to paid leave to attend official meetings in the adoption process.
- 2.8.4 Where the Trust employs both parents the period of leave and pay may be shared. If one parent is identified as the primary carer, then s/he should be entitled to the majority of the leave with the other person being entitled to occupational maternity support leave and pay.
- 2.8.5 The agreement for time off after the adoption should cover circumstances where the child is initially unknown to the adoptive parents. If there is an established relationship with the child, such as fostering prior to adoption, time off for official meetings only should be considered.
- 2.8.6 Written application must be made to the manager within 7 days of being matched. The application must include:
- the expected date of placement; unless not reasonably practicable;
  - date of commencement of Adoption Leave (can be changed with 28 days' notice)
  - 28 days' notice must be given of return if returning before the end of the full leave entitlement.
- 2.8.7 When the principle carer receives notice that a baby/child is to be placed with a view to adoption, the Departmental Manager should be advised as soon as possible of the intention to take Adoption Leave. The date the leave is to begin and the intention to return to work should be confirmed. It is recognised that these dates may be subject to amendment by the Adoption Agency.

- 2.8.8 The employee should produce a letter from the Social Services or Adoption Agency confirming the intention to adopt and verifying that a baby/child has been placed.
- 2.8.9 The employee will not be entitled to Occupational or Statutory Adoption Leave or Pay if they:
- arrange a private adoption
  - become a special guardian or kinship carer
  - adopt a stepchild
  - adopt a family member.
- Parental Leave can be considered in this situation.

#### **2.8.10 Fostering for Adoption**

Employees who are in a “current” or “foster to adopt” arrangement are entitled to take paternity leave and pay, adoption leave and pay and shared parental leave and pay, provided that they meet the eligibility criteria (refer to section 2.8 above). Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of placement will not affect any adoption pay payable under this agreement.

#### **2.8.11 Adoption from Overseas**

For an employee to qualify for adoption leave and or pay resulting from an overseas adoption, they must:

- a. tell their employer the date of the official notification and the estimated date that the child will arrive in the UK. This must be done within 28 days of receipt of the official notification;
- b. tell their employer the actual date the child arrives in the UK within 28 days of this date;
- c. provide their employer with a minimum of 28 days’ notice of when they wish to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered the UK and must start no later than 28 days after the child has entered the UK)
- d. Provide appropriate documentation and proof of the adoption to the employer including but not limited to the official notification and evidence that the child has entered the UK.

#### **2.8.12 Time off for Official Meetings**

Whether you are returning to work or not you are entitled to reasonable paid time off\* to attend official meetings and training regardless of length of service once you have informed the Trust that you are adopting.

The Trust will not refuse to give reasonable time off, however it is entitled to ask for evidence of the appointments and training courses. This could be in the form of an appointment card or letter.

\*Reasonable paid time off to attend adoption appointments in the period between being notified of a match and the child/children being placed with the family for adoption will be interpreted as follows:

- Single adopters are entitled to paid time off to attend up to 5 adoption appointments.
- In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt the child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopter may be entitled to unpaid time



off work to attend up to 2 adoption appointments no more than 6.5 hours is allowed for each appointment.

- Where there are joint adopters, the adopter who took paid time off to attend adoption appointments cannot claim paternity leave and pay.

## 2.9 Surrogacy

Surrogacy is the practice whereby one woman (the surrogate mother) carries a child for another person (the intended parent(s)) as a result of an agreement prior to conception that the child should be handed over to the intended parent(s) after birth.

Intended parents of babies born via surrogacy will be eligible for statutory adoption leave and pay and shared parental leave and pay as detailed in sections 2.7 and 2.8 of this policy respectively and subject to the criteria set out in those sections.

A surrogate (i.e. the person who is carrying the child) will be eligible for leave and pay via the normal maternity leave provisions set out in this policy.

### 2.9.1 Proof of Surrogacy

The intended parents (employed by the Trust) will be expected to provide a 'Parental Statutory Declaration' which states that they intend to apply for Parental Order under the Human Fertilisation and Embryology Act 2008 and that they expect the court to grant it on the grounds that they are eligible\*.

The employee will need to provide this information before the end of the **15<sup>th</sup> week** before the expected week of childbirth (EWC) (or if this is not possible, as soon as is reasonably practicable thereafter).

In addition they must also apply for Parental Order within 6 months following the child's birth.

\* *Further details can be found on [www.gov.uk](http://www.gov.uk) website.*

### 2.9.2 Surrogacy Arrangements for Children Born Outside the UK

Using a surrogate abroad can be complicated because different countries have different rules. The employee may want to get legal advice or contact the Human Fertilisation and Embryo Authority for more information. *Further details can be found on [www.gov.uk](http://www.gov.uk) website.*

## 2.10 Parental Leave Entitlements

Parental leave is applicable to any employee of the Trust who has nominated caring responsibility for a child under age 18 and can choose to take this leave any time until the child's/children's 18<sup>th</sup> birthday.

Parental leave must be taken in periods of not less than one calendar week. If an employee wishes to take less than one calendar week a full week will still be deducted from their total entitlement.

Parental leave is an individual right and, therefore, if both parents are employed by the Trust, both parents may apply and take parental leave.

Employees are eligible to carry over parental leave over from a previous job. Parental leave applies to each child not to an individual's jobs.

Parental Leave is a separate provision from maternity, paternity, adoption or shared parental leave.

### 2.10.1 Eligibility for Parental Leave

Employees who have one year's continuous service with the NHS, ***irrespective of hours worked*** may be entitled to a maximum of 18 weeks **unpaid** parental leave, in respect of any individual child/children.

Parental leave is for a maximum of 18 weeks **unpaid** leave, for each child born or adopted child.

An employee who is a foster parent for the child would not be entitled to parental leave unless they have secured parental responsibility through the courts. The employer would be entitled to see proof of this.

### 2.10.2 Conditions

Employees can choose to take unpaid parental leave any time until the child's/ children's 18<sup>th</sup> birthday. Parental leave is unpaid. Parental leave must be taken in periods of not less than one working week. If an employee wishes to take less than one working week a full week will still be deducted from their total entitlement.

Parental Leave can be added at the end of a period of Maternity, Paternity, Adoption or Shared Parental Leave.

The employee must give their manager a minimum of 21 days (3 weeks) written notice of their intention to take parental leave by completing the parental leave form (Appendix 5) – a copy of which must be placed on the employee's personnel file. It is the Manager's and the employee's responsibility to monitor time taken.

It is the Manager's responsibility to notify the Employee Services Team in a timely manner, of the employee's parental leave period to ensure there is no overpayment of salaries occurred.

It is the employee's responsibility to provide a copy of the birth certificate as the time of submitted their completed Parental Leave Form (Appendix 5) to verify the birth dates of the child/children.

During unpaid parental leave the employee retains all their contractual rights, except remuneration.

Parental leave is an individual right and, therefore, if both parents are employed by the Trust, both parents may apply and take parental leave. Period of Parental Leave counts as continuous service.

Employers have the right to maintain 'reasonable contact' (within agreed protocols) with employees while they are on unpaid parental leave. Parental leave is for each child, so if twins are born each parent will get 18 weeks leave for each child born or adopted children.

### 2.10.3 Postponement of Parental Leave

The manager may not postpone parental leave unreasonably. However, where such leave coincides with major events and/or where adequate cover is not available, management reserves the right to postpone the leave.

If a manager considers that the employee's absence would unduly disrupt the service then the manager can postpone the leave.

Postponement will not be for more than six months from the date on which the employee originally wished to start parental leave.

Where postponement is necessary, the manager should discuss the matter with the employee and confirm the alternative arrangements in writing no later than seven days after the employee's notice to take leave. The confirmation should state the reason for the postponement and set out the new dates of parental leave. The length of the leave should be equivalent to the employee's original request. The alternative period of leave will take into account the combined needs of the individual and the service. If this means that the leave is postponed beyond the child's age limit the parent will still be entitled to the leave.

Employees may also postpone or cancel parental leave they have booked provided they have given enough notice.

Where two or more employees from a particular department wish to take parental leave at the same time, it will be for the Service Manager to determine the order and length of leave to be granted having considered in full the circumstances of each case.

#### **2.10.4 Taking Parental Leave After Maternity, Paternity, Adoption Leave or Shared parental Leave.**

Parental leave doesn't have to follow straight after maternity, paternity, adoption or shared parental leave. The employee can take parental leave at a later time they have returned to work.

The employee, subject to eligibility criteria, can take their unpaid parental leave of up to four weeks at the end of their maternity, paternity, adoption or shared parental leave. Provided the aggregate total taken for maternity, paternity, adoption or shared parental leave amounts to 26 weeks or less the employee is entitled to return to the same job\* they held before becoming their leave.

If however the total number of unpaid parental leave weeks taken exceeds four weeks together with their aggregate total for their maternity, paternity, adoption or shared parental leave is 26 weeks or more, 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. In this instance the employee must receive written objectively justifiable reasons for this.

In this instance, written objectively justifiable reasons will be given for this and the employee will be able to return to the same band and work of a similar nature and status to that which they held prior to their leave.

*\*The same job is the one they occupied immediately before commencing their unpaid parental leave, on the same terms and conditions of employment as if they had not been absent.*

### **SECTION 3.0 FURTHER PROVISIONS PERTAINING TO ANY LEAVE WITHIN THE SCOPE OF THIS POLICY**

#### **3.0 Continuous Service**

The entire period of maternity, paternity and adoption leave will count as continuous employment.

#### **3.1 Keeping In Touch During Maternity, Adoption Or Shared Parental Leave Period**

- 3.1.1 Before going on maternity / adoption / shared parental leave, the line manager and the employee should also discuss and agree any voluntary arrangements for keeping in touch during the relevant leave applied for within the scope of this policy and procedure, including:
- any voluntary arrangements that the employee may find helpful to help them keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work;
  - keeping the line manager in touch with any developments that may affect their intended date of return.
- 3.1.2 To facilitate the process of keeping in touch, an employee may work for up to a maximum of 10 keeping in touch without bringing their leave to an end.
- 3.1.3 For maternity / adoption leave, the right to keeping in touch days ('KiT' days) is a maximum of 10 days without bringing their maternity / adoption leave to an end (working for part of any day will count as one KiT day). Any days of work will not extend the maternity / adoption leave period and cannot be taken in the compulsory maternity / adoption leave period referenced at Section 2, paragraph 2.0.2
- 3.1.4 For shared parental leave, the right to keeping in touch ('SPLiT' days) is a maximum of up to 20 days. This is in addition to any KiT days that the employee may have taken during their maternity / adoption leave. SPLiT days are not compulsory and must be discussed with the line manager.
- 3.1.5 KiT / SPLiT days are intended to facilitate a smooth return to work for employees returning from maternity / adoption / shared parental leave. The work can consecutive or not and can include training, specific project work, or other activities which enable the employee to keep in touch with the workplace.
- 3.1.6 The employee is neither obliged/required nor penalised for refusing to take up the KiT / SPLiT days, nor is the manager obliged to offer or agree to the employee working a KiT / SPLiT day.
- 3.1.7 Working for part of any KiT / SPLiT day will count as one KiT / SPLiT day but remuneration is only made for the actual hours worked. The employee will be paid at their basic hourly rate for the hours worked and the appropriate occupational maternity / adoption / shared parental leave payment will be deducted for KiT / SPLiT days worked. A Timesheet will need to be completed by the employee for sign off by the line manager to arrange for payment to be made for any hours worked, this will be paid one month in arrears.
- 3.1.8 If the employee is breastfeeding during Kit / SPLiT periods, then a Risk Assessment must take place and facilities provided for them to breastfeed. Appendix 2 – Risk Assessment for New and Expectant Mothers at Work Guidance Notes for Managers and Form.

## **3.2 Annual Leave and General Public Holidays**

- 3.2.1 Annual leave and general public holidays will be accrued during maternity, adoption paternity and parental leave, paid or unpaid.
- 3.2.2 If an employee had indicated that they were going to return to work in the same annual leave year and then subsequently changed their mind and wished to take their full 52

weeks maternity /adoption leave, they should discuss and agree with their manager how the unused annual leave and public holidays will be used. This applies to Maternity, adoption, paternity and shared parental leave.

3.2.3 Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the Trust and the member of staff for annual leave to be taken before and/or after the formal (paid and unpaid) maternity leave period.

3.2.4 The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the individual and their Line Manager prior to the commencement of maternity leave. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions, provided this would not cause a breach in the Working Time Regulations 1998. If the carryover of annual leave is an option agreed, then the manager should notify the workforce team to ensure this annual leave is added to either the health roster or ESR, whichever is relevant.

### **3.3 Sickness Absence During Any Period of Leave within The Scope of this Policy and Procedure**

3.3.1 Statutory sick pay is not payable if the employee who is on any period of leave within the scope of this policy and procedure because statutory maternity / adoption/ shared parental leave / paternity pay supersedes the rate of Statutory Sick Pay.

3.3.2 Any employee when due to return from any leave within the scope of this policy and procedure has reported themselves as sick, should follow the normal reporting processes in line with the Trust's Management of Ill Health Policy and Procedure. However they should note the following:

- Submit a **Statement of Fitness for Work or Fit Note** from a Registered Medical Practitioner, or a self-certificate (depending on the number of days absence) following which they will be entitled to sick pay in accordance with the normal sick leave provisions to cover for whichever of the following situations may be appropriate:
  - Sickness absence on the date the employee has notified the Trust they will return to work following the birth of their child / adoption leave / shared parental leave / paternity leave / unpaid parental leave.
  - Sickness absence on a date previously agreed between the employee and the Trust that the employee had agreed to return to work.
  - Where no dates have been notified or agreed, sick leave will commence on the first day following the maximum period of maternity / adoption / shared parental leave / paternity / parental leave to which the employee was entitled are entitled.

### **3.4 Term Time Contracts**

3.4.1 Employees on term time contracts should note the following:

- Entitlement to annual leave and bank holiday leave is incorporated into the employee's pay. However, throughout the period of maternity / adoption / shared parental leave pay, entitlement to annual leave and bank holidays is as follows:

- For the first 8 week period, paid annual leave is not accrued as this is already incorporated in the Term Time Only contract. However, the employee is entitled to accrue unpaid leave entitlement for that period. If the employee wishes to take this unpaid leave they must add it on the end of their leave period. These days must be recorded on the annual leave form and must be authorised by their manager. This absence must also be recorded on the directly onto ESR using supervisor self-service or HealthRoster (as per local process).
- For the next 18 week period, the employee will accrue half of the annual leave and bank holidays as paid leave and the other half as unpaid leave. This is because the employee is in a half pay situation and therefore they will already have been paid for half of the leave they would have accrued had they been at work. Their unpaid leave must be taken at the end of their maternity leave. Paid leave can be taken as and when it is needed including during term time and normal leave rules will apply.
- For the next 26 week period you will accrue paid annual leave and bank holidays. This can be taken as and when it is needed including during term time and normal leave rules will apply.

### **3.5 Pay Progression**

- 3.5.1 Employees on maternity / adoption / shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay- step date the pay-step point should be automatically applied in the individual's absence. Please refer to the Trust's Pay Policy for further guidance.

### **3.6 Pension Rights**

- 3.6.1 Pension rights and contributions will be dealt with in accordance with the provisions of the NHS Pension Scheme Regulations. Employees who are members of the NHS Pension Scheme are advised to seek advice from the Pensions Department.
- 3.6.2 Whilst on paid maternity / adoption / shared parental leave / paternity leave pension contributions will continue to be deducted based on the amount of occupational/statutory maternity / adoption / shared parental leave / paternity pay that is being paid.
- 3.6.3 When taking unpaid maternity /adoption / shared parental leave / paternity leave / parental leave, the employee will accrue pension contributions arrears. This is then recovered upon the employee returns to paid employment over the same number of months (or weeks) it has been accrued over.

### **3.7 Professional Registrations**

- 3.7.1 It is the responsibility of the employee whilst on any periods of leave (both paid or unpaid) within the scope of this policy and procedure, to ensure their professional registration /revalidation is maintained as part of their contractual obligation. Failure to do so may be seen as a breach of your contract of employment which may lead to

more formal action being taken. Please refer to the Trust's Professional Registration Policy as well.

### **3.8 Regular User Car Allowance**

- 3.8.1 If the employee is returning to work from maternity / adoption leave and entitled to Regular Car User Allowance, the lump sum payment is paid as follows;
- Paid in full for the remainder of the month in which the car is out of use.
  - Paid in full for a further three months
  - Paid at half the full rate for a further three months, or until the maternity leave ends, whichever occurs sooner.

Claim forms should be completed indicating maternity leave and forwarded to the Trust's payroll providers for this period.

### **3.9 Lease Cars**

- 3.9.1 If the employee has a lease car and they are returning to work, they may either;
- Retain the car. In this situation, they will not receive petrol abatement for periods of unpaid leave. For any unpaid leave, payments will be collected by invoice on a monthly basis; or
  - Return the car and terminate the lease without having to pay an early termination fee.

If the employee is not returning to work, and they terminate the lease, they will be responsible for any early termination fee.

### **3.10 Employees on Fixed term or Training Contracts**

- 3.10.1 The following provisions apply only to employees who are on fixed term or training contracts.

#### Maternity Leave

- 3.10.2 Employee's whose contract is due to expire after the 11<sup>th</sup> week before the expected date of birth and satisfy the eligibility criteria for either contractual or statutory maternity pay, their contract will be extended to enable them to receive the 52 weeks, which includes paid contractual and statutory maternity pay, and the remaining 13 weeks of unpaid leave.

Employees who do not meet the 12 month's continuous service condition may still be entitled to Statutory Maternity Pay. This will be calculated and confirmed by Payroll Services.

#### Adoption Leave

Employees who meet the eligibility criteria set out in Section 2.8.2 (Occupational Adoption Pay) will be entitled to occupational adoption leave and pay.

Employees who have less than 12 months continuous NHS\* service ending with a week in which they are notified of being matched with the child for adoption, they may be entitled to statutory adoption leave and pay provided you satisfy the eligibility criteria set out in Section 4 paragraph 33.1 (Statutory Adoption Pay).

To receive appropriate adoption leave and pay, the employee's contract will be extended up to a period of 39 weeks.

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

3.10.4 If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth / adoption had not occurred, the employee will **not** have to repay any monies normally payable because of a failure to return to work.

### **3.11 Staff on Rotational Training Contracts**

3.11.1 Employees on a planned rotation of appointments, with one or more NHS employer as part of an agreed programme of training, will have the right to return to work in the same post or in the next planned post. This is irrespective of whether the contract would otherwise have ended if pregnancy and childbirth / adoption had not occurred. In such circumstances their contract will be extended to enable them to complete the agreed programme of training.

### **3.12 Other Salary Deductions**

3.12.1 During any period of paid (occupational and statutory) which falls within the scope of this policy and procedure, deductions will still be made as normal unless the employee makes alternative arrangements for these to cease. These deductions could include child care voucher, other salary sacrifice providers, university loans, etc.

3.12.2 No monies will be deducted during any unpaid periods and it is the employee's responsibility to contact the relevant body to make alternative arrangements.

3.12.3 Employees are obliged by the terms of the relevant agreement to continue repayment of any loan or monies owed to the Trust during the period of maternity / paternity / adoption / shared parental leave.

### **3.13 Bank Workers**

3.13.1 Bank workers may still be eligible for Statutory maternity / adoption / shared parental pay, provided that they meet the qualifying conditions. The worker will need to complete the appropriate HR payroll form together with their manager and submit this with the necessary documentary evidence to the HR Department no later than 8 weeks prior to them starting their maternity / adoption / shared Parental leave to ensure that payroll deadlines are met.

### **3.14 Childcare Vouchers**

- In line with recent Government legislation, KiddiVouchers, LPT childcare voucher scheme, is now closed to new entrants and also scheme members that have had a break from vouchers exceeding 52 weeks.
- If currently in the LPT's KiddiVouchers scheme, the employee can continue to remain in the scheme as long as a break of 52 weeks or more is not taken and the Trust continues to run this scheme. It is possible to change the amount of vouchers received each month without it impacting membership of the scheme, subject to National Living Wage regulations.



- Those staff still in receipt of KiddiVouchers, can still access the KiddiVouchers website [www.kiddivouchers.com](http://www.kiddivouchers.com) or contact KiddiVouchers directly on 0800 612 9015 (Freephone) quoting the Trust's scheme reference number: **S819369Y**.
- Any employee currently in receipt of childcare vouchers, and they fall pregnant, the salary deductions may affect maternity pay calculations. It is the employee's responsibility to contact KiddiVouchers directly for advice; to suspend payments for childcare vouchers.
- If looking to join a child care voucher scheme for the first time, please access the Tax Free Childcare Scheme found on [www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk) for further information and eligibility criteria to join.

### 3.15 Other Childcare Information

- Leicester City Council Family Information Services and the Leicestershire County Council's Family Information Services can give information on a number of schemes such as child minders, playgroups, day nurseries, out of school clubs, holiday pay schemes, Nannies/Au Pairs, Parent & Toddler Groups, Toy Libraries, Working Family and Tax Credits and Special Educational Needs Crèches.

Their contact details are as follows:

<p><b><u>Leicester City Council Family Information Services</u></b>  <b>Phone:</b> 0116 454 1100 (local rate)  <b>Website:</b>  <a href="http://families.leicester.gov.uk">http://families.leicester.gov.uk</a>  <b>Email:</b>  <a href="mailto:family@leicester.gov.uk">family@leicester.gov.uk</a></p>	<p><b><u>Leicestershire County Council Family Information Services</u></b>  <b>Phone:</b>  <b>Website:</b>  <a href="https://www.leicestershire.gov.uk/education-and-children/social-care-and-supporting-families/information-and-support-directory">https://www.leicestershire.gov.uk/education-and-children/social-care-and-supporting-families/information-and-support-directory</a>  <b>E-mail:</b> <a href="mailto:family@leics.gov.uk">family@leics.gov.uk</a></p>
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### 3.16 Fraudulent Claims

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 in line with the Trusts' Disciplinary Policy and Procedure. Depending on the nature of the breach, this may be reported to the Trust's Local Counter Fraud Specialist and lead to criminal proceedings and civil recovery of monies owed to the Trust.

### 3.17 Appeals

Any issues relating to management decisions on Application for Maternity Paternity, Adoption, Parental or Shared Parental Leave responsibilities should be raised with or by the immediate Manager in the first instance. Failure to achieve a resolution, the employee may appeal to the Next In line manager. For example:

- When to take annual leave in relation to Maternity, Adoption, Paternity or Shared Parental Leave.
- Postponement of parental leave
- Taking KIT (Keeping In Touch) days in relation to Maternity, Adoption or Shared Parental Leave.

### 3.18 Payslips

Maternity/adoption/paternity pay will be credited to the employee at the same intervals as they had previously been paid and employees will need to continue to access via the ESR App during the period of their leave to view their payslip.

### **3.19 Antenatal Care**

- 3.19.1 All pregnant employees qualify for the right to paid time off work for antenatal care. These appointments must have been arranged by a registered midwife, health visitor or medical practitioner. The appointment card must be provided for verification.
- 3.19.2 An expectant father or the partner of a pregnant woman will be entitled to take reasonable unpaid time off work to accompany the pregnant person to their antenatal appointments. "Partner" includes a spouse, a civil partner or person (of either sex) with whom the mother/birthing person is in a long term relationship. There is no qualifying period for employees to access this entitlement. The maximum time permitted is capped at two appointments of up to 6 hours and 30 minutes per appointment; however further time off may be requested as annual leave.

### **3.20 Fertility Treatment**

- 3.20.1 Where an employee cannot receive fertility treatment outside of their normal working hours they should make a written request to their line manager requesting paid time off for treatment.
- 3.20.2 The Trust will consider all requests and where appropriate, grant paid leave up to a maximum of 5 calendar days in a rolling 12 month period. Previous periods of absence granted for fertility treatment will be taken into account when considering any further requests.

### **3.21 Right to Return to Work**

- 3.21.1 An employee who has notified the Trust of their intention to return to work following maternity/adoption/paternity leave has the right to return to their job under their original contract on no less favourable terms and conditions. However, if it is not reasonably practicable to allow the individual to return to the same job, the Trust may offer suitable alternative work, on terms and conditions that are no less favourable than would have been applied if they had not been absent.
- 3.21.2 Employees may ask the Trust to amend their working hours on return from maternity/adoption/paternity leave. All requests will not unreasonably be refused, although there is no automatic right to a change in working patterns. Requests should be in line with the Trust's Flexible Working Policy.
- 3.21.3 The employee must notify their line manager if they wish to amend their return date, providing 8 weeks' notice.
- 3.21.4 If an employee has notified the Trust of their intention to return to work for the same or a different employer but fails to do so within 15 months from the beginning of their maternity/adoption leave, they will be liable to repay the whole of their maternity/adoption pay, less any Statutory Maternity Pay received.

**Unsure if returning to work.**

3.2.1.5 If the employee is unsure whether they will be returning to work with the same or another NHS Organisation for a minimum period of 3 calendar months after their maternity leave has ended, their Occupational Maternity Pay will be deferred, should they be eligible.

3.2.1.6 If they then return to work, they will receive any outstanding balance upon the completion of the first 3 calendar months.

3.2.1.7 The line manager should notify the Human Resources Department to confirm that the employee have completed the first 3 calendar months and is therefore entitled to receive Occupational Maternity Pay.

#### **Not returning to work.**

3.2.1.8 If employee does not wish to return to work following maternity leave and they are aware of this beforehand, they should indicate this on the Application for Maternity or Adoption Leave/Pay form.

- **Payment of Occupational Maternity Pay (if eligible) is subject to the employee returning to work with the NHS for a minimum period of 3 calendar months after their maternity leave has ended.**

3.2.1.9 The employee should ensure that they give appropriate written notice to their line manager of their intention to leave the Trust as normal. The employee's contractual notice period will be detailed in their most recent Contract of Employment with the Trust.

3.2.1.10 If the employee had indicated that they were going to return to work and then subsequently changed their mind, they should inform their line manager as soon as possible. The manager will be responsible for completing the relevant HR forms and forward them to the Human Resources Department so the repayment of any Occupational Maternity Pay can be organised, if appropriate.

### **3.22 Health and Safety for New and Expectant Mothers/birthing persons**

3.22.1 The Trust is required to assess the health and safety risks to new and expectant mother/birthing persons to identify hazards which present particular risks to pregnant women, their unborn child, women who have recently given birth and women who are breast feeding. The guidelines and process are found on the intranet and Appendix 2.

### **4.0 Monitoring Compliance And Effectiveness**

This policy will be reviewed in light of changing employment legislation, equal opportunities and NHS Terms and Conditions of Service.

The implementation of and compliance of this policy will be monitored using the following key performance indicators:

- Line Managers/Team Leads are regularly made aware of provisions within the policy and their responsibilities;

- The use of maternity, paternity, adoption, shared parental leave and parental leave is actively managed and there is documentary evidence of this;
- Decisions regarding the allocation of maternity, paternity, adoption, shared parental leave and parental leave and have been fair and in line with policy and have not been successfully challenged by the employee.

All applications for maternity / paternity / adoption / shared parental leave / parental leave under this policy and outcomes should be recorded on the employee's personal file and each leave provision should be annually monitored and reviewed by managers as appropriate.

Grievances arising from the application of this policy will be dealt with under the Leicestershire Partnership NHS Trust Grievance and Disputes Policy and Procedure. This document will be updated on the intranet and any previous versions removed. Human Resources will conduct awareness raising sessions to departments if necessary as well as support individual managers and staff when using this Policy and Procedure.

## 5.0 Links To Standards/Key Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 <a href="#">CQC essential standards</a> )	That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

## 6.0 References and Associated Documentation

This policy was drafted with reference to the following:

- NHS Agenda for Change Terms and Conditions Handbook
- Leicestershire Partnership NHS Trust, Annual Leave Policy
- Leicestershire Partnership NHS Trust, Flexible Working Policy and Procedure
- Leicestershire Partnership NHS Trust, Special Leave Policy
- ACAS – Information on rights of Parents. Available at [www.acas.org.uk](http://www.acas.org.uk) [Accessed June 2018].
- Chartered Institute for Personnel and Development – Factsheet on rights of Parents Available at: <http://www.cipd.co.uk/hr-resources/factsheets/shared-parental-leave.aspx> [Accessed June 2018]
- The Smallest Things' Employer charter 'Employer with Heart 2.0 guidance pack' 2023.

## Appendix 1

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### **STAFF IN CONFIDENCE**

#### **Application for Maternity or Adoption Leave/Pay form**

**This application must be completed by all employees who intend to go on Maternity / Adoption Leave. It should be returned to the HR Department as soon as possible after the expected date of birth is known / expected date of placement is known.**

**This form will enable eligibility for maternity /adoption leave and occupational maternity / adoption pay to be assessed. It is important that you read the attached**

**Maternity Provisions (Section 2) /Adoption Provisions (Section 4) before completing this form.**

**Application for Maternity or Adoption Leave/Pay Form can be found on LPT Staffnet.**

## RISK ASSESSMENT FOR NEW AND EXPECTANT MOTHERS AT WORK

### GUIDELINES FOR MANAGERS

#### Background

The Management of Health and Safety at Work 1999, requires employers to identify and control risks that may affect women who are pregnant, who have given birth in the previous six months or who are breastfeeding.

#### General Duties

The law requires employers to assess risks to all its employees including new and expectant mothers.

Pregnancy should not be equated with ill health. It should be regarded as part of everyday life and its health and safety implications can be adequately addressed by normal health and safety management procedures.

#### Manager's responsibilities

1. Upon notification, either verbal or written, that a member of staff is pregnant, a risk assessment of their job must be carried out by the manager of the area where the individual works. If necessary the manager can contact the Occupational Health Department for further advice on carrying out a risk assessment. (See Section 4 below).
2. If necessary confirmation of the pregnancy can be requested from a GP or midwife.
3. The assessment should look at the physical, biological and chemical effects of a pregnant worker's job. A list of hazardous agents is attached as (See section 2 below).
4. To carry out an assessment a manager should be familiar with the features of pregnancy. (A list is attached as Section 3).
5. If the assessment reveals a risk that cannot be removed or controlled the following steps must be taken:
  - Step 1 - temporarily adjust her working conditions and/or hours of work or if it is not reasonable to do so or would not avoid the risk.
  - Step 2 - offer her suitable alternative work at her current rate of pay if any is available or, if that is not feasible, you must .....
  - Step 3 - suspend her from work (giving her paid leave at her current rate of pay) for as long as necessary to protect her safety or health or that of her child.

*\*The manager has a responsibility to ensure suitable rest facilities for pregnant workers in the workplace.*

#### Night Workers

If a night worker produces a medical certificate stating that night work could affect her health or safety you must either:

- Step 1 - offer her suitable alternative daytime work at her current rate of pay if any is available or, if not reasonable.
- Step 2 - suspend her from work (give her paid leave at her current rate of pay) for as long as is necessary to protect her health or safety.

## Review of Risk Assessment

Once the initial risk assessment has been carried out it will be the responsibility of the manager to review the risk assessment as necessary. The pregnant worker should also be encouraged to bring any changes to her job or her condition to the manager's attention.

If not required to do so earlier, the assessment must be reviewed when the individual reaches her 29th week of pregnancy.

## Staff Wishing to Work on beyond the 34th Week of pregnancy

If a pregnant worker wishes to work on beyond the 34th week of pregnancy, the manager will continue to carry out regular risk assessments as necessary to review the health and fitness for work. A referral to the Occupational Health Department will only be made should a risk be identified for which further medical advice is required.

This does **NOT** replace the ante natal assessments carried out by the midwife/GP.

## Return to Work Following Birth

On return to work it will be necessary for the manager to review the risk assessment. It may be necessary to carry out a further risk assessment if the new mother is:

- (a) breast feeding, or
- (b) recovering from a caesarean section.
- (c) if the employee is coming into work for Keeping in Touch days, if applicable.

\* If the employee wishes to continue breastfeeding after return to work, they are expected to provide their manager with written notification if possible before they return to work, that they are planning to continue to breastfeed on their return to work. The manager has a responsibility to ensure suitable rest facilities are provided for breastfeeding mothers. Provide a private, healthy and safe environment for nursing mothers to express and store breast milk. Toilets are not suitable for this.

## Section 1 - DEFINITIONS

- "New or expectant mother" means a worker who is pregnant, who has given birth within the previous six months or who is breast feeding.
- "Given birth" is defined as "delivered a living child or, after 24 weeks, a stillborn child".

## Section 2 – LIST OF HAZARDOUS AGENTS

Hazardous Agent	Risk	Action
Shocks, vibration and movement	Regular shocks, low frequency vibration may cause miscarriage	Avoidance
Manual handling	> Risk of soft tissue injury due to hormonal changes. Postural problems and Caesarean section	Take steps to reduce risk or avoid hazardous manual handling
Noise	No specific risk	The Control of Noise at Work Regulations 2005
Ionising Radiation	Significant exposure can harm the foetus and BF infants	Ionising Radiation Regulations (2017) ACOP, follow statutory dose limits. Breastfeeding



		mothers should avoid radioactive liquids or dust
Optical Radiation	No specific risk	
Electromagnetic Fields	No specific risk	
Heat and cold	Less tolerant of heat stress	Avoid excessive heat. Breastfeeding mothers can get dehydrated
Fatigue	Standing and physical work has been associated with miscarriage, low birth weight, premature labour	Avoid excessive hours and workloads. Employee control over breaks
Hyperbaric Atmosphere	> risk of the BENDS postnatally. Severe risk to foetus from gas bubbles	NEM should not work in compressed air or scuba dive
Display Screen Equipment	Levels of ionising and non-radiation are below recommendations. No evidence linking DSE and miscarriage or birth defects	Ensure worried women have access to professionals for advice – e.g. Health and Safety Advisors / Occupational Health Department
Biological Agents	Biological agents (hazard groups 2, 3 and 4) can harm foetus. Also agents such as rubella, toxoplasma, chlamydia	Risk assessment and vaccination or avoidance of exposure
Chemical Agents	About 200 substances labelled R40, R45, R46, R61, R63 and R64	Specific COSHH assessment for NEM
Mercury	Organic mercury compounds may affect the foetus. No known adverse effects from inorganic mercury	HSE Guidance Notes EH17: Mercury - H&S Precautions and MS12 - Mercury - Medical Surveillance
Carbon Monoxide	Passes the placental barrier affecting foetal development. Pregnant women may have heightened susceptibility	HSE Guidance EH43: Carbon Monoxide
Lead and Derivative	High level exposure may result in miscarriage, stillbirth and infertility. Low levels may lead to reduced intellectual performance. Lead can enter breast milk	The Control of Lead at Work Regulations 2002 Different blood levels for men and women. Once pregnant normally suspended from lead work
Antimitotic Drugs (cytotoxic)	Long term can cause damage to genetic info in sperm and egg. Some can cause cancer	HSE Guidance MS21: Safe Handling of Cytotoxic Drugs COSHH Assessment

**Section 3 - SOME OF THE FEATURES OF PREGNANCY WHICH YOU MAY WANT TO TAKE INTO ACCOUNT IN DOING YOUR RISK ASSESSMENT:**

<b>ASPECTS OF PREGNANCY</b>	<b>FACTORS IN WORK</b>
Morning sickness	Early shift work Exposure to nauseating smells
Backache	Standing/manual handling/posture
Varicose veins	Standing/sitting
Haemorrhoids	Working in hot conditions
Frequent visits to the toilet	Difficulty in leaving job/site of work
Increasing size	Use of protective clothing Work in confined areas Manual handling
Tiredness	Overtime Evening work
Balance	Problems of working on slippery, wet surfaces
Comfort	Problems of working in tightly fitting workspaces
Dexterity, agility, co-ordination, speed of movement, reach; all may be impaired because of increasing size	

For more information, please also refer to <https://www.hse.gov.uk/mothers/fags.htm>

**Generic Risk Assessment Form for New and Expectant Mothers**

Available on staff net



Generic Risk  
Assessment Form fo

## PATERNITY LEAVE and PAY APPLICATION FORM

### TO BE COMPLETED BY EMPLOYEE

<b>Surname:</b>	<b>Forenames:</b>	Mrs <input type="checkbox"/> Mr <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/>
<b>Home Address:</b>		<b>Home Tel. No &amp; mobile no.:</b>

### EMPLOYMENT DETAILS

<b>Post Held:</b>	<b>Hours:</b>	<b>Fixed Term: Yes/No</b> <b>Expiry Date: (if fixed term)</b>	
<b>Service:</b>	<b>Department:</b>	<b>Base:</b>	<b>Work Tel. No.:</b>
<b>Date of commencement of employment at Leicestershire Partnership NHS Trust:</b>	Date of commencement of continuous NHS Services:  (NB: A period of 12 months or more outside the NHS is regarded as a break in service and therefore service is not continuous)		
<b>Employee No:</b>	<b>Post No:</b>		

### DATES FOR PAY AND LEAVE

<p><b><u>Becoming a Parent (including intended parents in the case of a surrogacy arrangement)</u></b></p> <p>The Baby is due on:</p> <p>If the baby has been born, please give actual date of birth:</p> <p style="margin-left: 20px;"><input type="radio"/> Copy of Birth Certificate enclosed: Yes/No</p>	<p><b><u>Becoming an Adoptive Parent</u></b></p> <p>Notification date of the match by Adoption Agency:</p> <p>Expected date of placement of the child:</p> <p>If the child has been placed, please give actual date of placement:</p> <p style="margin-left: 20px;"><input type="radio"/> Copy of Matching Certificate enclosed: Yes/No</p>
<p>I want to take Paternity Leave for (Please tick as appropriate):</p>	<p>One week <input type="checkbox"/>                      Two weeks <input type="checkbox"/></p> <p>AND I have attached my completed SC3 form (found on the <a href="http://www.gov.uk">www.gov.uk</a> website).</p>
<p>I would like my leave to start on: DATE:</p>	<p>I would like to split my leave and take my second week on: DATE:</p>

**YOUR DECLARATION:** You must be able to tick **all the boxes** below in the appropriate column to get Statutory Paternity Pay and Paternity Leave

<b>Becoming a Parent</b>	<b>Becoming an Adoptive Parent</b>
I declare that I am	I declare that I am
The Baby's biological father or married to the mother or living with the mother in an enduring family relationship but am not an immediate relative. <input type="checkbox"/>	Adopting the child/children with my partner and I want to receive Paternity Pay and Paternity Leave not Adoption Pay and Adoption Leave <input type="checkbox"/>
AND I have responsibility for the child's upbringing or am a nominated carer <input type="checkbox"/>	AND I am married to the person adopting the child or living with the person adopting the child in an enduring family relationship but am not an immediate relative <input type="checkbox"/>
AND I will take time off work to support the mother and/or care for the child <input type="checkbox"/>	AND I will have responsibility for the child's / children's upbringing <input type="checkbox"/>
OR I am the intended parent (in the case of a surrogacy arrangement) <input type="checkbox"/>	AND I will take time off to support the mother and/or care for the child <input type="checkbox"/>

**I confirm that the information provided above is true and accurate to the best of my knowledge**

I have also enclosed the required SC3 form.

Employee's Signature:	Date:
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**Manager's Authorisation**

Name:	Signature:
Job Title:	Date:
Date Trust's payroll provider notified (This absence must also be recorded on the weekly absence return form and forwarded to payroll or input directly onto ESR using supervisor self-service (as per local process):	

**Original to:** Employee Services, HR Department, Bridge Park Plaza, Bridge Park Road, Thurmaston, Leicester, LE4 8PQ

**Copy:** Personnel File

Name of Employee: \_\_\_\_\_

Employee Number: \_\_\_\_\_

The above employee is entitled to: (tick as appropriate)

**1. Two weeks paid Paternity Leave at full pay less any statutory paternity pay receivable**

- He/she wishes to take two weeks Paternity Leave commencing on \_\_\_\_\_ at full pay
- He/she wishes to take one week of Paternity commencing on \_\_\_\_\_ at full pay

**2. Two weeks Paternity Leave - The first week of the leave will be at full pay less any Statutory Paternity Pay receivable. The second week of the leave will be at flat rate Statutory Paternity Pay or 90% of average weekly earnings if less than Standard rate Statutory Paternity Pay if eligible\*\***

- He/she wishes to take two weeks leave commencing on ..... The first week of the leave will be at full pay less any Statutory Paternity Pay receivable. The second week of the leave will be at flat rate Statutory Paternity Pay or 90% of average weekly earnings if less than standard rate SPP if eligible\*\*
- He/she wishes to take one week leave commencing on ..... This leave will be at full pay less any Statutory Paternity Pay receivable.

*\*\* Eligibility: Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions do not qualify for Statutory Paternity Pay. They should their local Job Centre Plus or Social Security Office for further information on financial support.*

**3. Two weeks Paternity Leave. The first week of the leave will be at full pay. The second week of the leave will be unpaid**

- He/she wishes to take two weeks leave commencing on ..... The first week of the leave will be at full pay. The second week of the leave will be unpaid.
- He/she wishes to take one week leave commencing on ..... at full pay

**4. Two weeks unpaid Paternity Leave**

- He/she wishes to take two weeks unpaid Paternity Leave commencing on .....
- He/she wishes to take one week unpaid Paternity Leave commencing on .....

**Actioned by Human Resources:**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Job Title: \_\_\_\_\_

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

**STAFF IN CONFIDENCE**

**Notice of Entitlement and Intention to take Shared Parental Leave**

This application must be completed by all employees who intend to opt into the Shared Parental Leave Scheme. The completed form should be submitted to your manager at least 8 weeks before the start of the first period of shared parental leave.

This form will enable eligibility for shared parental leave to be assessed. It is important that you read the attached Shared Parental Leave Scheme Provisions before completing this form.

**Basic Details (to be completed by the Trust employee)**

Name:			
Address and telephone number:			
Department:		Assignment number:	
Commencement date (Trust):		Commencement date (NHS):	

The baby is due on/the child is expected to be placed for adoption on: Or The baby was born on/ the child was placed for adoption on:	Date: _____
	Date: _____
Are you the <b>mother / main adopter</b> of the child or the <b>partner</b> of the mother / main adopter? (Please state which)	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	Date: _____

**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.

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

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

<p>*<input type="checkbox"/> I confirm my partner's maternity leave ended/will end on the following date:</p> <p>*<input type="checkbox"/> I confirm my partner's adoption leave ended/will end of the following date:</p> <p style="text-align: right;"><i>*tick whichever is relevant.</i></p>	<p>Date: _____</p>
--	--------------------

**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**

<p>Please detail the start and end date(s) 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.</p>	
--	--

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 5 - **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
- I confirm that the information provided on this form is accurate and I will immediately inform the Trust if the circumstances of myself and/or my partner change and I cease to be eligible

If appropriate:

- 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
- I enclose a copy of child's birth certificate and matching certificate (in the case of adoption).

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
- I confirm that the information provided on this form is accurate and I will immediately inform my partner if my circumstances change and I cease to be eligible

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: \_\_\_\_\_

I have approved the above information. Manager Name: _____ Signed _____ Date: _____
---

**Notice of Entitlement and Intention to Take Shared Parental Leave form to be sent to:**

Employee Services, HR Department, Bridge Park Plaza, Bridge Park Road, Thurmaston, Leicester, LE4 8PQ.

A copy of this form must be retained on personnel file.



**STAFF IN CONFIDENCE**

**APPLICATION FORM FOR UNPAID PARENTAL LEAVE**

This application must be completed by all employees who intend to apply for Unpaid Parental Leave and who nominated caring responsibility for a child/children under the age of 18. (\*\*Not applicable to Foster Parents unless they have secured parental responsibility through the courts\*\*)

<b>Surname:</b>	<b>Forenames:</b>	<b>Mrs</b> <input type="checkbox"/> <b>Miss</b> <input type="checkbox"/> <b>Ms</b> <input type="checkbox"/> <b>Dr</b> <input type="checkbox"/> <b>Mr</b> <input type="checkbox"/>
<b>Home Address:</b>		<b>Home Tel. No &amp; mobile no.:</b>

<b>Post Held:</b>	<b>Hours:</b>	<b>Fixed Term:</b> Yes/No <b>Expiry Date:</b> (if fixed term)	
<b>Service:</b>	<b>Department:</b>	<b>Base:</b>	<b>Work Tel. No.:</b>
<b>Date of commencement of employment at Leicestershire Partnership NHS Trust:</b>	<b>Date of commencement of continuous NHS Services:</b>		
<b>Employee Assignment No:</b>	<b>Post No:</b>		

**Declarations:**

- I hereby give a minimum of 21 days (3 weeks) notice of my request for parental leave for a period\* from.....  
to..... a total of ..... weeks (inclusive).
- I understand that this leave will be unpaid.
- I will have .....weeks parental leave remaining. My child was born on / adopted on ..... and will be..... years of age at the date of leave required.

The purpose of this unpaid parental leave is:-

I attach a photocopy of my child's birth certificate and matching certificate (in the case of adoption) as verification. I understand that if I provide false or incorrect information I may be subject to disciplinary action.

**\*\* You will be expected to provide proof of parental responsibility secured through the courts\*\***

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

**Authorised by the Line Manager:**

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Manager)

**Actions for Manager:**

- Completed form scanned and forwarded to The Employee Services at [lp.t.hrinputting@nhs.net](mailto:lp.t.hrinputting@nhs.net)
- A copy for Personal file.
- A copy given to employee to retain for their records.
- Absence recorded on Health roster/ESR as authorised unpaid leave

❖ *Parental leave must be taken*  
❖ *in periods of not less than one working week. A maximum of four weeks' parental leave can be taken in any one year. The year is defined as the leave year (1 April – 31 March).*

❖ *Part of a week counts as a week for full-time employees e.g.: if a full-time employee wished to take three days' parental leave in one week, one week in total would be deducted from their entitlement.*

**STAFF IN CONFIDENCE**

**Notice to Take or Vary a Period of Shared Parental Leave**

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (Appendix 4) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

**Requested Shared Parental Leave / Pay Dates**

Start date	End date	Number of weeks leave	Number of week's pay (if applicable)

**Request to Vary Previously Requested Parental Leave / Pay Dates**

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

**We confirm that we agree to the request / variation outlined above.**

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

Signed: (Employee's Partner) \_\_\_\_\_ Date: \_\_\_\_\_

**Notice to Take or Vary a Period of Shared Parental Leave form to be sent to:**

Employee Services, HR Department, Bridge Park Plaza, Bridge Park Road, Thurmaston, Leicester, LE4 8PQ.

A copy of this form must be retained on personnel file.

**Supporting Employees Dealing with Premature Births**

**1.0 INTRODUCTION**

1.1 This appendix is designed to set out the support offered to employees of premature babies.

**2.0 THE SMALLEST THINGS CHARTER**

2.1 Leicestershire Partnership Trust has adopted the “Smallest Things Employer Charter”. The Trust will support employees with the needs of their premature babies. The Trust has agreed to:

A) Extend maternity leave for mothers/birthing persons who give birth prematurely (before 37 weeks gestation) by the number of days a baby was born prior to their due date. The Trust will pay extended leave at full pay.

B) Give partners time to be with their baby in hospital, receiving two weeks paid leave on the birth of their premature baby, allowing partners then to take their paternity leave from a later date.

C) Support parents returning to work following the birth of a premature baby. The Trust understands that returning to work can be a difficult time for parents of premature babies who may have ongoing medical needs, requiring regular hospital appointments and check-ups. Employees are entitled to request flexible working arrangements to support them, in line with the Trust’s Flexible Working Policy.

**3.0 WHEN WILL EMPLOYEES BE ABLE TO TAKE THE LEAVE?**

3.1 Leave will be added to maternity leave for mothers/birthing persons.

3.2 For partners the leave can start immediately, this can be either following their paternity leave or prior to their paternity leave. Please note that paternity leave must be taken no later than 56 days/8 weeks following the birth.

**4.0 WHAT LEAVE WILL EMPLOYEES BE ABLE TO TAKE?**

4.1 When an employee’s baby is born prematurely (before the 37<sup>th</sup> week), the employee will be entitled to extend their maternity leave by the number of days the baby was born prior to the due date at full pay. For example if the baby was born prematurely at 30 weeks and 4 days, then the mother/birthing person would get 9 weeks and 3 days (due date being at 40 weeks) full pay in addition to their maternity leave period.

4.2 Where the baby is born prematurely (before the 37<sup>th</sup> week) the partner of the birthing person will be entitled to up to two weeks’ paid leave, in addition to paternity leave. If the baby was born at 37 weeks or more the partner would receive no additional paid leave. If the baby was born at 36 weeks the partner would receive 1 week’s additional paid leave.

**5.0 WHAT IF THE CHILD CONTINUES TO HAVE MEDICAL NEEDS FOLLOWING THE EXTENDED MATERNITY OR EXTENDED PATERNITY LEAVE?**

5.1 Where an employee’s baby is born prematurely as described above and has ongoing medical needs (for example, requiring regular hospital appointments and

checkups), employees are entitled to request flexible working arrangements using the Trust's Flexible Working Policy.

## **6.0 SUPPORT FOLLOWING RETURN TO WORK**

6.1 Employees returning to work following the birth of a premature baby may be referred to Occupational Health by their line manager, if this has not already been considered at the time of the premature birth, for support to meet their unique needs and in acknowledgement of the traumatic birth. This support will include the offer of counselling services.

## **7.0 HOW TO APPLY FOR LEAVE**

7.1 To apply for the extended maternity or extended paternity leave, employees will need to forward the relevant form in Appendix D to their manager for signature before forwarding it to Payroll.

## **8.0 RETURNING TO WORK**

8.1 If, when returning to work at the end of the extended leave period, the employee wishes to change their working pattern, they should refer to the Trust's Flexible Working Policy. Employees are advised to discuss their intentions with their manager as early as possible prior to returning. Timeframes for applying are included in the Flexible Working Policy.

8.2 Employees who decide that they do not wish to return to work following the extended leave under this Charter must give notice of their resignation as required under their contract of employment.

8.3 Where an individual is employed in a role which requires them to be registered with a professional body, they must ensure that their registration is up to date prior to returning to work from leave.

8.4 If an employee does not return to work after maternity leave they will be entitled to pay back any additional occupational maternity pay, but they will not be required to pay back any extended leave granted due to their baby being born prematurely.

## **9.0 NHS PENSION SCHEME**

9.1 Pensions rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations. For further information employees should contact the Trust's Pensions Department.

**PREMATURE BABIES APPLICATION FOR EXTENDED LEAVE –  
MOTHERS/BIRTHING PERSONS**

PLEASE READ SECTION 2.3 AND APPENDIX 7 - SMALLEST THINGS EMPLOYER CHARTER CAREFULLY BEFORE COMPLETING THIS FORM

**SECTION 1 – Completion of this section is compulsory.**

PERSONAL DETAILS

Name: ..... Job Title:  
.....

Base Location: ..... Dept & Division:  
.....

Assignment Number: .....

Type of Contract: Permanent/Fixed Term/Rotational Training (Delete as appropriate)

Work Telephone Number: .....Ext.....

Home Address: .....

..... Home Telephone Number:  
.....

Date commenced present service with:

- LPT .....
- NHS.....

Expected date of childbirth: .....  
(Please attach original MATB1, fully signed)

**APPLICANT’S DECLARATION**

Maternity Leave was due to commence on (insert date).....

Maternity Leave was due to end on (insert date).....

Maternity leave will now start on (insert date).....

Maternity leave will now end on (insert date).....

Baby’s actual birth was .....

Baby was born days prior to their due date.....  
(Please attach a copy of the birth certificate as verified by your manager).

I will be taking my extended leave on .....following the end of my maternity leave on .....the duration of the leave will be for .....days.

Signed ..... Date .....

**MANAGER'S DECLARATION**

I have discussed this application with the aforementioned individuals and I am satisfied that an appropriate application has been made.

The baby was due ..... The baby was born on ..... (I have seen a copy of the original birth certificate and verified a copy).

The baby was .....days premature.

I therefore can confirm that the applicant is entitled under this charter to .....days extended leave following the end of their maternity leave.

Following the end of the maternity leave, I will record the extended period as paid parental leave. I will also ensure that this is ended at the expiry of this entitlement.

**Signed** ..... **Date** .....

Print Name .....

Title.....Department.....

Contact Tel. No: .....

**Once signed, your manager needs to ensure that this application form, your MAT B1 Form and a copy of the verified birth certificate are sent to:**

**TO PAYROLL**

**RETAIN 1 COPY FOR PERSONAL FILE.**

**PREMATURE BABIES APPLICATION FOR EXTENDED LEAVE –  
PATERNITY/PARTNER LEAVE**

PLEASE READ SECTION 2.3 AND APPENDIX 7 – SMALLEST THINGS EMPLOYER CHARTER - CAREFULLY BEFORE COMPLETING THIS FORM

**SECTION 1 – Completion of this section is compulsory**

PERSONAL DETAILS

Name: ..... Job ..... Title: .....

Base Location: ..... Group & Directorate: .....

Assignment Number: .....

Type of Contract: Permanent/Fixed Term/Rotational Training (Delete as appropriate)

Work Telephone Number: .....Ext.....

Home Address: .....  
.....

Home Telephone Number: .....

Date commenced present service with:

- LPT .....
- NHS.....

Expected date of childbirth: .....  
(Please attach original MATB1, fully signed)

**APPLICANT'S DECLARATION**

Paternity Leave will commence on (insert date).....

Paternity Leave will end on (insert date).....

Extended paternity leave will now start on.....

Baby's actual birth was .....

Baby was born days prior to their due date.....(Please attach a copy of the birth certificate as verified by your manager).



I will be taking my extended leave on .....and will be taking my paternity leave on .....(I am aware that I need to take paternity leave within 56 days/8 weeks of the actual birth.

**Signed** ..... **Date** .....

**MANAGER'S DECLARATION**

I have discussed this application with the aforementioned individuals and I am satisfied that an appropriate application has been made.

The baby was due ..... The baby was born on ..... (I have seen a copy of the original birth certificate and verified a copy).

The baby was .....days premature.

I therefore can confirm that the applicant is entitled under this charter to .....days maximum 2 weeks extended leave.

I will record the extended period as paid parental leave. I will also ensure that this is ended at the expiry of this entitlement.

**Signed** ..... **Date** .....

Print Name .....

Title.....Department.....

Contact Tel. No: .....

**Once signed, your manager needs to ensure that this application form, your MAT B1 Form and a copy of the verified birth certificate are sent to:**

**TO PAYROLL**

**RETAIN 1 COPY FOR PERSONAL FILE.**

### Support for Employees affected by Pregnancy Loss

#### **The Miscarriage Association [miscarriageassociation.org.uk](http://miscarriageassociation.org.uk)**

Founded in 1982 by a group of people who had experienced miscarriage, the Miscarriage Association continues to offer support and information to anyone affected by the loss of a baby in pregnancy, and works to raise awareness and promote good practice in medical care.

#### **Tommy's - [tommys.org](http://tommys.org)**

Tommy's is a charity that funds research into pregnancy problems but also provides information for parents-to-be.

#### **Petals - [petalscharity.org](http://petalscharity.org)**

Petals is an organisation providing specialist counselling services after a pregnancy loss. Whilst they do not provide counselling services themselves, they provide more information on counselling services that are available.

#### **Arc - [arc-uk.org/about-arc](http://arc-uk.org/about-arc)**

Arc is a national charity offering parents support during antenatal screening and following a termination.

#### **SANDS - [sands.org.uk](http://sands.org.uk)**

SANDS is an organisation that can offer you support if your baby dies during pregnancy or after birth.

They also run a helpline 10am - 3pm Monday to Friday and 6pm - 9pm on Tuesday and Thursday evenings: 0808 164 3332.

#### **Abortion Talk - [abortiontalk.com](http://abortiontalk.com)**

Abortion Talk is a new charity offering the opportunity to talk about abortion in a non-judgemental and supportive environment.

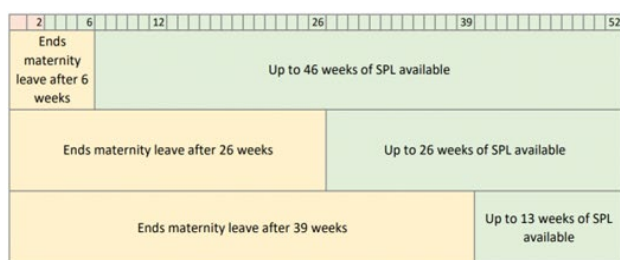
## Shared Parental Leave – A guide

SPL (Shared parental leave) is a statutory right which provides eligible parents with more flexibility in how they share the care of their child in the first year following birth or adoption. Parents can share both time and pay. One or both parents may work at LPT.

### How much leave can be shared?

The first 2 weeks of maternity and adoption leave are compulsory. Eligible parents can therefore take up to **50 weeks** as Shared Parental Leave (SPL), with up to **37 weeks** of this paid in line with Shared Parental Pay (ShPP). You can take SPL at a different time from your partner/the other parent, or at the same time. For example, a woman can be on maternity leave and her partner can be on SPL at the same time. How and when leave and pay are shared is up to the parents, as long as the leave is taken within the first year after birth/adoption of the child.

### Example – sharing time(SPL) (shPP)



Both parents can be off together, e.g. on maternity leave and SPL at the same time (both being paid), or at different times, e.g. one after the other.

### Example - sharing pay



ShPP is also created when the birth partner ends ('curtails') her maternity leave and/or maternity pay, to create an amount of leave and available to her partner to take as SPL and ShPP.

The non-birth partner can start their SPL as soon as the child has been born and while the birth parent is still on maternity leave, as long as the birth parent has committed to end their leave early (by serving a notice of curtailment on their employer or on Jobcentre Plus if she is receiving Maternity Allowance).

Non-birth partners can also take paternity leave before starting their SPL.

Some advantages of taking SPL include:

- It can be shared between partners, allowing them to stay off work at the same time or at different times
- You can return to work, and go back on leave (unlike maternity leave, which cannot be restarted once ended)
- It can be taken in up to three 'blocks' (or more if your employer agrees)
- Employees on SPL can work up to 20 'SPLIT' days. Those on maternity leave can work up to 10 'KIT' days

- An employee can use SPL to take paid holiday during their leave period, to boost their pay while they are off work

For more information on SPL, see the Trusts Maternity, Paternity, Adoption, Shared Parental Leave and Parental Leave Policy and Procedure section 6

***Other useful sources for reference:***

<https://www.acas.org.uk/shared-parental-leave-and-pay>

<https://www.gov.uk/shared-parental-leave-and-pay>

Support with Childcare: <https://staffnet.leicspart.nhs.uk/your-working-life/health-and-wellbeing/financial-wellbeing/>

## Appendix 12 The NHS Constitution

- The NHS will provide a universal service for all based on clinical need, not ability to pay.
- The NHS will provide a comprehensive range of services.

Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	<input type="checkbox"/>
Support and value its staff	<input checked="" type="checkbox"/>
Work together with others to ensure a seamless service for patients	<input type="checkbox"/>
Help keep people healthy and work to reduce health inequalities	<input type="checkbox"/>
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	<input type="checkbox"/>

## Appendix 13 Training Requirements

### Training Needs Analysis

<b>Training topic:</b>	There is a need for line managers to be aware of the content, provisions and support available to all LPT staff as outlined in the policy to ensure support and advice is given correctly and consistently across the Trust
Type of training: (see study leave policy)	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input checked="" type="checkbox"/> <b>Role specific</b> <input type="checkbox"/> Personal development
Directorate to which the training is applicable:	<input checked="" type="checkbox"/> Mental Health <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services <input checked="" type="checkbox"/> Families Young People Children / Learning Disability Services <input checked="" type="checkbox"/> Hosted Services
Staff groups who require the training:	All new and existing team managers.
Regularity of Update requirement:	NA
Who is responsible for delivery of this training?	Human Resources Team Learning and Development Team
Have resources been identified?	No
Has a training plan been agreed?	No
Where will completion of this training be recorded?	<input checked="" type="checkbox"/> ULearn
How is this training going to be monitored?	Monthly workforce reporting

## Appendix 14 Due Regard Screening Template

<b>Section 1</b>	
Name of activity/proposal	Pregnancy, Maternity, Paternity, Adoption, Shared Parental Leave and Parental Leave Policy and Procedure (including loss during or after pregnancy)
Date Screening commenced	25/9/2023
Directorate / Service carrying out the assessment	Human Resources
Name and role of person undertaking this Due Regard (Equality Analysis)	Nichola Wood
Give an overview of the aims, objectives and purpose of the proposal:	
AIMS: Update current policy and procedure to replace the Pregnancy, Maternity, Paternity, Adoption, Shared Parental Leave and Parental Leave Policy and Procedure dated September 2019.	
OBJECTIVES: The purpose of the policy is to provide a consistent approach to supporting staff when becoming parents. New policy gives additional support and provisions for early birth and loss	
<b>Section 2</b>	
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details
Age	This policy is accessible to all staff irrespective of their age.
Disability	Disabled staff can access this policy and alternative formats can be made available.
Gender reassignment	This policy is available to all staff irrespective of transgender issues.
Marriage & Civil Partnership	This policy is available to all staff irrespective of marriage or civil partnership status
Pregnancy & Maternity	Staff on maternity leave will be able to access this policy
Race	A person who speaks another language other than English may not be able to access the policy in its current format. The Trust has comprehensive interpretation and translation services.
Religion and Belief	This policy is available to all staff irrespective of religion or belief.
Sex	This policy is accessible to staff irrespective of gender.
Sexual Orientation	This policy is accessible to staff irrespective of sexual orientation.
<b>Section 3</b>	
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.	
Yes	<b>No X</b>
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B	Low risk: Go to Section 4.
<b>Section 4</b>	
If this proposal is low risk please give evidence or justification for how you reached this decision:	
This policy offers additional provisions and support above statue and the previous policy	

Signed by reviewer/assessor	Nichola Wood	Date	27/09/2023
<i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i>			
Head of Service Signed	<i>Clayton</i>	Date	27/09/2023

## Appendix 15 Data Privacy Impact Assessment Screening

<p>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
<b>Name of Document:</b>	<b>Pregnancy, Maternity, Paternity, Adoption, Shared Parental Leave and Parental Leave Policy and Procedure (including loss during or after pregnancy)</b>	
<b>Completed by:</b>	<b>Nichola Wood</b>	
<b>Job title</b>	<b>Senior HR Advisor</b>	<b>Date 25/9/2023</b>
<b>Screening Questions</b>	<b>Yes / No</b>	<b>Explanatory Note</b>
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	NO	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	NO	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	NO	
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	NO	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	NO	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	NO	
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	NO	
8. Will the process require you to contact individuals in ways which they may find intrusive?	NO	
<p><b>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via <a href="mailto:Lpt-dataprivacy@leicspart.secure.nhs.uk">Lpt-dataprivacy@leicspart.secure.nhs.uk</a></b>  <b>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</b></p>		
<b>Data Privacy approval name:</b>	<b>Hannah Plowright</b>	
<b>Date of approval</b>	<b>04/10/2023</b>	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust