



Family Leave Policy

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Policy context

- This policy and accompanying guidance outlines maternity entitlements for pregnant employees working within the Trust in accordance with the NHS Agenda for Change Terms and Conditions Handbook and Statutory rights within employment legislation.
- Medics on the NHS Scheme are also covered. Those outside of these arrangements will need to review their contract of employment for maternity provisions.
- The provisions indicate what responsibilities and/or actions required by managers and employees at different stages of the employee's pregnancy and during maternity leave.
- It outlines entitlements for paternity leave, adoption leave and shared parental leave, parental leave, surrogacy, and IVF leave.

Policy requirement (see Section 2)

- This policy is intended to give the employee relevant information and is not an exhaustive account of all the regulations. It outlines the provisions and provides guidance for managers and employees on both Statutory and Trust entitlements.

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Change Record

Date	Version	Author (Name & Role)	Reasons for review / Changes incorporated	Ratifying Committee
Mar25	2	David Barros Howe (People Partner	3 yearly review	TSCE

1: Introduction:

1.1 Rationale: Birmingham and Solihull Mental Health NHS Foundation Trust (BSMHFT) are committed to supporting family life by assisting employees in balancing their work and family responsibilities. The Trust supports prospective parents across the workforce through all aspects of pregnancy, adoption, or shared parental leave.

The purpose of this policy is to provide managers and employees with information on maternity, paternity, adoption and shared parental leave entitlements. It is also to provide guidance on the processes and the conditions of service and circumstances in which paid and unpaid leave will be applied.

This policy and accompanying guidance and procedures applies to all directly employed staff working for BSMHFT, in accordance with the NHS Agenda for Change Terms and Conditions Handbook section 15 and 33 and statutory rights and regulations within employment legislation relating to Maternity, Adoption, Paternity Leave, Shared Parental Leave and Pay, and the Equality Act 2010.

The content of this policy should not be interpreted as qualifying for an employee's statutory maternity, adoption, or paternity leave rights. The right to any statutory maternity, adoption or paternity pays or allowance is determined by the Department for Work and Pensions regulations. This policy can only give an indication of these rights.

Depending on the element, it is advised that this policy be read in conjunction with BSMHFT's Employment Break Policy, Flexible Working Policy, Health, Wellbeing & Attendance Policy, Special and Carer's Leave Policy, and relevant equality documents.

1.2 Scope: This policy applies to all directly employed staff working under a contract of employment issued by the Trust in line with section 15 and 33 of the NHS Agenda for Change Terms and Conditions Handbook.

Subject to certain conditions, NHS staff employed under contracts incorporating national Terms and Conditions of Service* and NHS agreements can be entitled to:

- Paid maternity leave
- Unpaid maternity leave
- The right to return to work
- Time off for antenatal care
- Not be unfairly dismissed because of pregnancy or childbirth

These entitlements are governed by the national Terms and Conditions of Service* (referred to here as the NHS Scheme). NHS Medical and Dental Staff on standard contracts of employment incorporating the national Terms and Conditions of Service* are entitled to the NHS Scheme, as long as they meet the criteria.

Other doctors who are offered or negotiate a contract that incorporates the national Terms and Conditions of Service will also be covered. Such schemes must be no less favourable than the statutory provisions. Where there is no separate maternity leave scheme employees will be subject to statutory maternity rights which are laid down in current legislation.

1.3 Principles: The Trust takes its obligations under equality legislation very seriously and aims to provide fair and equitable treatment to all, and values diversity in its employees, patients, and visitors. In doing so it aims to ensure that its actions and working practices comply with both the spirit and intention of the Human Rights Act (1998) General Data Protection Regulations 2018 and the Equality Act 2010.

'The Trust positively supports individuals with learning disabilities and ensures that no-one is prevented from accessing the full range of mental health services available. Staff will work collaboratively with colleagues from learning disabilities services and other organisations, in order to ensure that service users and carers have a positive episode of care whilst in our services. Information is shared appropriately in order to support this.'



2: The Policy:

This policy is intended to give the employee relevant information and is not an exhaustive account of all the regulations. It outlines the provisions and provides guidance on both Statutory and Trust entitlements and benefits relating to:

- Pregnant employees
- Employees wishing to adopt a child who is newly placed for adoption
- Employees who wish to take paternity leave when their partner gives birth or adopts a child
- Employees who wish to take shared parental leave if the new mother / main carer of a newly placed adopted child return to work without taking their full entitlement to maternity / adoption leave.

3: The Procedure:

3.1 Maternity Pay and Leave

All pregnant employees and surrogates have the right to 52 weeks maternity leave and to return to their job after this regardless of their length in service.

The earliest you can start maternity leave is 11 weeks before the expected weeks of childbirth. Leave will also start:

- **The day after the birth (if the baby is early)**
- **Automatically if you are off for a pregnancy related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due.**

3.1.1. Compulsory Maternity Leave

The first two weeks following the birth are known as compulsory maternity leave and the new mother cannot undertake any paid work during this period.

3.1.2. Statutory Maternity Leave

All pregnant employees have a statutory entitlement to a 52-week maternity leave (26 weeks ordinary maternity leave plus 26 weeks additional maternity leave) regardless of length of service. There is no requirement for an employee to give advance notification of their return unless they wish to return before the end of their maternity leave and then they must give a minimum of 56 days' notice (8 weeks).

3.1.3. Statutory Maternity Pay (SMP)

Pregnant employees employed for a minimum of 26 weeks continuous service prior to the end of the 15th week before the expected week of childbirth (EWC) are entitled to:

- 39 weeks paid statutory maternity leave
- 13 weeks unpaid leave (provided the conditions below are met)
 - Have average weekly earnings of not less than the lower earnings limit for payment of national insurance contributions which is in force during your qualifying week calculated over the period of 8 weeks leading up to 15 weeks before the expected date of childbirth.
 - Continues to be employed or pregnant (or have given birth) by the 11th week before the expected week of childbirth.
 - Provides a MATB1 form from a Midwife/GP stating the expected week of childbirth
 - Gives proper notification of pregnancy in writing stating their intention to take maternity leave and the start date.

Statutory Maternity Pay At least 26 weeks continuous service as at	First 6 Weeks	90% of average weekly earnings
	Followed by 33 weeks	SMP rate (or 9/10ths of a week's pay if this is less)

15th week before the EWC	Remaining 13 weeks	Unpaid
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SMP rates are usually reviewed in April each year, by the Government. The latest rates can be found on the [Gov.UK website](https://www.gov.uk)

3.1.4. Occupational Maternity Pay (OMP)

Pregnant employees are entitled to both paid and/or unpaid occupational maternity leave/pay under the NHS Occupational maternity pay scheme providing they fulfil the following criteria:

- Have 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth.
- Notifies the Trust in writing before the end of the 15th week before the expected date of childbirth, or if this is not possible, as soon as is reasonably practicable thereafter, including informing that they intend to return to work with the same or another NHS organisation for a minimum of three months after their maternity leave has ended.

An employee who satisfies the conditions above and intends to return to work will be entitled to receive:

<u>Occupational Maternity Pay</u> 12 months continuous service at the beginning of the 11 th week before the estimated week of birth	First 8 weeks	8 weeks full pay
	Followed by 18 weeks	Half pay plus SMP, providing the total amount does not exceed full pay
	Followed by 13 weeks	Statutory Maternity Pay (SMP)
	Remaining 13 weeks	Unpaid

Employees will be given the option of having their occupational maternity paid as either:

- 8 weeks full pay, 18 weeks half pay paid plus 13 weeks SMP paid over 39 weeks
- A fixed amount spread evenly over 39 weeks (OMP only)

3.1.5. Average Maternity Pay

To calculate the average payment of OMP, the payroll team will total the employees OMP payments for the 26 weeks and divide this by the number of days they have requested as Maternity Leave. This is then paid monthly determined by the number of days in a calendar month.

Please note that SMP cannot be averaged across the maternity leave period and therefore is still payable 8 weeks following the commencement of the employee's maternity leave period for a period of 31 weeks.

3.1.6. Employees who are not intending to return to work

An employee who satisfies the conditions above but does not intend to return to work with the same or another NHS organisation for a minimum period of three months after their maternity leave has ended will be entitled to:

First 6 Weeks	90% of average weekly earnings
Followed by 33 weeks	SMP rate (or 9/10ths of a week's pay if this is less)
Remaining 13 weeks	Unpaid

Where an employee decides not to return to work prior to commencing maternity leave, the employee should provide in writing that they intend to resign with effect from the date on which they commence maternity leave

This will enable the employee to receive statutory maternity pay but not the enhanced occupational pay that would be required to be paid back at the end of the maternity leave period.

The manager must notify the People Operations Team immediately and forward a copy of the employee's letter of resignation, and relevant payroll documentation.

3.1.7. Maternity Allowance

If a pregnant employee does not meet the qualifying conditions for SMP they will receive an SMP1 stating the reasons for not meeting the qualifying conditions and may be eligible to receive [Maternity Allowance](#).

Maternity Allowance pays a standard weekly rate or 90% of average gross weekly earnings (before tax), whichever is the smaller. Claims must be made via the local job centre

You can claim Maternity Allowance once you have been pregnant for 26 weeks. Payments can start 11 weeks before your baby is due.

3.2 Failure to Return from Maternity Leave

In circumstances where an employee has:

- **No actual return:** Completed a period of maternity leave and does not return to work (e.g. the employee does not resume work on the expected return date having previously stated their intention to do so).
- **No transfer to another NHS employer:** Completed a maternity leave period and has notified their intention to return to another NHS employer but fails to submit to BSMHFT a copy of their letter of appointment within 15 months of the beginning of their maternity leave.
- **Early resignation:** Where the employee returns to work but leaves before completing 3 months of service.

- **Timelines exceeded:** Not returned to work for at least 12 weeks for the same or another NHS employer (excluding Bank workers).

The employee will then be liable to refund the whole of any maternity payments made, less any SMP to which they are entitled. In cases where recovery of maternity payment would cause undue hardship or distress, the Clinical Service Manager, with guidance from the People Operations Team, shall have discretion to waive the right to recovery.

Example:

If an employee's maternity leave begins in January 2025, normally it would end by January 2026 (52 weeks later). They need to work, at least, through to the end of March 2026 for a full 3-month return. If the employee leaves NHS employment in February 2026 (after only 1 month back), that is "failure to return to work". Similarly, if the employee informs BSMHFT during maternity leave that they won't be coming back at all (deciding to be a stay-at-home parent or to join a non-NHS employer), that decision confirms they will not meet the requirements for OMP.

3.3 Notification and Application for Maternity Leave

All pregnant employees are required to provide notification in writing of their intention to take maternity leave before the end of the 15th week before the expected week of childbirth by completing the Maternity Leave Application Form (Appendix 3). The completed form must be forwarded to the People Operations Team at bsmhft.hrsupport@nhs.net

Please note, both sides of the MATB1 form must be provided.

3.4 Commencement of Maternity Leave

An employee's Ordinary Maternity Leave period begins on the day that they notified their manager as being the day on which they intend to begin their maternity leave (falling on or after the beginning of the 11th week before the expected week of childbirth).

If, however, the employee gives birth prematurely, their Ordinary Maternity Leave begins on the day following the one on which childbirth occurred.

An employee whose maternity leave commences because they give birth prematurely must communicate with their manager, that they have given birth and of the date on which the birth occurred.

The employee will be entitled to the same amount of maternity leave and pay as if the baby was born at full term. An employee's maternity leave will also be triggered if they are absent from work for a pregnancy-related reason, such as a pregnancy-related illness or suspension on maternity grounds, in the four-week period before the expected week of childbirth. In this case, their maternity leave will commence on

the day following the first day after the beginning of the fourth week before the expected week of childbirth on which they are absent for this reason.

3.5 Change of Maternity Leave Start Date and Return to Work Arrangements

The employee may later change their mind about the date on which they intend to start their maternity leave.

They must notify their manager of the revised start date at least 28 days before they wish to commence maternity leave (**Appendix 3**).

If an employee has given notification of their intention to return to work for the same or another NHS employer, in line with Section 15.82 of Agenda for Change Terms and Conditions failure to return within 15 months of the beginning of the maternity leave will mean the employee is liable to refund the whole of their maternity pay, less any Statutory Maternity Pay, received.

The interpretation of returning to work in this context is physically returning to the workplace and undertaking the duties associated with their role.

It is understandable that an employee returning to work from a period of maternity leave wishes to request a change to their working hours, patterns etc. The right to request flexible working applies to all employees from the date of commencement as per Agenda for Change Terms and Conditions.

If an employee wishes to explore changes to their working arrangements on returning from maternity leave, they should contact their manager to discuss flexible working options prior to their return.

Any requests to permanently change working hours, patterns etc. should be dealt with using the process outlined in BSMHFT's Flexible Working Policy.

3.6 Interrupted Maternity Leave

Maternity Leave will normally be a period of consecutive weeks. Exceptionally, an employee who has given birth prior to the 11th week before the expected week of childbirth (week 29 of pregnancy) and whose baby is in hospital may split the leave entitlement, subject to agreement with their line manager.

Whilst each case may be different and should be treated sensitively on its merits, interrupted Maternity Leave shall normally imply taking a short period of leave after the birth, then returning to work whilst the baby is hospitalised or utilising annual leave, and finally, resuming Maternity Leave upon the baby's discharge. Evidence such as a discharge summary may be requested to ensure pay and maternity entitlements are processed correctly.

3.7 Nursing Mothers

If you are a nursing parent returning to work, please inform your Line Manager as soon as possible so they can make the necessary arrangements and undertake an expectant mother's risk assessment to support you (appendix 2).

An employee who is breast feeding will be given suitable access to a private room to express and store milk in a refrigerator.

Requests for flexible working arrangements to support breastfeeding mothers at work will be considered in line with the Flexible Working Policy.

3.8 Ante-Natal Care

All pregnant employees are entitled to paid time off (inclusive of reasonable travel time) to attend ante-natal clinic on the advice of a registered midwife, Nurse, or doctor where these arise during working hours. These can be a doctor's appointment, relaxation, or parent craft class.

Employees must provide evidence (record card or certificate of pregnancy) of the ante-natal appointment if requested. The employee should provide as much notice as practically possible of attending the appointment.

3.9 Surrogacy Agreement (Surrogate carrying the child)

Surrogacy happens when a third-party individual agrees to carry the child for another person or couple.

Intended parents of babies born via surrogacy are eligible for adoption leave and pay as well shared parental leave. Intending parent or parents will need to provide a parental statutory declaration which states they intend to apply for parental order under the Human Fertilisation and Embryology Act 2008 and expect the court to grant the order under the grounds of eligibility. The declaration should be provided before the 15th week of the expected week of childbirth. Application for the parental order must be done within 6 months following the child's birth.

Surrogates are eligible for maternity leave and pay through the normal provision set above in this policy.

3.10 Health and Safety Considerations

BSMHFT is committed to supporting family life and assisting employees in balancing their work and family responsibilities. Therefore, once they are aware an employee is pregnant, has recently given birth or is breastfeeding, managers are responsible in identifying potential health and safety risks.

An expectant mother's risk assessment (appendix 2) should be carried out to assess the risks in line with the Trust's Health and Safety Policy. If a risk is

identified in the workplace or where a medical practitioner considers the employee at risk to continue with their normal duties, the following should apply:

- Remove the cause of the health risk or change the employee's duties. This should be monitored and reviewed on a regular basis.
- Discuss and agree with the employee concerned, suitable alternative work (for which the employee will receive their normal rate of pay) that could be undertaken for a specified period of time.
- Suspend the employee from work on maternity grounds (when there are no other reasonable or practicable alternatives). Maternity suspension will be on normal pay and will not be counted as maternity leave or sickness leave. However, such actions should not be taken without advice from the People Operations Team.
- Employees wishing to work beyond the 4th week of their expected week of confinement (EWC) or 2 weeks after their baby has been born may do so. The manager should review the employee's Risk Assessment (Appendix 2) at this time to make sure that the employee continues to work safely

3.11 Employees on Fixed Term and Training Contracts

A pregnant employee who is on a temporary or fixed-term contract may be eligible for paid Occupational Maternity Pay or Statutory Maternity Leave/Pay dependent on continuous service within the NHS.

An employee that falls under this category, and where their employment expires after the 11th week before the expected week of childbirth (week 29 of pregnancy) and who satisfies the conditions below will have their contract of employment extended, if necessary, to allow them to receive the 52 weeks, which includes any paid contractual and SMP they may be entitled too, and the remaining 13 weeks of unpaid Maternity Leave.

They must notify their employer in writing before the end of the 15th week before the expected date of childbirth (week 25 of pregnancy); or if not possible, as soon as reasonably practicable thereafter:

- Of their intention to take Maternity Leave.
- Of the date when they wish to start their Maternity Leave – they can choose when to start this maternity leave – which can usually be any date from the beginning of the 11th week before the baby is born (week 29 of pregnancy). But if the employee subsequently wants to change the date from which they wish their leave to start, they should notify their line manager at least 28 days beforehand or if this is not possible, as soon as is reasonably practicable.
- And provide a MATB1 form from their midwife or GP giving the expected date of childbirth.

An employee on a temporary or fixed term contract who is participating in a planned rotation of appointments as part of a training programme, shall have the right to return to work after a period of maternity leave, to the same or another post in the

rotation. In this case, the contract will be extended to enable the employee to complete the agreed programme of training. [NHS Employers](#) provide further guidance regarding Maternity issues for Doctors in Training.

The contract will not be extended to cover a period of unpaid parental leave and there will be no right to return to employment with the Trust following the end of maternity leave, as the contract would have ended if pregnancy and childbirth had not occurred. The repayment provisions set out in the Failure to Return to Work (see Section 3.2 of this policy) will not apply. If, however, the individual secures another position in the NHS within 52 weeks of the commencement of their maternity leave, then this absence will not be regarded as a break in service.

3.12 Absence during pregnancy and on planned return from Maternity

Up to the beginning of the 4th week before the expected week of childbirth (week 35 of pregnancy) an employee who is absent on health grounds will be entitled to sick pay in accordance with the Health, Wellbeing & Attendance Policy.

From the beginning of the 4th week before the expected week of childbirth (week 36 of pregnancy):

- An employee who is absent due to an illness which is certificated as unrelated to their pregnancy will be entitled to receive sick pay until the date previously agreed that their maternity leave commences
- An employee who is absent due to a pregnancy related illness must begin their maternity leave immediately.

At the end of their period of maternity leave, an employee will be entitled to sick pay in accordance with the Health, Wellbeing & Attendance Policy. To qualify for sick pay, they must submit a Medical Certificate from a Registered Medical Practitioner, or a Self-Certificate, to cover absence from:

- The date they notified the manager they will return to work following childbirth, or,
- The date they and the manager have agreed they will return, or,
- Where no date has been notified or agreed, the first day following the end of their maternity leave period.

An employee does not have contractual rights to sick pay during maternity leave. For practical information regarding maternity, refer to the “Employee’s Guide to Maternity Entitlements” document which is available via the People Operations Team at bsmhft.hrsupport@nhs.uk.

3.13 Babies Born Early

In line with our values of compassion and commitment to all employees, BSMHFT have adopted the ‘[Smallest Things Employer with Heart 2.0 Charter](#)’. The trust aims to support employees who have had, or have a partner, who have had premature babies.

Premature babies are babies who have been born before the 37 weeks of pregnancy. Employees who birth premature babies will have extended maternity leave by the number of days the baby was born prior to their due date.

For example, if an employee gives birth to their baby on the 32nd week of their pregnancy, they will then be entitled to take the difference between 32 weeks and 40 weeks (full gestational period) that is an extended leave of 8 weeks. This extended leave will be paid at full pay. Managers should add days the baby was born on top of the requested maternity days. Please see **Appendix 12** to apply.

Staff members whose partners have had premature babies will be allowed two weeks paid leave to spend time at the hospital with their babies. This will allow them to take their paternity leave at a later date. This can be taken as soon as the baby born and can be either before or after the requested paternity leave. Please see Appendix 13 to apply.

BSMHFT promises to support parents of premature babies while they are returning to work. Consideration will be made for formal and informal flexible working patterns and additional unpaid leave.

3.14 Maternity Leave when the loss of a Baby has occurred

If you are reading this policy because you have lost a pregnancy or baby, we are truly sorry for you and will do all we can to support you during this traumatic period.

3.14.1. Miscarriage

In situations where a miscarriage has occurred up to and including week 23 of a pregnancy, you are entitled up to 10 days paid leave. This includes, but is not limited to:

- Miscarriage: loss of a pregnancy
- Ectopic pregnancy: a medical or surgical procedure to end pregnancy
- Molar pregnancy: where a fertilised egg implants and grows outside the uterus, meaning the pregnancy is not viable
- Termination of pregnancy: where a non-viable fertilised egg implants in the uterus and the baby and placenta do not develop as they should

This is not dependent upon gestation of pregnancy (how long someone has been pregnant for), or length of service within the organisation. Leave days and pay are calculated on a pro-rata basis and reflect what you would receive in the work place.

3.14.2. Stillbirth

If the baby is stillborn after 24 weeks of pregnancy, you will be entitled to the same amount of maternity leave and pay as if the baby was alive. We kindly request that you contact your manager, the People Operations Team, or anyone you feel

comfortable contacting at BSMHFT so that you can be provided with the relevant support.

3.14.3. Neonatal Death

In circumstances where the death of the baby has occurred within 28 days of being born, or a neonatal death within the first week of the child being born, you are entitled to the same maternity leave as if the baby had survived.

3.14.4. Employee support and help

A 'Fitness for Work' statement from the GP is not required unless additional time-off from work is needed. This paid time-off will not be used for 'sickness trigger' purposes. You are also entitled to paid time-off for appointments linked to pregnancy or baby loss. This could be for medical examinations, scans and tests and mental health-related interventions, if this stretches beyond the time outlined above.

Requests to work flexibly following a loss will be treated with understanding and sensitivity. This may include home working for a period of time (where practical) or changing someone's hours of work or shift pattern.

3.14.5 Paternity leave when the loss of a baby has occurred

If you are the partner of someone who has lost a pregnancy or baby, we understand that this is a bereavement for you also, and that is why we are offering you 5 days paid leave, and paid time-off to support your partner who needs to attend appointments linked to pregnancy or baby loss.

We also want to encourage you to talk about your loss. It is usually best to talk to your manager, but if you do not feel comfortable about this, find someone else you can talk to easily. This could be with occupational health, Freedom to Speak Up Guardian, trade union representative, a friend, or someone else.

In circumstances where the employees' partner has a stillbirth or neonatal death within the first week of the child being born at or after the 16th week before the expected week of childbirth, the employees' entitlement to paternity leave will be the same as if the baby had survived.

In circumstances where the employee's baby is born alive and then dies, the employee will be entitled to the same amount of paternity pay as if their baby had lived.

We understand that losing a pregnancy or baby can affect the whole family. We would encourage you, whether you're the mother or partner to talk to your GP, Midwife, or medical professional as soon as you possibly can. They will be able to provide you with the professional medical care that you need. Also, please do not suffer in silence, we would encourage you to talk to a friend, a nurse, your manager,

or a trade union representative so that you can access the support available to you. You can also access more support from the following organisations:

- [Cradle](#)
- [Miscarriage Association](#)
- [National Bereavement Care Pathway](#)
- [Petals](#)
- [Sands](#)
- [Saying Goodbye](#)
- [Tommy's](#)

3.14.6. Guidance when supporting someone experiencing the loss of a baby

If a colleague requires support, please signpost them to your manager or a member of the People Operations Team. However, please ensure you have your colleague's consent, as they may not wish to talk about this private matter.

Please read Appendix 14 entitled "Additional Guidance for Managers – Supporting employees who experience pregnancy or baby loss at work".

3.15 Employees undergoing fertility treatment

Employees who are undergoing IVF or other fertility treatment are entitled to take paid leave for up to 3 appointments within a 12-month period to undergo treatment.

Pre-treatment appointments and counselling sessions provided as part of the IVF process should be taken as medical appointments. The employee should notify their manager as early as possible of these commitments.

3.16 Adoption Pay and Leave

Employees on adoption leave are entitled, like employees taking Ordinary Maternity Leave, to the benefit of all the non-remuneration (contractual benefits) terms and conditions of employment that would have applied if they had not been absent.

3.16.1. Eligibility for Adoption Leave

An employee who has adopted a child, or who is one of a couple who have jointly adopted a child has the qualified right to take up to 26 weeks' Ordinary Adoption Leave (OAL), followed immediately (unless the child's placement has already been disrupted - see below) by up to 26 weeks' Additional Adoption Leave (AAL). Where both adoptive parents are employed by the Trust only one (to be agreed by the couple), will be eligible for adoption leave.

To qualify an employee must:

- Have worked continuously for the Trust for 26 weeks ending with the week in which they are notified of being matched with a child for adoption
- Be "newly" matched with a child for adoption by an approved adoption agency
- Have notified the approved adoption agency that they agree that the child should be placed with them for adoption and on the date of placement.

Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when fostering prior to adoption or a stepparent is adopting a partner's child.

The partner of an individual who adopts, or the other member of a couple who are adopting jointly may be entitled to paternity leave and pay.

3.16.2. Adoption Leave Entitlement

Statutory Adoption Pay (SAP) and leave, and Occupational Adoption Pay (OAP) and leave will be in accordance with the maternity leave and pay provisions of this policy if employees meet the criteria as detailed on page 6.

3.16.3. Notification and Application

An employee who applies for adoption leave must notify their manager and complete the Adoption Leave Application Form (Appendix 5) within 7 days of being notified by an approved adoption agency that they have been newly matched with a child for adoption. The completed form must be forwarded to the People Operations Team.

The completed form must be accompanied by a copy of a "matching certificate" from the approved adoption agency or any other form of official documentation to include:

- The name and address of the agency
- The date on which the employee was notified that they had been matched with the child
- The date on which the agency expects to place the child with the employee.

This must not include the name and date of birth of the child.

3.16.4. Timing of Adoption Leave

The period of adoption leave may begin from the date on which the child is placed with the employee for adoption or from a fixed date up to 14 days beforehand.

3.16.5. Pre-Adoption Visits

An employee is entitled to reasonable paid time off to attend meetings about the child to be adopted (the manager will require advance notice and evidence of appointments i.e. appointment card or letter).

3.16.6. Disrupted Adoption

If the employee has begun their adoption leave and the expected placement does not occur, or once the child has been placed, the child dies or is returned to the adoption agency, the employee's adoption leave will end eight weeks after the end of the week in which:

- The adopter is notified that the placement will not be made
- The child dies; or

- The child is returned to the adoption agency

3.16.7. Surrogacy Agreement (carer of child)

If you are the intended parent or primary carer of a child born through a surrogacy arrangement, your eligibility to leave will be the same as Adoption Leave and pay.

Adoption/ Surrogacy Leave and pay are available to one member of a couple where a couple jointly adopt. The other member of the couple will be entitled to Paternity Leave/Pay.

3.17 Terms and conditions during Maternity / Adoption leave

3.17.1. Annual Leave

Employees will continue to accrue both statutory and any additional contractual holiday entitlement during both, ordinary maternity / adoption leave, and additional maternity / adoption leave period, which will also include Bank Holiday entitlement.

Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial for the employee to take the annual leave before and / or after the formal (paid and unpaid) maternity / adoption leave period.

The amount of annual leave to be taken in this way, or carried over, should be agreed between the manager and the employee, taking into consideration service requirements.

3.17.2. Pensions

Pension rights and contributions are provided in accordance with the NHS Superannuation Regulations. Further information can be found on the NHS [Pensions Agency Website](#)

3.17.3. Increments during Maternity / Adoption leave

Whether the parent is on paid or unpaid maternity / adoption leave, it shall count as service for annual increments and for the purposes of any service qualification for additional annual leave.

3.17.4. Early return to Work following Maternity / Adoption Leave

There is no requirement for an employee to give advance notification of their return unless they wish to return before the end of their maternity leave and then they must give a minimum of 56 days' notice (8 Weeks), in writing to their manager.

3.17.5. Keeping in Touch (KIT Days)

An employee on maternity or adoption leave will be eligible to work for up to a maximum of 10 days (in agreement with their manager) during the statutory maternity leave period without losing their entitlement to maternity pay or bringing it to an end. KIT days cannot be completed during the two-week compulsory

maternity leave period immediately after birth. For Shared Parental Leave, see paragraph 3.2.11.

KIT days include attendance at training days, staying connected within the workplace, meetings and briefings, or gradually returning to work. Any related activity undertaken on a day during the maternity leave period will qualify. For example, if an employee goes into work for a one-hour training session but does no other work that day, they will have used one of their KIT days.

Any such work must be by agreement, and neither party can insist upon it. Please note, the Line Manager has responsibility for completing and submitting the KIT application form (see appendix 4).

KIT days are intended to facilitate a smooth return to work. The employee will be paid at their basic daily rate, for the hours worked less appropriate maternity leave payment for the KIT days worked.

Once the 10 keeping-in-touch days have been used, an employee will lose a week's SMP / SAP for any week in which they undertake any work, even if it is only one day or less than a day. Any work undertaken must not extend the maternity leave period.

3.18 Paternity Leave / Maternity Support Leave

Employees are eligible for Paternity Leave (PL) / Maternity Support Leave if they have or expect to share responsibility for the baby's upbringing as spouse or partner to the mother of the baby i.e. biological or adoptive parent.

Paternity Leave / Maternity Support Leave can also apply to nominated carers, same sex partners and adoptive parent partners.

3.18.1. Entitlement

An employee who qualifies for paternity leave may elect to take either one week's leave or two consecutive weeks' leave and will be paid at full pay if they:

- Have been continuously employed for 26 weeks or more by the end of the 15th week before the mother's expected week of childbirth (or would have satisfied that condition but for the fact that the child was born before the end of that 15th week, was stillborn after 24 weeks of pregnancy or has died);
- Is the child's biological father and has responsibility for the child's upbringing, or is the mother's husband, civil partner, or partner (but not the child's biological father) and has the main responsibility (apart from any responsibility of the mother) for the child's upbringing; and
- Has formally notified their manager of the date on which they intend to take paternity leave / maternity support leave and, has produced evidence supporting their claim for leave (for example, copy of the MATB1 form / Adoption Matching Certificate)

Employees with less than 26 weeks continuous employment will be granted unpaid Paternity Leave / Maternity Support Leave.

Full pay will be calculated based on the average weekly earnings rules for calculating occupational maternity/adoption pay entitlements. The employee will receive full pay less any Statutory Paternity Pay (SPP) receivable.

3.18.2. Interrupted Paternity Leave

In accordance with the requirements for Statutory Paternity entitlements, leave will normally be a period of one or two consecutive weeks. It cannot normally be taken as odd days or as two separate weeks.

Exceptionally, an employee whose partner has given birth prior to the expected week of childbirth and whose baby is in hospital may split the paternity leave entitlement, subject to the agreement of their line manager.

Whilst each case may be different and should be treated on its merits, interrupted Paternity Leave / Maternity Support Leave shall normally imply taking a short period of leave after the birth, then returning to work whilst the baby is hospitalised, and finally, resuming paternity leave upon the baby's discharge.

Employees who have taken paternity leave will have the right to return to the same job under their original contract and on no less favourable terms and conditions.

3.18.3. 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) and complete the Paternity Leave Application Form (Appendix 6).

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.

3.18.4. Antenatal Classes for partners

Employees are also entitled to two paid time off to attend ante-natal classes with their partner (pregnant person or surrogate mother). They can also have a maximum of six unpaid appointments. A manager will require evidence of appointments.

3.19. Fostering Leave

Fostering leave allows employees to take time off to complete necessary process needed for placements to run smoothly. BSMHFT supports employees who are going through this process.

Employees are entitled to 1 day paid to attend approval panel. They are also entitled to up to 1 day paid and 2 days unpaid to attend assessment and initial training prior to approval as a foster carer. They are also entitled to up to 2 days paid and 3 days unpaid to attend Child review meetings, annual foster carer review meeting and training.

The leave will be considered and approved on a pro rata basis.

The staff member must request all foster leave by completing Appendix 11 and submitting to their line manager in a timely manner as possible. The line manager should give full and due consideration of the request and support wherever reasonably able to do so. The manager must confirm the outcome of the request to the member of staff at the earliest opportunity and send a copy of the completed application to the People Operations Team. The line manager should appropriately record the leave on ESR.

Where more than the maximum entitlement of fostering friendly paid leave is requested (as outlined above), the line manager and the staff member should discuss other means available e.g. annual leave, time off in lieu, authorised unpaid leave.

3.20. Special Guardianship and Informal Childcare Arrangements

A Special Guardianship is a formal court order which places a child or young person with someone permanently and gives this person parental responsibility for the child. Special Guardianship means that the child lives with carers who have parental responsibility for them until they are 18 years of age.

Employees entering a Special Guardianship arrangement are not entitled to benefits under this policy. However, BSMHFT recognises that time away from work may be necessary as you adjust to this change.

The Trust also acknowledges that circumstances may arise when an employee has to take on the care or residency of a child due to personal and informal arrangements.

For both of the above scenarios, please reference the Flexible Working and Special and Carers Leave policies.

3.21. Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. It allows for up to 50

weeks leave to be shared between parents, meaning the mother or adopter shares some of the Maternity Adoption leave with their partner.

Qualifying mothers and adopters continue to be entitled to Occupational Maternity and Adoption Pay but may also be able to choose to end this early and exchange it for SPL and pay, provided two weeks' compulsory maternity or adoption leave has been taken first. [NHS Employers](#) details further information on SPL.

3.21.1. Eligibility for SPL

To be eligible for SPL:

- You must share responsibility for raising the child at the time of birth or adoption with the other birth parent or adopter or your partner (married, civil partner or co-habiting).
- You or your partner must be eligible for maternity pay or leave, adoption pay or leave or maternity allowance.
- You must also plan to stay with the Trust while you take SPL.

An employee must pass the continuity of employment test detailed below. In turn, the other parent must meet the criteria within the employment and earnings test.

BSMHFT employee	Continuity of employment test	You have been employed continuously by BSMHFT for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child.)
Employee's partner	Employment and earnings test	During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must have been working for at least 26 weeks (they don't need to be in a row) and have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row).

Within 14 days of the SPL entitlement notification, BSMHFT may request from the employee:

- The name and business address of the partner's employer (where the employees' partner is no longer employed or is self-employed their contact details must be given instead)
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

Please note, upon receipt of this request, the employee must respond and produce the information within 14 days. Providing deliberately inaccurate information may lead to BSMHFT taking disciplinary action.

3.21.2. Applying for SPL - notification of entitlement

An employee intending to take SPL must provide their line manager with notification of their entitlement at least eight weeks before they can take any period of SPL. The employee must also complete the formal SPL Application Form (Appendix 7). This includes a declaration that they meet all the eligibility criteria. The line manager may wish to discuss the application with the employee before authorising the form.

Once the form has been formally submitted, the People Operations Team may arrange a meeting with the employee and their manager to discuss details of the request (if required). The employee can be accompanied by a workplace colleague or a trade union representative. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work.

All requests for SPL will be acknowledged and confirmed in writing or via email. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

The SPL application process - simplified:

- 1) The employee submits a completed application form (appendix 7) to their line manager a minimum of eight weeks before they wish leave to commence.
- 2) The line manager reviews and:
 - a) authorises the form (go to number 4)
 - b) may request additional information. This request is to be submitted to the employee within 14 days of receiving the application (go to number 3)
- 3) The employee then has 14 days from the request to produce the information requested and replies to the line manager.
- 4) If all information is satisfactory and eligibility is confirmed, the managers signs the form and the application is sent to the People Operations Team inbox - bsmhft.hrsupport@nhs.net
- 5) The People Operations Team write to the employee to confirm their application has been successful and is being processed.

3.21.3. Booking Shared Parental Leave

In addition to notifying the employer of entitlement, an employee must also provide eight weeks' notice as to how they plan to take the leave. In many cases, notice to

book leave will be given at the same time as the notice of entitlement. BSMHFT will provide flexibility where the birth is early or late, and in the case of adoption placements.

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee has a statutory right to submit up to three notifications specifying leave periods they are intending to take. However, the Trust will allow further notifications beyond this statutory minimum. Each notification may contain either

- (a) a single period of weeks of leave; or
- (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

3.21.4. Continuous leave entitlement (notification option)

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement).

3.21.5. Discontinuous leave entitlement (notification option)

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of discontinuous leave.

Where there is concern over accommodating the notification, or if the leave pattern is refused, the People Operations Team may arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and BSMHFT.

3.21.6. Variations to authorised SPL (including cancellation and returning to work early)

The employee is permitted to vary or cancel an agreed and booked period of SPL, if they advise BSMHFT in writing at least eight weeks before the date of any variation. The same amount of notice is required if the employee wishes to return to work from SPL earlier than the expected return date.

Any new start date cannot be sooner than eight weeks from the date of the variation request. Any variation will be confirmed in writing or via email by BSMHFT.

3.21.7. Statutory Shared parental Pay (ShPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave. To qualify for ShPP:

1.	The employee must meet the eligibility requirements for SPL (employment test and employment and earnings test)
2.	The mother/adopter must be/have been entitled to Occupational/Statutory maternity/Adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period.
3.	The employee must intend to care for the child during the week in which ShPP is payable.
4.	The employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions.
5.	The employee must remain in continuous employment until the first week of ShPP has begun.
6.	The employee must give notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager notice in writing or via email advising of their entitlement to ShPP. **To avoid duplication, this should be included as part of the notice of entitlement to take SPL.**

Any notice that advises of an entitlement for ShPP must include:

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

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

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

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

3.21.8. Terms and Conditions during SPL

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

Any benefits in kind (such as use of a lease car etc.) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL.

Employee contributions will be based on actual pay, while BSMHFT's contributions will be based on the salary that the employee would have received had they not been taking SPL.

3.21.9. Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement.

Employees are reminded that holiday should wherever possible be taken in the year that it is accrued. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both parties, for the employee to take annual leave before and/or after the formal (paid and unpaid) shared parental leave.

The amount of annual leave to be taken this way, or carried over, should be discussed, and agreed between the employee and Line Manager. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

3.21.10. Contact during SPL

Before going on ShPP leave, BSMHFT and the employee should discuss and agree any arrangements for keeping in touch. This may include:

- Any voluntary arrangements that the employee may find helpful to update them with developments at work and facilitate their return.
- Keeping the Trust in touch with any developments that may affect their intended date of return.

3.21.11. Shared Parental Leave Keeping in Touch Days (SPLIT Days)

An employee can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week.

These are known as "Shared Parental Leave Keeping in Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

BSMHFT has no right to require the employee to carry out any work and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Line Manager and the employee.

An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question.

Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the Trust, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

3.21.12. Returning to Work after SPL

The employee will have been formally advised in writing or via email by BSMHFT of the end date of any period of SPL. The employee is expected to return on the next working day after this date unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the Trusts normal arrangements for sickness absence will apply.

In any other case, late return without prior authorisation will be treated as unauthorised absence.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, they will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to

another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be 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 suitable and appropriate and on terms and conditions no less favourable.

3.21.13. Work during SPL

With the exception of SPLIT Days within the employee's substantive post, work on the Trust Bank or working anywhere outside BSMHFT during the employee's contracted hours is not permitted during paid or unpaid SPL unless written approval has been obtained from their line manager.

This could constitute gross misconduct and may lead to disciplinary action and referral to the Trust's Local Counter Fraud Specialist.

3.22 Parental Leave

Parental leave is available to employees who have or expect to have responsibility for a child and who has at least 12 months continuous service in the trust.

Outstanding leave will transfer from previous employers, but the individual will have to re-qualify with a year of employment within the Trust. Parental Leave is per child born or adopted.

3.22.1. Parental Leave Entitlement

Employees are entitled to 18 weeks unpaid parental leave where they have nominated caring responsibility for a child under the age of 18.

During parental leave the employee retains all their contractual rights, except remuneration and should return to the same job role.

Pension rights and contributions shall be dealt with in accordance with the NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

Parental leave must be taken in periods of one week; however, parents of disabled children may take leave in one-day periods. No more than 4 weeks parental leave may be taken in any 12- month period.

3.22.2. Notification and Application for Parental Leave

Employee Applications for parental leave must give at least 21 days' notice to their line manager of their request. All requests for parental leave must be made on the appropriate Parental Leave Application Form (Appendix 9).

3.23 Recruitment and Organisational Change during a period of Family Leave

Information will be provided by the line manager and the People Operations Team to the employee as part of the Trust's commitment for 'keeping in touch' with employees on Maternity, Adoption or Additional Paternity Leave.

The Recruitment Team will advise employees how to find details of BSMHFT job vacancies whilst on Maternity, Adoption or Additional Paternity Leave if required.

Normal processes for consultation and communication during any restructure/ change to a Team/post should ensure that employees on Maternity, Adoption or Additional Paternity Leave are included and given appropriate time to decide to attend meetings if necessary.

3.24 Special Leave for Domestic, Personal or Family Reasons

The purpose of this leave is to allow time off with pay to cover a wide range of situations, many of which might be categorised as "urgent domestic distress". Please refer to the Special and Carers Leave policy.

3.25 Carers Leave for emergencies or serious illness involving dependents and/or family members

Employees with primary carer responsibilities for a dependant relative or partner shall be entitled to Carers Leave.

Please refer to the Special and Carers Leave policy.

4. Responsibilities

This should summarise defined responsibilities relevant to the policy.

Post(s)	Responsibilities	Ref
All Employees	<ul style="list-style-type: none">• All employees have the responsibility to follow the notification procedures in all cases as detailed within this policy including providing supporting evidence as required.• All employees have a responsibility to inform their manager in a timely manner of any condition which may affect their ability to do their job safely and to ensure they follow Health and Safety Regulations.• All employees must ensure they are aware of their responsibilities as detailed in this policy.• To ensure they familiarise themselves with Trust policies and adhere to the requirements where applicable.	
Service, Clinical and Corporate Directors	<ul style="list-style-type: none">• Ensure this policy is applied fairly to all employees• Managers are responsible for ensuring employees are aware of the requirements in line with the Trust policies and procedures, ensuring employees have had the opportunity to raise any queries.• To ensure the relevant maternity/paternity/adoption/shared parental leave application forms are sent to the People Operations Team and Payroll where applicable.• Undertake an Expectant Mother's risk assessment and make any reasonable modifications to the employees post as required and where appropriate in conjunction with Occupational Health, the People Operations Team and Health and Safety Teams, to ensure an employee's return to work in a safe and suitable environment.• To maintain appropriate levels of contact as mutually agreed with the employee on family leave, ensuring they are notified and consulted on any planned organisational change within their area.• To make suitable arrangements for the employee's return to work, including the management of annual leave and the completion of changes form to initiate normal pay.	

	<ul style="list-style-type: none"> • To maintain all records in strict confidence and pass to the People Operations Team as appropriate. • To treat any concerns raised under the scope of this policy seriously, confidentially, and sensitively with support from the People Operations Team. • Managers are entitled to make reasonable contact with employees during their leave (unless something different is agreed between the manager and employee). Local arrangements should be put in place to communicate with the employee, whether by mail, phone or email and clarify what issues the employee would like to be kept up to date with before they go on their specific leave, e.g. details of any local events or training opportunities and local information from the Team/Unit. • To undertake any training offered related to family leave. 	
Policy Lead	<ul style="list-style-type: none"> • The People Operations Team is responsible for advising employees on maternity /paternity/adoption/shared parental leave in accordance with the Trust policy and procedures. • To provide training and professional advice on application of this policy. • To treat all matters with impartiality, equitably and confidentiality. • To update and review this policy in line with new and up and coming employment legislation. 	
Executive Director	<ul style="list-style-type: none"> • To ensure the policy is monitored in line with employment legislation. 	

5. Development and Consultation process:

Consultation summary	
Date policy issued for consultation	May 2024
Number of versions produced for consultation	
Committees / meetings where policy formally discussed	Date(s)
JOSC	
PDMG	

OMT		
Where received	Summary of feedback	Actions / Response
JOSC		
PDMG		
OMT		

6. Reference documents

- [Agenda for Change Handbook](#)
- Employment Break Policy
- Employment Rights Act 1996
- [Equality Act 2010](#)
- Flexible Working Policy
- Health, Wellbeing & Attendance Policy
- [Human Fertilisation and Embryology Act 2008](#)
- [Parental Bereavement Leave and Pay Regulations 2020](#)
- [Management of Health and Safety at Work Regulations 1999 \(MHSW\)](#)
- Management of Organisational Change Policy
- Special and Carers Leave Policy

7. Bibliography:

- [ACAS](#)
- [Childcare Link](#)
- [Department of Trade & Industry](#)
- [Department of Work & Pensions](#)
- [Health & Safety Executive](#)
- [HMRC Childcare](#)
- [Inland Revenue](#)
- [NHS England National Pregnancy and Baby Loss People Policy Framework](#)
- [Parents at Work](#)
- [The Children and Families Act 2014](#)
- [The Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023](#)
- [The Work and Families Act 2006](#)
- [Working Families](#)

8. Glossary:

Term	Definition
Statutory Maternity Leave	Employees are entitled to 52 weeks of maternity leave under the statutory scheme.
Ordinary Maternity Leave (OML)	The first 26 weeks of maternity leave.

Additional Maternity Leave (AML)	The last 26 weeks of maternity leave.
Statutory Maternity Pay (SMP)	An employee benefit, part of the provision of parental leave in the UK which is paid for up to 39 weeks.
Occupational Maternity Pay (OMP)	An optional payment that an employer makes to eligible staff.
Compulsory Maternity Leave	The period of 2 weeks starting with the day of the birth.
Maternity Allowance (MA)	When a mother does not have continuous NHS service to qualify for statutory pay, they will need to claim maternity allowance via the Job Centre.
Statutory Adoption Pay (SAP)	An employee benefit, part of the provision of parental leave in the UK. It is paid the same as the statutory maternity pay.
Occupational Adoption Pay (OAP)	An optional payment that an employer makes to eligible staff.
Ordinary Adoption Leave (OAL)	The first 26 weeks of adoption leave.
Additional Adoption Leave (AAL)	The last 26 weeks of adoption leave.
Paternity Leave (PL)	For the biological father or partner of the mother to take time off to care for the child and/or support the mother.
Statutory Paternity Pay (SSP)	An employee benefit, part of the provision of parental leave in the UK. It is paid for either one or two consecutive weeks at 90% of your average weekly earnings or at Government fixed amount whichever is lower.
Occupational Paternity Pay (OPP)	An optional payment that an employer makes to eligible staff. If you are eligible, you will receive full pay for up to two weeks.
Keeping in Touch	Employees can work up to ten days during their maternity, adoption or additional paternity leave without their leave coming to an end. This

	will be remunerated up on their return to employment.
Shared Parental Leave (SPL)	Enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption.
Shared Parental Pay (ShPP)	The pay associated with Shared Parental Leave.
Continuous SPL	Allows employees to take SPL in a continuous block of weeks.
Discontinuous SPL	Allows employees to take SPL in blocks of time off, mixed with times back at work.
Shared Parental Leave in Touch Days (SPLIT)	Employees can work up to 20 days during shared parental leave without it coming to an end. This is in addition to the ten KIT days.
NHS England National Pregnancy and Baby Loss People Policy Framework.	An NHS wide framework aimed at supporting those who have experienced the loss of a baby.

9. Audit and assurance:

Element to be monitored	Lead	Tool	Frequency	Reporting Committee
Review of applications for Maternity Leave/Shared Parental Leave/Paternity or Maternity Support Leave	People Team	Applications made using MATB1 and People Team Forms	Annually	TCSE
Applications for Parental Leave	People Team	Applications for Parental leave applied for and those accepted against declined	Annually	TCSE

10. Appendices: (available as word documents on the Intranet or via the People Operations Team)

- Appendix 1: Equality Impact Assessment
- Appendix 2: Expectant Mothers Risk Assessment
- Appendix 3: Maternity Leave / Pay Application Form
- Appendix 4: KIT Days Application Form during Maternity or Adoption Leave
- Appendix 5: Adoption Leave / Pay Application Form
- Appendix 6: Paternity Leave / Pay Application Form
- Appendix 7: Shared Parental Leave Application Form
- Appendix 8: SPLIT Days Application Form
- Appendix 9: Parental Leave Application Form and Managers draft response
- Appendix 10: Fostering Leave Application Form
- Appendix 11: Extended Leave after a Premature Birth (Maternal) Application Form
- Appendix 12: Extended Leave after a Premature Birth (Paternal/Partner) Application Form
- Appendix 13: Additional guidance for Managers – Supporting employees who experience pregnancy or baby loss at work

Appendix 1. Equality Analysis Screening Form

Equality Analysis Screening Form

A word version of this document can be found on the HR support pages on Connect

<http://connect/corporate/humanresources/managementsupport/Pages/default.aspx>

Title of Policy	Family Leave Policy		
Person Completing this policy	Oludotun Giwa	Role or title	People Consultant
Division	Corporate	Service Area	HR
Date Started	May 2024	Date completed	December 2024
Main purpose and aims of the policy and how it fits in with the wider strategic aims and objectives of the organisation.			
Family Leave Policy to reviewed to be in line with any changes in legislation and Trust strategy			
Who will benefit from the policy?			
All staff			
Does the policy affect service users, employees or the wider community? <i>Add any data you have on the groups affected split by Protected characteristic in the boxes below. Highlight how you have used the data to reduce any noted inequalities going forward</i>			
The policy affects employees and their family members.			
Does the policy significantly affect service delivery, business processes or policy? <i>How will these reduce inequality?</i>			
The policy ensures staff members rights to protected time off are upheld.			
Does it involve a significant commitment of resources? <i>How will these reduce inequality?</i>			
Yes. Staff members will be paid to have family time off. This supports applying staff members income to spend time with their family.			

Does the policy relate to an area where there are known inequalities? (e.g. seclusion, accessibility, recruitment & progression)				
No				
Impacts on different Personal Protected Characteristics – Helpful Questions:				
<i>Does this policy promote equality of opportunity?</i> <i>Eliminate discrimination?</i> <i>Eliminate harassment?</i> <i>Eliminate victimisation?</i>			<i>Promote good community relations?</i> <i>Promote positive attitudes towards disabled people?</i> <i>Consider more favourable treatment of disabled people?</i> <i>Promote involvement and consultation?</i> <i>Protect and promote human rights?</i>	
Please click in the relevant impact box and include relevant data				
Personal Protected Characteristic	No/Minimum Impact	Negative Impact	Positive Impact	Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics.
Age	X			There is no impact on employees due to their age as the policy ensures that all employees should be treated in a fair, reasonable and consistent manner irrespective of age.
Including children and people over 65 Is it easy for someone of any age to find out about your service or access your policy? Are you able to justify the legal or lawful reasons when your service excludes certain age groups				
Disability	X			There is no impact on employees due to their disability as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of disability
Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability? Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families?				
Gender	X			There is no impact on employees due to their gender as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of gender.
This can include male and female or someone who has completed the gender reassignment process from one sex to another				

Do you have flexible working arrangements for either sex? Is it easier for either men or women to access your policy?				
Marriage or Civil Partnerships	X			There is no impact on employees due to their marriage or civil partnership as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of their marriage or civil partnership.
People who are in a Civil Partnerships must be treated equally to married couples on a wide range of legal matters Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships?				
Pregnancy or Maternity			X	This policy clearly states the rights and protection afforded to expectant mothers under legislation and Trust Policy. It ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of their pregnancy or maternity status.
This includes women having a baby and women just after they have had a baby Does your service accommodate the needs of expectant and post-natal mothers both as staff and service users? Can your service treat staff and patients with dignity and respect relation into pregnancy and maternity?				
Race or Ethnicity	X			There is no impact on employees because of Race or Ethnicity as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of Race or Ethnicity.
Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training does staff have to respond to the cultural needs of different ethnic groups? What arrangements are in place to communicate with people who do not have English as a first language?				
Religion or Belief	X			There is no impact on employees because of their religion or beliefs as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of religion or beliefs held
Including humanists and non-believers Is there easy access to a prayer or quiet room to your service delivery area?				

When organising events – Do you take necessary steps to make sure that spiritual requirements are met?				
Sexual Orientation	X			There is no impact on employees because of their sexual orientation as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of sexual orientation
Including gay men, lesbians and bisexual people Does your service use visual images that could be people from any background or are the images mainly heterosexual couples? Does staff in your workplace feel comfortable about being 'out' or would office culture make them feel this might not be a good idea?				
Transgender or Gender Reassignment	X			There is no impact on employees because of being transgender or undertaking gender reassignment as the policy ensures that all employees should be treated in a fair, reasonable, and consistent manner irrespective of being Transgender or undertaking Gender Reassignment.
This will include people who are in the process of or in a care pathway changing from one gender to another Have you considered the possible needs of transgender staff and service users in the development of your policy or service?				
Human Rights	X			The policy is written in a manner to ensure that an employee's rights to Dignity and Respect are reinforced and maintained during periods of family leave.
Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position?				
If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998)				
	Yes	No		
	High Impact	Medium Impact	Low Impact	No Impact

What do you consider the level of negative impact to be?				X
<p>If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required.</p> <p>If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding.</p> <p>If the policy does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead.</p>				
Action Planning:				
How could you minimise or remove any negative impact identified even if this is of low significance?				
N/A				
How will any impact or planned actions be monitored and reviewed?				
Discussion between Trade Unions and HR Operations Team				
How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic.				
Promotion of policy through Connect and HR training sessions				
Please save and keep one copy and then send a copy with a copy of the policy to the Senior Equality and Diversity Lead at bsmhft.edi.queries@nhs.net. The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis				

Appendix 2: Expectant Mothers Risk Assessment

It is required by law that the Trust identifies and controls risks that may affect pregnant staff members, colleagues who have given birth within six months, and breastfeeding employees. Pregnancy is not an illness and should not be treated as such. Health and Safety related to pregnancy can be managed by following normal health and safety procedures. Where there is a heightened pregnancy risk or when a risk has been identified, an occupational health referral should be made.

Managers are responsible for completing risk assessment upon notification of pregnancy. Assessment should be reviewed on the 29th week of pregnancy. If the employee would like to work after the 34th week of pregnancy, regular risk assessments should continue. These assessments do not replace antenatal assessments which are undertaken by the GP or Midwife.

Employee Details

Employee Name	
Designation	
Location	
Contracted Hours	
Stage of Pregnancy	
Maternity Leave Date	
Expected date of delivery	
Date of Assessment	
Line Manager	
Assessment Completed By	

HAZARD	IF AT RISK, HOW	ACTION REQUIRED	BY WHOM AND WHEN
Violence and Aggression			
Manual Handling Activities			
Movement or Posture i.e. long periods of sitting, standing			
Mental and Physical Fatigue			
Chemical Agents or Substances			
Biological Agents			
On Call Duties			
Travelling during working hours			

HAZARD	IF AT RISK, HOW	ACTION REQUIRED	BY WHOM AND WHEN
Excessive Temperatures			
Facilities			
Stress			
Slips, Trips and Falls			
Lone Working			
Needle stick injuries			

Identify Likely Hazards to Employee

Steps to Take to Reduce/Eliminate Risk

- Eliminate/reduce risk
- Adjust working conditions and/or working hours – pay unaffected
- Offer suitable alternative employment – pay unaffected
- If all above are not suitable/available, employee must be suspended from work with full normal rate.

Action Plan

- 1.
- 2.
- 3.
- 4.

LOCATION OF QUIET/REST ROOM:

- 1.
- 2.
- 3.

HAS THE ACTION PLAN BEEN DISCUSSED AND AGREED? YES/NO

*REVIEW DATE: **Contact Health & Safety Team in 8 weeks***

SIGNED (ASSESSOR)..... **DATE.....**

COPIES TO:

Employee
Health and Safety Department

Appendix 3: Maternity Leave / Pay Application Form

If you wish to apply for Maternity Leave / Pay please complete Section A and Section B, C or D as appropriate. Pass the application together with Form MATB1 to your Line Manager for authorisation. Please note your partner will need a copy of the MATB1 form to submit with their paternity application, so please take a copy before submitting the MATB1.

*Note: * Delete where*

SECTION A - YOUR DETAILS

Full Name (Block Capitals)	
Current Position	
Assignment Number	
Band	
Department/Unit	
Home Address:	
Contact Number	
Personal Email Address (if you do not have access to your NHS Net account during maternity and wish to be contacted on this address by the Trust and Management)	
NHS Start Date:	
Trust Start Date:	
Expected Date of Childbirth:	

For the next part of the application please fill in the relevant section, guidance is found below:

- If you have 12 months continuous NHS service, meaning you have been directly employed by the NHS continuously without a break of no more than 13 weeks, please complete Section B
- If you have less than 12 months continuous service, but have continuous service of at least 41 weeks (9 months and 1 week) with the NHS, please complete Section C

- If you have over 12 months continuous NHS service, however you do not intend to return following the end of your maternity leave, please complete Section C
- If you have not got at least 41 weeks continuous service within the NHS, please complete Section D

PLEASE NOTE: This form must be completed and sent to the People Operations Team at least 8 weeks prior to you commencing maternity leave. Forms that are submitted without the appropriate notice may result in either delayed or wrongful payment of Maternity pay.

SECTION B - REQUEST FOR TRUST MATERNITY LEAVE WITH PAY (For staff with 12 months service intending to return)

I, (*Name in Block capitals*) am making an application for Maternity Leave with pay in accordance with the Trust's Family Leave Policy. I wish my maternity leave to start on (*date*) for weeks (maximum 52) / or* until (*Insert maternity end date*). If I wish to change my return date, I understand I have to give at least 8 weeks' notice.

I agree to continue in the employment of the National Health Service for a minimum period of 3 months after the expiry of this leave. In accordance with the conditions of service I understand that if I should fail to return to work, I shall be liable to refund the Trust maternity pay received with the exception of any amount due under Statutory Regulations.

Signature:

Date:

SECTION C - REQUEST FOR STATUTORY MATERNITY PAY & LEAVE (For staff with under 12 months service but a minimum of 41 weeks service (10 months 1 week) or staff not intending to return)

I, (*Name in Block capitals*) am making an application for Statutory Maternity Pay & Leave in accordance with the Trust's Maternity, Paternity and Adoption Leave Policy.

I wish my maternity leave to start on (*date*).

Please select one of the following options:

- ☐ I will **NOT** be returning to work after the expiry of my maternity leave

- ☐ I am undecided whether to return to duty after my Statutory Maternity Leave and understand that I shall receive any balance of pay due, should I return under the conditions described in Section B above.
- ☐ I will be returning but have less than 12 months service. I wish my maternity leave to start on (date) for weeks (maximum 52) / or* until (Insert maternity end date). If I wish to change my return date, I understand I must give at least 8 weeks' notice.

Signature:

Date:

SECTION D - REQUEST FOR STATUTORY MATERNITY LEAVE WITHOUT PAY

I (*Name in block capitals*) am making an application for Statutory Maternity Leave Without Pay in accordance with my statutory rights and will / will not* be returning to work. I understand I may be entitled to claim Maternity Allowance directly from the Benefits Agency.

I wish my maternity leave to start on (date) for weeks (maximum 52) / or* until (Insert maternity end date). If I wish to change my return date, I understand I must give at least 8 weeks' notice.

Signature:

Date:

AUTHORISATION OF MATERNITY LEAVE / PAY BY LINE MANAGER:

I confirm that (*Name in block capitals*) should be granted Maternity Leave and/or Pay and I attach a statement from a *registered medical practitioner / certified midwife (Form MATB1) giving the expected week/date of childbirth as (date).

I confirm that an Expectant Mother's risk assessment has been carried out and further risk assessments will be carried out at the appropriate times in accordance with Trust Policy.

I confirm that we have agreed a method of contact during the maternity leave period and clarified the issues which the above-named wishes to be kept up to date with. We have discussed the optional Keeping in Touch Days. I confirm that any KIT days will be agreed before any work is undertaken and that the KIT Days application form will be completed and sent to Finance along with a Changes form on their return to work if they are to be paid.

I also confirm that prior to the employee returning to work a Changes form will be completed and sent to the Finance Department notifying them of the date of return.

PLEASE NOTE IF ANNUAL LEAVE HAS BEEN AUTHORISED IMMEDIATELY FOLLOWING THE END OF MATERNITY LEAVE THE RETURN-TO-WORK DATE NEEDS TO BE THAT OF THE FIRST DAY OF ANNUAL LEAVE.

Signature:

Date:

Print Manager's name:

Scanned Form and copy of MATB1 form to be sent to the People Operations Team inbox (once completed by the line manager) – bsmhft.hrsupport@nhs.net

Appendix 4: Keeping In Touch (Kit) Days

Application Form during Maternity or Adoption Leave

In accordance with the Trust's Maternity, Paternity and Adoption Leave Policy an employee may work up to ten "Keeping in Touch" (KIT) days during maternity or adoption leave without it affecting their maternity / adoption pay. The employee may not work by law during the two weeks immediately following the birth of a child.

The KIT days are optional and are to be mutually agreed by the manager and employee **before** starting maternity or adoption leave. Agree the days are worked and if they are to be paid on return to work or taken as time off in lieu.

KIT days can be consecutive, can be shorter than a normal working day and can include training sessions, away or development days with the team, to communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change, etc. Working for a part of any day counts as one of the 10 KIT days.

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

Name:

Assignment Number:

KIT Day	KIT Day Worked	Hours worked	Event, Nature, or Type of Work	Paid or TOIL	Manager's Signature & Date (for pay purposes)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Signed by employee: Dated:

Signed by manager: Dated:

Print manager's name:

On return from Maternity or Adoption Leave, the Line Manager should send form to the Finance Department along with a Changes Form (if KIT days worked are to be paid). Put a copy of this form in the employee's personal file.

Appendix 5: Adoption Leave / Pay Application Form

If you wish to apply for Adoption Leave / Pay please complete Section A and Section B, C or D as appropriate. Pass the application with Letter of Adoption or Matching Certificate to your Line Manager for authorisation.

SECTION A - YOUR DETAILS

Full Name (Block Capitals)	
Current Position	
Assignment Number	
Band	
Department/Unit	
Home Address:	
Contact Number	
Personal Email Address if you do not have access to your NHS Net account during maternity and wish to be contacted on this address by the Trust and Management	
NHS Start Date:	
Trust Start Date:	
Expected Date of UK Adoption Placement is:	
Expected Date of arrival in UK (if an overseas adoption) is:	

SECTION B - REQUEST FOR ADOPTION LEAVE WITH PAY (For staff with 12 months service intending to return)

I, (*Name in Block capitals*) am making an application for Adoption Leave with pay in accordance with the Trust's Maternity, Paternity and Adoption Leave Policy. I wish to absent myself from duty with effect from (*date*) for 52 weeks Statutory Adoption Leave / or* until (*Insert earlier date*). If I wish to change my return date, I understand I have to give at least 8 weeks' notice.

I agree to continue in the employment of the National Health Service for a minimum period of 3 months after the expiry of this leave. In accordance with Trusts Maternity, Paternity and Adoption Leave Policy I understand that if I should fail to return to work, I shall be liable to refund a proportion of the Trust adoption leave pay received with the exception of any amount due under Statutory Regulations.

Signature:

Date:

SECTION C - REQUEST FOR ADOPTION LEAVE WITH STATUTORY ADOPTION PAY ONLY (For staff with under 12 months service)

I, (*Name in Block Capitals*) am making an application for Adoption Leave in accordance with the Trust's Maternity, Paternity and Adoption Leave. I wish to be absent from duty from(*date*).

- ☐ I will **NOT** be returning to work after the expiry of my statutory adoption leave of 52 weeks.
- ☐ I am undecided whether to return to duty after the adoption and understand that I shall receive any balance of pay due, should I return under the conditions described in Section B above. I understand I have to give at least 8 weeks' notice of any return date.
- ☐ I will be returning to work but have less than 12 months service. I will return to work on (*Insert date up to 52 weeks from the commencement of adoption leave*). If I wish to change my return date, I understand I have to give at least 8 weeks' notice.

Signature:

Date:

SECTION D - REQUEST FOR ADOPTION LEAVE WITHOUT PAY

I, (*Name in Block Capitals*) am making an application for Adoption Leave in accordance with the Trust's Maternity, Paternity and Adoption Leave. I wish to be absent from duty from (*date*) and will be returning to work on (*insert return dated up to 52 weeks from the commencement of adoption leave*). If I wish to change my return date, I understand that I have to give at least 8 weeks' notice.

Signature:

Date:

SECTION E - TO BE AUTHORISED BY LINE MANAGER

I confirm that (*Name in block capitals*), who has been employed since (*date*) should be granted such *pay / leave accordingly.

I attach a copy of a letter

- ☐ Matching Certificate from
- ☐ Social Services / the Adoption agency

Confirming the expected week/ date of adoption as (*date*).

Signature:

Date:

Scanned Form and copy of MATB1 form to be sent to the People Operations Team inbox (once completed by the line manager) – bsmhft.hrsupport@nhs.net

Appendix 6: Paternity Leave / Pay Application Form

Employees with 26 weeks continuous service with the Trust (excluding Bank or workers) by the end of the 15th week before the baby is due, or the date of adoption may be entitled to receive Statutory Paternity Pay during the 2 weeks Paternity Leave period.

Employees with 12 months continuous NHS service by the beginning of the week the baby is due, or the date of adoption will be entitled to full Occupational Paternity Pay.

SECTION A - YOUR DETAILS

Full Name (Block Capitals)	
Current Position	
Assignment Number	
Band	
Department/Unit	
Home Address:	
National Insurance Number	
Contact Number and email	
NHS Start Date:	
Trust Start Date:	
Expected Date of Childbirth:	

SECTION B - YOUR CHILD'S DETAILS

- ☐ I enclose a copy of MATB1 (Certificate of Confinement) or a Declaration regarding my pregnant partner. The baby is due on:
- ☐ If the baby has been born enter the due date above and also enter actual date of birth:
- ☐ I enclose a letter of Adoption / Matching Certificate confirming the date of adoption on:

SECTION C – REQUEST FOR PATERNITY PAY AND LEAVE

I am making an application for Trust and/or Statutory Paternity Pay & Leave, giving at least 28 days' notice (or as much notice as is reasonably practicable) in accordance with the Trust's Family Leave Policy and I declare that:

a) I am the:

☐

Baby's biological father

☐

Adoptive parent

☐

Nominated carer

☐

Married to or in a civil partnership with the mother

☐

Living with the mother in an enduring family relationship, but am not an immediate relative; **and**

b) I have responsibility for the child's upbringing; and

c) I will take time off work to support the mother or care for the child.

I wish to absent myself from duty for two working weeks with effect from:

..... and I will therefore be returning to work on:

.....

Signature: Date:

SECTION D – SECTION TO BE COMPLETED BY LINE MANAGER

I confirm that the above-named member of staff qualifies for Paternity Leave under the terms of the Trust's Family Leave Policy and should be granted such *pay / leave accordingly.

Signed (Manager).....Date:

Print Manager's name.....

Copy of MATB1 form to be returned to the People Operations Team via email

Appendix 7: Shared Parental Leave Application Form

Name of Employee	
Job title:	
I wish to inform you that I intend to take parental leave as follows:	
Expected date of childbirth or the date notified that a child has been matched for adoption:	
Child's date of birth or date of placement for adoption:	
Expected date SPL period to commence:	
Expected Return to Work date:	
Dates of paid annual leave to be taken before and/or after SPL (in agreement with your line manager): Please note, it is your responsibility to ensure that all accrued annual leave is taken prior to commencing, if this is not possible you may be required to take it directly at the end of the SPL.	
If, during your SPL leave, you change your mind about when you intend to return to work, you must give us at least 8 weeks' notice of your new intended date of return.	
DECLARATION I have read and understood BSMHFT's Family Leave Policy, and agree to the following: a) I will respond within the required timescales to all Trust correspondence regarding my shared parental leave, or I may, subject to my contract of employment, forfeit my right to return to work until relevant notice has been given	

b) I enclose / have already provided a copy of my child's birth certificate, or confirmation of placement for adoption from my local authority (please delete as appropriate)

c) I confirm that all details provided in this form to receive SPL or ShPP are correct

d) I understand that whilst on Shared Parental Leave, apart from working on "Shared Parental Leave Keep in Touch Days within my substantive post", I must not undertake paid work on the Trust Bank or outside the Trust, during my contracted hours [without the written approval of my line manager]. I also confirm that I have, or I will seek written permission from my line manager if I intend to work for another employer outside of my contractual hours, during my paid Shared Parental Leave.

Any breach of this clause could be classed as gross misconduct and may lead to disciplinary action and referral to the Trust's Local Counter Fraud Specialist.

To qualify for SPL, you must complete and return this form to your line manager no later than 8 weeks prior to the date you wish your SPL to commence.

Your partner must complete part 2 of this form, in full, and sign the declaration. Please provide a copy of your child's birth certificate / confirmation of placement from the adoption agency along with this form.

Signed:

Name (Printed)

Date:

For line manager's use only

Signature of line manager:

Dated:

For the People Operations Team use only

Date received by the People Operations Team:

Meeting arranged for:

Date letter issued:

For the Payroll Department use only

Date received by Payroll Department:

Processed date:

Part 2

Name of employee:	
Job title:	
Details of Partner	
Name:	
Place of work and contact number:	
Home Address and Telephone Number:	
National Insurance Number (or a declaration that they do not have a NI number):	
I declare that I have now given notice to my employer that I am returning to work from my maternity/adoption leave and the relevant details are as follows:	
The start date of my maternity/adoption pay period was: The end date for my maternity/adoption pay period is: (please note if both parties are off on shared parental leave only one party can claim maternity or adoption pay)	
I intend to return to work from my maternity / adoption period on:	
Total amount of shared parental leaves available:	
I consent to the Trust contacting my partners employer to confirm the arrangements for Shared Parental Leave as necessary	
Signed:	
Name (Printed)	
Dated:	

Appendix 8: Shared Parental Leave in Touch (SPLIT) Days Application Form during Shared Parental Leave

In accordance with the Trust's Family Leave Policy, an employee may work up to 20 Shared Parental Leave In Touch (SPLIT) days during Shared Parental Leave without it affecting their Shared Parental Leave pay or leave entitlement. The employee may not work by law during the two weeks immediately following the birth of a child.

The SPLIT days are optional and are to be mutually agreed by the manager and employee **before** starting Shared Parental Leave. Agree the days are worked and if they are to be paid on return to work or taken as time off in lieu.

SPLIT days can be consecutive, can be shorter than a normal working day and can include:

- training sessions,
- away or development days with the team,
- to communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change, etc.

Working for a part of any day counts as one of the 20 SPLIT days.

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

Name:

Assignment Number:

KIT Day	KIT Day Worked	Hours worked	Event, Nature, or Type of Work	Paid or TOIL	Manager's Signature & Date (for pay purposes)
1					
2					
3					
4					
5					
6					
7					
8					
9					

10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

Signed by employee: Dated:

Signed by manager: Dated:

Print manager's name:

On return from Shared Parental Leave, the Line Manager should send the form to the Finance Department along with a Changes Form (if SPLIT days worked are to be paid). A copy of this form should also be placed in the personal file.

Appendix 9: Parental Leave Application Form

Please complete the form in full in before forwarding it to your line manager for authorisation.

The completed application must be completed at least 21 days before the intended leave starts.

Employee to complete:

Name:	Post:
Location:	Line Manager:
I am applying for an unpaid period of parental leave of weeks / (days- only available if the child is disabled). I would like this period to start on And finish on	
Child's name:	
Child's Date of Birth:	
Number of days and date of parental leave will be unpaid:	
Signature:	
Date:	

Manager to complete:

Line Managers Name:	Post:
Location:	
I authorise this leave - Managers signature:	

Name of the Service
Address of the Service

Date

Private and Confidential
Name
Address

Dear Mr/Mrs/Miss/Ms,

Re: Parental Leave Application

Further to your recent Parental Leave Application, I am writing to confirm that your application was approved as requested. Your period(s) of Parental Leave are as follows:
- Outline the agreed periods of Parental Leave: start date(s), length, etc.

We agreed that during your Leave we will stay in touch via XXXXXXXX every TIME FRAME.

Please note that if you would like to make any changes to the above arrangements, you must request them in writing to me at least 1 month prior to their commencement.

All terms and conditions of your employment with the Trust will remain the same during your leave apart from your pay, which will be suspended for the period of leave and the pension's contributions, which will not be paid but can be repaid if you choose on return to work.

If you have any questions or concerns, please, do not hesitate to contact me at your earliest convenience.

Yours sincerely,
Name
Title

cc: personal file

Appendix 10: Fostering Leave Application Form

SECTION A: TO BE COMPLETED BY EMPLOYEE / APPLICANT:

Full Name:

Post Title:

Base:

Contact Tel No(s):

Email Address:

Amount of Time Requested:

Date From:

Date To:

Reason for Request:

SECTION B: TO BE COMPLETED BY LINE MANAGER:

Approved (Please indicate): YES / NO

If no, please state reasons.

Signed:

Dated:

PRINT NAME:

SECTION C: TO BE COMPLETED BY AUTHORISING OFFICER:

To be countersigned by Director (or designated deputy)

Signed:

Dated:

PRINT NAME:

*Line Managers must retain a copy of the completed application on the employee's personal File

Appendix 11: Extended Leave After a Premature Birth (Maternal) Application Form

This application should be completed after reading section 3.28 of this policy.

SECTION A: TO BE COMPLETED BY EMPLOYEE / APPLICANT

Full Name:

Post Title:

Base:

Assignment Number:

Contact Tel No(s):

Email Address:

Home Address

Type of Contract:

Start Day With BSMHFT:

Start Day With NHS:

Expected Date of Childbirth:

(Kindly enclose MATB1 in your application)

Original Due Date to Start Maternity Leave:

Original Date to End Maternity Leave:

Baby's Actual Birth Date:

(Kindly enclosed birth certificate)

Extended Maternity Leave Start Date:

Extended Maternity Leave End Date:

Declaration

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

Signed Date

SECTION B: TO BE COMPLETED BY LINE MANAGER:

Following my discussion with..... I am aware the baby was due on I have seen and copied the original MATB 1. The baby was born on..... I have seen and copied the original birth certificate.

The baby was days premature.

I hereby confirm that the applicant is entitled to days extended leave after the end of their maternity leave in line with paragraph 3.28 under the Family leave policy. This period will be assigned as paid parental leave.

Name

Title

Signed

Date

Scanned Form and copy of MATB1 form and birth certificate to be sent to the People Operations Team inbox (once completed by the line manager) –
bsmhft.hrsupport@nhs.net

Appendix 12: Extended Leave After a Premature Birth (Paternal/Partner) Application Form
This application should be completed after reading section 3.28 of this policy.
SECTION A: TO BE COMPLETED BY EMPLOYEE/APPLICANT
Full Name: Post Title: Base: Assignment Number: Contact Tel No(s): Email Address: Home Address Type of Contract: Start Day With BSMHFT: Start Day With NHS: Expected Date of Childbirth: (Kindly enclose MATB1 in your application) Original Due Date to Start Paternity Leave: Original Date to End Paternity Leave: Baby's Actual Birth Date: (Kindly enclosed birth certificate) Extended Paternity Leave Start Date: Extended Paternity Leave End Date: Declaration I will be taking my extended leave on following the end of my Paternity leave onthe duration of the leave will be for days. I am aware that I am eligible for only 2 weeks extended paternity leave. I am also aware that I need to take my paternity leave within 56 days/ 8 weeks of the actual birth. Signed Date

SECTION B: TO BE COMPLETED BY LINE MANAGER:

Following my discussion with..... I am aware the baby was due on I have seen and copied the original MATB 1. The baby was born on..... I have seen and copied the original birth certificate.

The baby was days premature.

I hereby confirm that the applicant is entitled to days maximum of 2 weeks extended leave in line with paragraph 3.28 under the Family leave policy. This period will be assigned as paid parental leave.

Name

Title

Signed

Date

Scanned Form and copy of MATB1 form and birth certificate to be sent to the People Operations Team inbox (once completed by the line manager) –

bsmhft.hrsupport@nhs.net

Appendix 13: Additional Guidance for Managers – Supporting employees who experience pregnancy or baby loss at work

Pregnancy or baby loss may happen at work, and of course you may not be aware that a member of your team is pregnant. Remember, that someone is not obliged to tell their manager of their pregnancy until 15 weeks before their estimated due date, or as soon as is reasonably practicable after then (approximately 6 months pregnant).

If someone suspects that they are starting to lose their pregnancy or baby, they may have bleeding, severe abdominal pain, and may feel faint or collapse. They will most likely be very distressed, embarrassed, and/or frightened.

You can help by ensuring they have immediate access to privacy. You may also need to help them by calling their partner, family member or close friend, to assist them in getting home, hospital or occupational health. In severe cases you may need to call an ambulance

If a colleague at work learns that their partner, relative or close friend is starting to lose their pregnancy or baby, they may need to leave work at short notice to provide practical and emotional support. Please facilitate this and be as compassionate as you can be.

Once someone has gone home or to hospital, you will need to consider carefully how you will explain the sudden absence to other staff in order to respect their privacy, especially as they might not want others to know the details. You may choose to simply say “they are not at work” and not engage in deeper conversation.

As a manager, you should also:

1. Record absence on ESR as ‘Special Leave’ not ‘Sickness Absence’. For periods of absence longer than 10 days (or 5 days for partners), the employee will need to obtain a ‘Fitness for Work’ statement from their GP. Don’t forget leave needs to be pro-rata for part-time colleagues. This paid time off is not to be used for ‘sickness trigger’ purposes.
2. Whilst they are off, ensure you keep in contact with them, but use your discretion and be sensitive to how much contact they want.
3. When the employee and/or partner is ready to return to work, you should meet with them on a one-to-one basis to see how best you can support them going forward. This may include doing a Risk Assessment and/or referring them to Occupational Health support.

Be sensitive on the anniversary of the pregnancy or baby loss, and you may wish to put a private note in your diary to remind you to 'look out' for them. It is probably best not to make a big deal of it, but you may wish to consider discreetly asking them if they are okay. You may also wish to pay attention to them on Mother's Day or Father's Day, as this could be a particularly difficult day for them.

If you feel you need additional advice at any time, please do not hesitate to contact People Operations Team. They will provide you with the support you need.