



Family Leave Policy

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Policy context

- This policy and accompanying guidance set out 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, IVF and carer's 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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1: Introduction:

Rationale (why): Birmingham and Solihull Mental Health Foundation Trust are committed to supporting family life through the development of family friendly policies, assisting employees in balancing work and family responsibilities by adopting a flexible approach.

The Trust aims to support prospective parents through all aspects of pregnancy, adoption or shared parental leave throughout this period until their return to work

The purpose of this policy is to provide managers and employees with information and guidance about entitlements to maternity, paternity, shared parental and adoption leave relating to conditions of service, and to provide the basis for a clear understanding of the nature and period of leave, paid and unpaid that will apply in particular circumstances.

This policy and any accompanying guidance and procedures applies to all directly employed staff working for Birmingham and Solihull Mental Health Foundation NHS Trust, 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 pay or allowance is determined by the Department for Work and Pensions regulations. This policy and accompanying guides can only give an indication of these rights.

This Policy should be read in conjunction with the Trust Management of Sickness Absence Policy, Parental Leave Policy and Flexible Working Policy, Employment Break Policy and relevant equality documents.

Scope (when, where and who): 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 are no separate maternity leave scheme employees will be subject to statutory maternity rights which are laid down in current legislation.

In addition, this policy is in compliance with statutory rights and regulations and well as employment legislation relating to Maternity, Adoption, Paternity and Shared parental leave; mainly the Equality Act 2010 and Employment Act 2002.

Principles (beliefs): 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 for managers and employees 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 staff and surrogates have the right to 52 weeks maternity leave and to return to their job after this.

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.**

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.

Statutory Maternity Leave

All pregnant employees have a statutory entitlement to a 52 weeks 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).

Statutory Maternity Pay

Pregnant Staff 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 15th week before the EWC	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

SMP rates are usually reviewed in April each year, by the Government. The latest rates can be found on the Gov.UK website.

Occupational Maternity Pay

Pregnant Employees are entitled to both paid and/or unpaid occupational maternity leave/pay 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 reasonable 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:

Occupational Maternity Pay 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)

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 Statutory Maternity Pay 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.

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 has made an informed decision not to return to work prior to commencing maternity leave then 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 Human Resources immediately and forward a copy of the employee's letter of resignation, and relevant payroll documentation.

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:

- completed a period of maternity leave and does not return to work, or,

- completed a maternity leave period and has notified their manager of their intention to return to work with the Trust and does not do so, or,
- completed a maternity leave period and has notified their intention to return to another NHS employer, but fails to submit to the Trust a copy of their letter of appointment within 15 months of the beginning of their maternity leave, or,
- not returned to work for at least 12 weeks for the same or another NHS employer (excluding Bank workers) having previously stated their intention to do so,

The employee shall then be liable to refund the whole of any Trust Maternity Pay paid to them less any Statutory Maternity Pay to which they are entitled. In cases where recovery of Trust Maternity Pay would cause undue hardship or distress, the Clinical Service Manager shall have discretion to waive the right to recovery.

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 HR team.

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 intends 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 inform 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.

In the event of a stillbirth after the 24th week of completed pregnancy an employee will be entitled to the same amount of maternity leave and pay as if the circumstances had not changed. Where an employee has a miscarriage before the 24th week of pregnancy normal sick leave provisions will apply. Support for managers is available from Human Resources should they wish to discuss support for employees experiencing loss during pregnancy.

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 15.41 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.

There may be instances whereby 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.

This is above the statutory requirement for employees to have 26 weeks continuous service to be eligible to submit a flexible working request.

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 the **Trust'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 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 a expectant mothers 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 mother's 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)

As a surrogate you will be entitled to 52 weeks maternity leave.

3.10 Health and Safety Considerations

Managers are responsible once they are aware an employee is pregnant, has recently given birth or is breastfeeding to identify 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 so the risk does not arise. 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 may 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 Human Resources.

3.11 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 on a temporary, fixed-term or training contract which 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 have further information and guidance available to download regarding Maternity issues for Doctors in Training: www.nhsemployers.org

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 5.14 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 Sickness 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 Trust's Management of Sickness Absence 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 Trust's Management of Sickness Absence 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 further information and guidance regarding maternity refer to 'Employee's Guide to Maternity Entitlements' available on the Trust Connect site or contact HR Support, bsmhft.hrsupport@nhs.uk.

3.13 Special Circumstances for maternity leave

In circumstances where the employee 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 maternity 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 maternity pay as if their baby had lived. For further information please refer to the following website <http://www.uksands.org/>

In the unfortunate instance that an pregnant employee experiences a miscarriage prior to the 24th week of childbirth, they will be managed in a supportive manner under the Trust's Sickness Absence Policy with help from their line management and Human Resources

3.14 Employees undergoing fertility treatment

Employees who are undergoing IVF or other fertility treatment are entitled to take paid leave to undergo treatment.

Pre-treatment appointments and counselling sessions provided as part of the IVF process should be taken as medical appointments.

You should discuss the situation with your manager who may be able to offer alternative suggestions to assist individuals during their treatment depending on their circumstances.

3.15 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.

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, followed immediately (unless the child's placement has already been disrupted - see below) by up to 26 weeks' additional adoption leave. 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.

Adoption Leave Entitlement

Statutory Adoption Pay and leave and Occupational Adoption Pay and leave will be in accordance with the maternity leave and pay provisions of this policy if employees meet the criteria as detailed in section 6.

Notification and Application

An employee who intends to apply 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 Human Resources.

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.

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.

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).

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

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.

3.16 Terms and conditions during maternity / adoption leave

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 discussed and agreed between the manager and the employee, taking into consideration service requirements.

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: www.nhsbsa.nhs.uk/pensions.

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.

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.

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 compulsory maternity leave period.

This may include attendance at training days, or any other activity undertaken for the purpose of the employee keeping in touch (KIT days) with the workplace. Any work undertaken on a day during the maternity leave period will count keeping-in-touch day.

As a result, 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 keeping-in-touch days. Any such work must be by agreement and neither party can insist upon it.

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.

3.17 Paternity leave/Maternity Support Leave

Employees are eligible for paternity leave/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.

Paternity Leave/Maternity Support Leave 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.

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 and Human Resources.

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.

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

Special Circumstances for paternity leave

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. For further information please refer to the following website

<http://www.uksands.org/>

Antenatal Classes for partners

Employees are also entitled to reasonable paid time off to attend ante-natal classes with their partner. A manager will require evidence of appointments.

3.18 Shared Parental Leave (formerly additional paternity leave)

Shared Parental Leave (SPL) enables eligible parents whose babies are due, or who will adopt a child on or after 5 April 2015, to choose how to share the care of

their child during the first year of birth or adoption, providing parents with additional flexibility.

Eligibility for Shared Parental Leave

To be eligible for Shared Parental Leave (SPL) you must share responsibility for the child with one of the following:

- Your husband, wife, civil partner or joint adopter.
- The child's other parent.
- Your partner (If they live with you and the child)

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

- You or your partner must be eligible for maternity pay or leave, adoption pay or leave or maternity allowance.
- Have been employed continuously by the Trust 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.)
- Stay with the Trust while you take SPL.
- 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).

Requesting Further Evidence of Eligibility- the Trust may, within 14 days of the SPL entitlement notification being given, request:

- 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.

To be entitled to SPL, the employee must produce this information within 14 days of the Trust's request.

Notification

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take SPL, at least eight weeks before they can take any period of SPL.

To be eligible for SPL the employee must complete all sections of Appendix 7.

This includes a declaration that they meet all the eligibility criteria, should they cease to be eligible the employee must immediately inform the Trust.

Shared Parental Leave Entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave.

If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

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

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

SPL can commence as follows:

- The mother can take SPL after they have taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the partner can take leave while the mother/adopter is still using their maternity/adoption entitlements but this will be unpaid until the Mother/adopter is no longer in receipt of their OMP/SMP/SAP. Payroll will ensure any outstanding entitlement switches to the partner during any periods of SPL.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below). If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

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

Both parents can be off at the same time but it counts towards the 50 week entitlement. So if they split it between them (apart from statutory maternity leave of 2 weeks) their entitlement will expire after 26 weeks leave each.

Discussions Regarding Shared Parental Leave

An employee considering/taking SPL is encouraged to contact Human Resources to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support them individually.

Human Resources may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a SPL Application Form (contained in Appendix 7), Human Resources will arrange a meeting with the employee and their manager to discuss if required.

At the meeting, the employee may, if they wish, 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. Where there is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.

Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has a statutory right to submit 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.

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 must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

More information on Shared Parental leave can be found here:
<https://www.nhsemployers.org/-/media/Employers/Documents/Pay-andreward/2018-contract-refresh/Shared-parental-leave-guidance.pdf>

Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

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

The employee has a statutory right to submit three notifications specifying leave periods they are intending to take. However, the Trust will allow further notifications beyond this statutory minimum within reason.

Discontinuous leave notifications

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

Where there is concern over accommodating the notification, the Trust or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see "Discussions regarding Shared Parental Leave" above).

The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, a meeting will take place to discuss whether a modified arrangement would be agreeable to the employee and the Trust.

Responding to a Shared parental Leave Notification

Once the line manager receives the SPL Application Form (contained in Appendix 7), it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing or via email.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to

the service needs. Each request for discontinuous leave will be considered on a case-by-case basis.

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. The employee will be informed in writing or via email of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

If a discontinuous leave pattern is refused, then the employee may either take the leave in a single continuous block or discuss whether a modified arrangement would be agreeable to the employee and the Trust. If the employee chooses to take the leave in a single continuous block, the employee has until the 14th day from the date of refusal to notify the Trust of when they want the leave period to begin.

The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

Variations to Arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, if they advise the Trust in writing at least eight weeks before the date of any variation.

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

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.

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

- The mother/adopter must be/have been entitled to Occupational/Statutory maternity/Adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period.
- The employee must intend to care for the child during the week in which ShPP is payable.
- The employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions.
- The employee must remain in continuous employment until the first week of ShPP has begun.

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

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, if possible, this should be included as part of the notice of entitlement to take SPL.

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

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

3.19 Terms and Conditions during Shared Parental Leave

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 the Trust's contributions will be based on the salary that the employee would have received had they not been taking SPL.

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 employer.

Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

Contact during Shared Parental Leave

Before going on ShPP leave, the Trust and the employee should discuss and agree any arrangements for keeping in touch during the employee's period of ShPP leave. This may include:

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

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.

The Trust 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 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

Returning to Work after Shared parental Leave

The employee will have been formally advised in writing or via email by the Trust 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 Trust's normal arrangements for sickness absence will apply.

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

If the employee wishes to return to work earlier than the expected return date, they may provide notice either in writing or via email to their line manager to vary the leave and must give the Trust at least 8 weeks' notice of their date of early return.

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.

Work during Shared Parental Leave

With the exception of shared parental leave in touch days within the employee's substantive post, work on the Trust Bank or working anywhere outside the Trust during the employee's contracted hours is not permitted during paid or unpaid Shared Parental Leave 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.

3.20 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.

Parental Leave Entitlement

Employees are entitled to 18 weeks unpaid parental leave for children under 18 years old.

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.

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).

3.21 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". These situations may include the serious illness of a child, spouse, partner or elderly dependent relative, the sudden breakdown of normal carer arrangements, the making of arrangements for the longer term to cope with the problem.

These situations will also include time off for employees to make necessary arrangements at the time of the death of close relatives. It should be recognised that in any of these situations such leave is for immediate, short-term, "one-off"

situations. It will be for managers to ensure that situations which are recurring or ongoing are dealt with by alternative strategies, such as adjustments (temporary or permanent) to hours, periods of unpaid leave, annual leave or an extension of special leave.

Conditions

- Open to all employees irrespective of length of service.
- Employees will be required to complete the relevant form outlining the broad circumstances of the application for leave.

Entitlement

Normally it is anticipated that a period of up to 5 days leave should be sufficient to meet the needs of most situations which will arise under this category. Subject to the discretion of the manager, further periods of unpaid leave or annual leave may be used to supplement the above leave.

Leave and Provisions for Carers It is recognised that many employees will have responsibilities as carers for a dependant relative or partner. (The Agenda for Change Terms and Conditions Handbook defines a “dependant”, as someone who is an employee’s parent, wife, husband, partner, child, or is someone who relies on the employee in an emergency.)

It is recognised that situations may develop where this responsibility results in the need for the employee to have leave or to change their working arrangements to enable them to fulfil their carer responsibilities. It is further recognised that these needs may be short, medium or long term in their nature.

The following identifies the range of provisions which managers and employees may consider meeting these needs

3.22 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.

A dependent within the Employment Rights Act of 1996 is defined as an employee’s spouse or civil partner, a child, parent or a person living in the same household as the employee (other than being a tenant, lodger, boarder or employee).

Paid special leave may be granted to enable employees to manage either **urgent or unforeseen** personal situations including:

- Illness of a spouse, partner (regardless of their gender), parent, child or person standing in a special relationship to the employee
- Breakdown of normal care arrangements for dependants giving rise to domestic difficulties
- Unexpected or sudden emergencies involving a dependant of the employee

Up to 3 days working days (or equivalent) paid leave may be granted -to enable the employee to manage such situations in the short term. A further **2** days paid leave may be granted in **exceptional circumstances** and on the approval of the appropriate Senior Manager. This is all within a rolling 12-month window.

It is not expected that such leave arrangements will be a regular occurrence. This type of leave is specifically designed for unpredictable times. They should not be applied to minor or common problems such as home deliveries or planned hospital treatment for dependants (for which annual leave should be used).

The employee's line manager will hold a meeting with the employee following their return from absence. It is at this meeting a decision will be made as to the granting of special/carers leave. Further details of the discussion, including the reasons for requesting this leave should be recorded on the application of special/carers leave form (Appendix 9). Discussion around the employee's wellbeing and potential requirement of further support should also be discussed.

The use of special/carers leave will be monitored and regularly reviewed by the line manager, with consideration of the number of applications submitted and any evidence of potential abuse of the Trusts policy.

Should the need for leave be rather longer-term employees may wish to consider:

- Annual Leave
- Taking a period of parental leave under the parental leave policy
- Requesting alternative flexible working arrangements – e.g. a change in working hours or shift pattern, refer to the **Flexible Working Policy**.
- Requesting a period of unpaid, extended special leave for a period of up to 3 months. (Authorisation for such a period would be taken in conjunction with the relevant Clinical Services Manager)
- Taking an employment break under the Trust's employment break scheme

All special paid leave granted will be paid equivalent to basic pay and not include any additional enhancements.

3.23 Parental Bereavement leave

From April 2020 parents who lose a child under the age of 18, or who suffers a stillbirth from 24 weeks of pregnancy will be entitled to 2 weeks bereavement leave irrespective of how long they have worked for the Trust.

For employees employed by the Trust for 26 weeks or more, they will be entitled to claim statutory pay for this period of leave.

3.24 Recruitment and Organisational Change during a period of Family Leave:

Information will be provided by the line manager and HR 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 Trust 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.

4: Responsibilities

This should summarise defined responsibilities relevant to the policy.

Post(s)	Responsibilities	Ref
All Staff	• 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 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	• 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 HR 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, HR 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. • To maintain all records in strict confidence, and pass to HR as appropriate • To treat any concerns raised under the scope of this policy seriously, confidentially and sensitively with support from Huma Resources.	
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	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	- The Human Resources Department 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	To ensure the policy is monitored in line with legislation	

5: Development and Consultation process:

- ✦ An outline of who has been involved in developing the policy and procedure including Trust forums and service user and carer groups.

Consultation summary	
Date policy issued for consultation	September 2020

Number of versions produced for consultation	1	
Committees / meetings where policy formally discussed	Date(s)	
JOSC		
PDMG		
OMT		
Where received	Summary of feedback	Actions / Response
JOSC	Asked for language to be more gender inclusive.	This has been actioned to change she/him to they.
PDMG	Feedback on template and formatting	Actioned in line with new template
OMT	TBC	TBC

(*Add rows as necessary)

6: Reference documents

⊕ Agenda for Change Handbook,
<http://www.nhsemployers.org/PayAndContracts/AgendaForChange/TermsAndConditionsOfServiceHandbook/Pages/Afc-Handbookrp.aspx>

Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/contents>)

Parental Bereavement Leave and Pay Regulations 2020
(<https://www.legislation.gov.uk/ukdsi/2020/9780111192245/contents>)

Management of Health and Safety at Work Regulations 1999 (MHSW)
<https://www.legislation.gov.uk/uksi/1999/3242/contents/made>

Links to other Trust policies (available on Connect):

- Employment Break
- Management of Sickness Absence
- Flexible Working

7: Bibliography:

External agencies providing useful information on Maternity and Adoption Leave include:

O Department of Trade & Industry at www.dti.gov.uk O Department of Work & Pensions at www.dwp.gov.uk O Health & Safety Executive at www.hse.gov.uk/mother's O HMRC Childcare at www.hmrc.gov.uk/calcs/ccin.htm O HM Government at www.gov.uk O ACAS at www.acas.org.uk O Childcare Link www.childcarelink.gov.uk O Working Families O <https://www.workingfamilies.org.uk/articles/487/> O Parents at Work www.parentsatwork.org.uk O Inland Revenue www.inlandrevenue.gov.uk

8: Glossary:

- ✦ Equality Act- UK legislation that outlines the protections under law for the recognised protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation as agreed in 2010.
- ✦ Maternity leave- a period of leave up to 52 weeks for those who give birth after 24 weeks gestation
- ✦ Paternity or Maternity Support Leave- A period of upto 2 weeks leave to support the new mother or birthing parent
- ✦ Shared parental leave- A block of continuous or non-continuous leave to care for a child for which you have legal caring responsibilities
- ✦ Adoption
- ✦ Surrogate- Carries the baby for another individual/couple
- ✦ Statutory pay- Amount agreed by Government
- ✦ Occupational pay- Amount paid by employer
- ✦ Maternity allowance- 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.
- ✦ Expectant Mother- is used in this policy as an umbrella term to classify all pregnant employees regardless of gender identity or gender expression in line with the New and Expectant Mothers section of the Managing Health and Safety Act 1999.

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	HR	Applications made using MATB1 and HR Forms	Annually	OMT
Applications for Parental Leave	HR	Applications for Parental leave applied for and those accepted against declined	Annually	OMT
Applications for Special Leave	HR	Applications and ESR entries for Special Leave	Quarterly	OMT

10. Appendices (available as word documents of Connect):

- ✚ Appendix 1: Equality Impact Assessment
- ✚ Appendix 2: Expectant Mothers Risk Assessment
- ✚ Appendix 3: Maternity Leave Application
- ✚ Appendix 4: KIT Days Application
- ✚ Appendix 5: Adoption Leave Application
- ✚ Appendix 6: Paternity Leave Application
- ✚ Appendix 7: Shared Parental Leave Application
- ✚ Appendix 8: SPLIT Days Application
- ✚ Appendix 9: Parental leave application form and management guidance
- ✚ Appendix 10: Application for Special Leave/Carer's Leave

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 Proposal	Family Leave Policy		
Person Completing this proposal	XXXX	Role or title	Senior HR Business Partner
Division	Corporate	Service Area	HR
Date Started	January 2020	Date completed	January 2020
Main purpose and aims of the proposal 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 proposal?			
All staff			
Impacts on different Personal Protected Characteristics – Helpful Questions:			
<i>Does this proposal 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 or leave blank if you feel there is no particular impact.			

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	No Impact			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 proposal? Are you able to justify the legal or lawful reasons when your service excludes certain age groups				
Disability	No Impact			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	No Impact			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 proposal?				
Marriage or Civil Partnerships	No Impact			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			Positive Impact	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 in to pregnancy and maternity?				
Race or Ethnicity	No Impact			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	No Impact			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	No Impact			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	No Impact			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 proposal or service?				
Human Rights	No Impact			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		

What do you consider the level of negative impact to be?	High Impact	Medium Impact	Low Impact	No Impact
				No Impact
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. 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. If the proposal 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.				
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?				
Feedback from 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 because 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 proposal to the Senior Equality and Diversity Lead at bsmhft.hrsupport@nhs.uk. 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

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			
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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





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

** Delete where appropriate*

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 HR Support Team at least 8 weeks prior to you commencing maternity leave, forms that are sent not giving 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.

Signed: Date:
.....

Print Manager's name:..... Date:
.....

Scanned Form to be returned to: HR Support inbox (once completed by the line manager).

bsmhft.hrsupport@nhs.net



Please be mindful that it is vital that these documents are received by HR Support in a promptly manner, original documents should be kept on your personal file and are non-returnable

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 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 personal file.



Appendix 5

Adoption Leave / Pay Application

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-month 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 HR Support inbox (once completed by the line manager).

bsmhft.hrsupport@nhs.net

Appendix 6

Paternity Leave / Pay Application

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 HR Support via email bsmhft.hrsupport@nhs.net



Appendix 7

Application For Shared Parental Leave

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): 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 the Trust's Shared Parental 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 also understand that whilst on Shared Parental Leave, apart from working on "Shared Parental Leave 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 Human Resources Department use only: Date received by HR Department: 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 leave 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 Keeping 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 Keeping in Touch Day (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 Date	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, Line Manager should send form to the Finance Department along with a Changes Form if SPLIT days worked are to be paid. Put a copy of this form in 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- Management 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 outlined arrangements, you must request them by writing to me at least 1 month before you would like them to come into play.



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

Birmingham and Solihull 
Mental Health NHS Foundation Trust

Appendix 10: Application For Special Leave Or Carer's Leave

Part 1 To be completed by Employee

Name:	
Employee Number:	
Home Address:	
Telephone Number:	
Position:	
Department:	
Work Location:	
I wish to request the following periods of special leave:	Paid leave from: Paid Leave to: Unpaid Leave from: Unpaid Leave to:
Please indicate the type of leave being requested:	
Please submit any documentary evidence (if applicable)	Name of documents:



Details of any previous periods of special/carers leave taken in the last 12 months:	Number of days: Over how many periods:
Any additional comments:	
Signed: Date:	

Part 2 to be completed by Manager

Manager's Name:	
Title:	
Department:	
Telephone Number:	
Position:	
Department:	
Application approved/not approved	
Period of paid leave agreed:	Paid leave from: Paid Leave to:
Total number of working days:	
Period of unpaid leave agreed:	Name of documents:
Any additional comments:	
Signed:	
Date:	

Action Check - Return copy to Employee - Return copy to Personal File - Update ESR