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Date: 24th February 2026

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Dear

Freedom of Information Act Request

I am writing in response to your e-mail of the 2nd December 2025. Your request has been processed using the Trust's procedures for the disclosure of information under the Freedom of Information Act (2000).

Requested information:

- 1) Your parental leave policies, including paternity leave and pay and maternity leave and pay. If you have different policies for medical and non-medical staff, please include all different policies. **Please see Appendix 1 attached.**
- 2) In the last three years for which you have data, how many staff members were eligible for paternity leave?

Total Headcount	2023	2024	2025
Eligible for Paternity Leave	350	388	405
Of which Medics	28	34	35

- 3) In the last three years for which you have data, how many staff members took paternity leave, and for how many weeks on average?

	2023	2024	2025
Number of staff taking Paternity leave	2	2	6
Average No of weeks	2	2	2
Of which Medics	2	0	3

- 4) In the last three years for which you have data, what was the average salary for staff who were eligible for paternity leave? (If it is not possible to provide this, please provide the average salary for all the Trust's staff instead)

Average Salary	2023	2024	2025
Eligible for Paternity Leave	£39,365	£40,920	£41,730
Of which Medics	£83,408.96	£90,382.11	£95,630.01

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review of the management of your request. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Dr Buki Adeyemo, Chief Executive, North Staffordshire Combined Healthcare Trust, Trust Headquarters, Lawton House, Bellringer Road, Trentham, ST4 8HH. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Nicola Griffiths
Deputy Director of Governance

Document level: Trust

Code: 3.16

Issue number: .

**Leave for Parents and Guardians Policy
(Incorporating Adoption, Shared Parental Leave, Unpaid Parental Leave,
Surrogacy and Breast / Chest feeding Guidelines)**

Lead executive	Director of People, OD, and Inclusion
Authors details	People Operations Lead

Type of document	Policy
Target audience	All employees
Document purpose	These guidelines provide clarification for Trust employees and managers (both under Agenda for Change and Medical & Dental Terms and Conditions) on entitlements for pregnant or adopting employees and their partners.

Approving meeting	PCDC Trust Board	Meeting date	30 th January 2023 13 th April 2023
Implementation date	30 th April 2023	Review date	30 th April 2026

Trust documents to be read in conjunction with	
3.03	Compassionate and Special Leave Policy
3.11	Supporting Attendance at Work Policy
3.25	Flexible Working and Employment Break Policy
5.25	New and Expectant Mother Risk Assessment
3.53	Foster Friendly Policy and Procedure

Document change history	Version	Date
What is different?	- Revised title - Update of SHPP leave to include guidance on returning criteria or recouping of ShPP (aligned to AfC) - 'breastfeeding' replaced with 'breast/chest feeding' - Inclusion of Fostering for adoption - Paternity leave now referred to as New Parent Leave (paternity leave) - Gender neutral language - Inclusion of overseas adoption AfC 15.43 - Added Foster Friendly policy to be read in conjunction with	

	- Updated information in connection with Still Birth and included Child Bereavement Leave - Updated Miscarriage section to include ectopic and molar pregnancy and signposting to support - Inclusion of in vitro fertilisation (IVF) and Other Fertilisation Treatments - Updated KIT days section - Addition of appendix 9 Links to resources or supportive organisations for LGBTQ+ Families		
Appendices / electronic forms	- No change		
What is the impact of change?	-		

Training requirements	No specific requirement, general awareness via usual communication channels
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Document consultation	
Directorates	JNCC and JLNC Policy Working Group Meetings
Corporate services	JNCC and JLNC Policy Working Group Meetings
External agencies	JNCC and JLNC Policy Working Group Meetings

Financial resource implications	None
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External references
1. www.nhsemployers.org

Monitoring compliance with the processes outlined within this document	NA
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Equality Impact Assessment (EIA) - Initial assessment	Yes/No	Less favourable / More favourable / Mixed impact
Does this document affect one or more group(s) less or more favourably than another (see list)?		
- Age (e.g. consider impact on younger people/ older people)	No	

– Disability (remember to consider physical, mental and sensory impairments)	No	
– Sex/Gender (any particular M/F gender impact; also consider impact on those responsible for childcare)	No	
– Gender identity and gender reassignment (i.e. impact on people who identify as Trans, non-binary or gender fluid)	No	
– Race / ethnicity / ethnic communities / cultural groups (include those with foreign language needs, including European countries, Roma/travelling communities)	No	
– Pregnancy and maternity, including adoption (i.e. impact during pregnancy and the 12 months after; including for both heterosexual and same sex couples)	No	
– Sexual Orientation (impact on people who identify as lesbian, gay or bi – whether stated as ‘out’ or not)	No	
– Marriage and/or Civil Partnership (including heterosexual and same sex marriage)	No	
– Religion and/or Belief (includes those with religion and /or belief and those with none)		
– Other equality groups? (may include groups like those living in poverty, sex workers, asylum seekers, people with substance misuse issues, prison and (ex) offending population, Roma/travelling communities, and any other groups who may be disadvantaged in some way, who may or may not be part of the groups above equality groups)	No	
If you answered yes to any of the above, please provide details below, including evidence supporting differential experience or impact.		
If you have identified potential negative impact:		
- Can this impact be avoided? Staff are required to complete mandatory education to ensure a safe service provision - What alternatives are there to achieving the document without the impact? Can the impact be reduced by taking different action?		
Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?	NA	
If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason		
Enter details here if applicable		
Where an adverse, negative, or potentially discriminatory impact on one or more equality groups has been identified above, a full EIA should be undertaken. Please refer this to the Diversity and Inclusion Lead, together with any suggestions as to the action required to avoid or reduce this impact. Discussed the above with the Inclusion & Diversity Lead – adjustments offered and made ensured equality and inclusion. For advice in relation to any aspect of completing the EIA assessment, please contact the Diversity and Inclusion Lead at Diversity@combined.nhs.uk		
Was a full impact assessment required?		
What is the level of impact?		

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1. POLICY STATEMENT

- 1.1 North Staffordshire Combined Healthcare Trust is committed to promoting equality of opportunity for all and undertakes to treat all employees fairly, complying with employment legislation and best practice. The Trust is committed to the principles contained in the Human Rights Act. We aim to ensure that our employment policies protect the rights and interests of our people and ensure that they are treated in a fair, dignified and equitable way when employed at the Trust.
- 1.2 This policy and procedure aims to ensure that employees are aware of the benefits and entitlements available to parents, guardians and pregnant employees in accordance with legislation and Agenda for Change Conditions of Service.
- 1.3 This policy supports application of our Trust Values which guide our actions and behaviour as an employer and provider of services. These are:

Proud to CARE:

Compassionate	Caring with compassion, it's about how we listen, what we say, what we do.
Approachable	Friendly, welcoming, sharing ideas and being open
Responsible	Taking personal and collective responsibility, being accountable for our actions
Excellent	Striving for the best, for high-quality safe care and continually improving

2. Scope

- 2.1 This policy applies to all employed by North Staffordshire Combined Healthcare Trust (whether on a temporary or permanent contract of employment).

3. DIVERSITY & INCLUSION STATEMENT

- 3.1 The implementation and application of this policy is intended to ensure that no job applicant or employee receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their gender, gender reassignment, marital status, disability, age, sexuality, religion or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the requirements of the job. This applies to all aspects of employment for existing staff and potential employees.

3.2 This policy has had an Equality Impact Assessment which has been completed by the People Operations Team and signed off by the Trust's Diversity and Inclusion Lead.

4. Responsibilities

4.1 Line manager / manager responsibilities

It is the responsibility of the line manager / manager to:

- a. pass on relevant information to employees and ensuring that they understands their rights and what is required of them during the relevant leave period taken.
- b. ensure any Health and Safety assessments are carried out and implemented as outlined in this policy.
- c. confirm in writing an individual's entitlement, whether paid or unpaid, and responsibilities in writing, including the expected date of return to work where applicable.

4.2 Employee responsibilities

It is the employee's responsibility to ensure they fully understand what is required of them when requesting / taking any leave outlined in this policy, also in line with NHS Agenda for Change terms and conditions and that they comply with these requirements.

4.3 Responsibility of the People Operations Team

It is the responsibility of the People Operations Team:

- a. provide awareness and ongoing support in the application of the Policy in individual cases to all managers and employees.
- b. ensure that the Policy is regularly developed and updated.

4.4 Role of Staff Side

It is the role of Staff Side to negotiate, raise concern, or provide support on a member's behalf as necessary in relation to this policy.

5. WHO IS ENTITLED TO MATERNITY LEAVE?

5.1 Permanent employees

All pregnant employees' full time and part time are entitled to 52 weeks maternity leave regardless of length of service or hours of work. Maternity pay entitlements will vary depending upon an individual's length of service and earnings levels and are outlined in Section 6 of these guidelines.

5.2 Fixed Term Employees

Employees on a fixed term contract which will expire after the 11th week before the expected week of childbirth who have 12 months service at that point; shall have their contracts extended so as to allow them to receive the 39 weeks' paid contractual maternity leave. If there is no right to return because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions will not apply. Employees on fixed-term contracts who do not meet the twelve months continuous service condition and therefore are not eligible for Occupational Maternity Pay (see Section 4) may still be entitled to Statutory Maternity Pay and therefore should complete the appropriate forms to apply for maternity leave and will be advised accordingly of their entitlements.

5.3 Rotational Training Contracts

5.3.1 Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, they will have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred.

5.3.2 In such circumstances the employee's contract will be extended to enable them to complete the agreed programme of training.

5.4 Secondments

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

6. MATERNITY LEAVE OPTIONS

6.1 Option A - Returning to work following confinement

6.1.1 At the end of maternity leave, the employee has the right to return to their original job if they have only taken Ordinary Maternity Leave (OML) of 26 weeks or less. After 26 weeks the maternity leave is classed as Additional Maternity Leave (AML) and will usually return to the same role, however if that is not possible then a similar job on no less favourable terms and conditions should be offered. If a redundancy situation arises, they must be offered a suitable alternative vacancy if one is available.

6.1.2 Employees must have notified their employer in writing before the end of the 15th week before the expected date of childbirth that they wish to take maternity leave and the intended start date of that leave, or if this is not possible as soon as is reasonably practicable thereafter (see section 3.2). Any change to the notified date of childbirth must be given at least 28 days before the amended start date of Maternity Leave (or as soon as is as reasonably practicable beforehand).

6.1.3 Employees are required to advise their manager in writing at least 8 weeks prior to their proposed actual date of return only if this differs from the original return date given (see section 5). 8 weeks' notice must be given in order to amend a return date, however in some circumstances the line manager may be able to accommodate a return to work sooner.

6.1.4 Individuals must return to work for a minimum of 3 months after their maternity leave has ended with the same or another NHS employer to retain the NHS contractual maternity pay that they have received during their maternity leave. Please note that returning as a bank worker does not constitute an appropriate return to work for maternity pay purposes.

6.1.5 If an individual decides not to return or does not return within 15 months of the beginning of the maternity leave to the same or another NHS employer then they will be required to repay the whole of their maternity pay, less any Statutory Maternity Pay, received.

6.2 Option B – Resigning and claiming Statutory Maternity Pay

6.2.1 Individuals can opt not to return to work following the birth of their baby and resign from their post. However, they must give an employer at least the amount of notice for leaving as stated in their contract of employment. Under this option, employees will receive the statutory maternity pay due to them but no additional NHS contractual maternity entitlements.

6.2.2 Managers should forward a Termination Form to Pay Services if this option is chosen.

6.3 Option C – Deferring the decision to return

6.3.1 If an individual is unsure as to whether they wish to return following the birth of their baby they can defer the decision. Under this option, employees will only receive the same entitlements as under option B. However, should an individual decide to return to work, any additional NHS contractual maternity entitlements due are payable in a lump sum when they have completed three months service following their maternity leave.

6.3.2 If the individual decides not to return, they should forward a letter of resignation to their manager who will forward the Termination Form to Pay Services. The benefit of this option is that if an individual decides not to return there is nothing to repay to the Trust.

6.4 Option D – Opting to return to work and for your partner to take Shared Parental Leave

6.4.1 An individual may wish to curtail their maternity leave (after the compulsory 2 weeks following the birth). Please see Shared parental leave section.

7. PROCEDURE FOR APPLYING FOR MATERNITY LEAVE / PAY

7.1 Advance Notification of Pregnancy

7.1.1 Individuals should contact their manager at the earliest opportunity to advise of their pregnancy, it is important that the line manager is able to offer support to the individual, risk assess their role, and also agree time off for antenatal appointments. The information does not have to be shared with the wider team. Managers should issue a copy of this guidance document if the employee is not able to access it online for any reason.

7.1.2 Individuals should **immediately** fill in form *ML1 Advance Notification of Pregnancy (See Appendix 1)* and forward it to the Pay Services via their manager in order for maternity entitlements to be calculated.

7.2 Submission of MATB1 Certificate of Confinement

7.2.1 The employee must have notified their employer in writing before the end of the 15th week before the expected date of childbirth that they wish to take maternity leave and the intended start date of that leave, or if this is not possible as soon as is reasonably practicable thereafter.

7.2.2 The employee will usually be issued with a MATB1 certificate of confinement by their Doctor, individuals should forward this with form *ML2 – Application for Maternity Leave and Pay (See Appendix 2)* to their manager who will work out any annual leave entitlements outstanding and sign forward the ML2 form to the Pay Services Team.

7.2.3 Failure to submit a MATB1 certificate confirming confinement will affect an individual's right to maternity pay and their right to return to work following confinement.

7.2.4 At this stage employees are required to give details of:

- the date that they intend to commence their maternity leave which option they have chosen A,B,C or D if option A or D, the expected date that they will return to work

7.3 Notification of Entitlements

7.3.1 Pay Services will send a letter to the individual outlining the maternity leave period, pay that they will receive and annual leave entitlements.

7.4 Commencement Date for Maternity Leave

7.4.1 Maternity leave can commence at any time from 11th week before the expected week of confinement up to the actual expected week of childbirth provided the employee gives the required notice outlined above.

7.5 Pre-term Birth

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

7.5.2 Where the baby is born before the 11th week before the expected date of childbirth and the employee has worked during this week, maternity leave will start on the first day of the employee's absence.

7.5.3 Where the baby is born before the 11th week before the expected date of childbirth and the employee is absent from work on certified sick leave during the actual week of childbirth, maternity leave will start the day after the day of birth.

7.5.4 Where the baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split their maternity leave entitlement, taking a minimum of two weeks leave immediately after childbirth and the rest of their leave following the baby's discharge from hospital.

7.5.5 In these circumstances it is important that employees inform Pay Services at the earliest opportunity of the exact date of birth to ensure that you receive the correct maternity pay.

7.6 Late Confinement

7.6.1 The period of maternity leave is not affected and the date of return will continue to be based upon the date that confinement was originally expected unless a new date is notified.

7.7 Stillbirth and Child Bereavement Leave

7.7.1 If the baby is stillborn after the end of the 24th week of pregnancy, or if the baby is born alive at any point in the pregnancy but later dies, maternity leave and pay entitlements will remain unchanged.

7.7.2 All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.

7.7.3 All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had they been at work. This would normally be based on the previous three months at work as a reference period.

7.7.4 Where both parents of a deceased child work for the Trust, the entitlement to child bereavement will apply to both members of staff.

7.7.5 Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions, and will subsequently still be eligible for the provisions set out above in this policy. Bereavement leave and pay may be extended to members of staff, with managerial approval, in circumstances where they were hoping to become parents under surrogacy arrangements.

7.7.6 Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

7.7.7 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their manager reasonable notice of their intention to take the leave at this time.

7.7.8 Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents, in order to access child bereavement leave or pay. The Trust may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.

7.7.9 It is acceptable for the manager to complete the request form for child bereavement leave (contained within the [Compassionate and Special Leave Policy](#))

on behalf of the individual or complete a file note of this leave to manage the situation in a compassionate, considerate manner.

7.8 Miscarriage, Ectopic Pregnancy and Molar Pregnancy

7.8.1 Miscarriage, ectopic pregnancy and molar pregnancies can be a frightening, lonely and traumatic experience. It is often both physically and emotionally painful, with effects that can last for a long time.

7.8.2 Everyone's needs are different. For example, some people may feel that they can continue to work as normal, while others may require more support and it's important not to make any assumptions about how they feel or how they may want to be treated.

7.8.3 Where an employee has a miscarriage before end of the 24th week of pregnancy, normal sickness absence provisions will apply as necessary and the absence will be recorded as pregnancy related.

7.8.4 If our employee is not the person who has experienced the physical loss (for example our employee might be a partner) they may need to take time off work following the loss. In these circumstances compassionate or special leave will be considered.

7.8.5 Further advice and support can be accessed from the Miscarriage Association:

Miscarriage Association

www.miscarriageassociation.org.uk

01924200799

info@miscarriageassociation.org.uk

7.9 Keeping in Touch

7.9.1 Before going on leave, the line manager and the employee should also discuss and agree any voluntary arrangements for keeping in touch during the maternity leave including:

- Any voluntary arrangements that they may find helpful to help keep in touch with developments at work and, nearer the time of their return, to help facilitate a return to work.
- Keeping the employer in touch with any developments that may affect the intended date of return.
- Copies of relevant information and briefings you may require can be sent to your home address throughout the duration of your maternity leave.

7.9.2 Keeping in Touch (KIT) Days, allow Colleagues the right to go into work/ undertake training or other events and keep in touch with the Trust, for up to a maximum of 10 days without losing the right to maternity pay and without bringing their maternity or adoption leave to an end. Any days of work will not extend the maternity / adoption leave period

7.9.3 KIT days cannot be worked during the two weeks of compulsory maternity leave immediately after the birth.

7.9.4 Reasonable contact from time to time between employee on maternity leave and manager and other colleagues within the Trust will not constitute a KIT day.

7.9.5 If you work for more than 10 days, you will lose one week's Statutory Maternity Pay for each week or part week that you work under your contract for the employer paying you Statutory Maternity Pay

7.9.6 KIT days will be by arrangement between the manager and the employee. An employer will have no right to demand that work is undertaken and an employee will have no right to demand a Keeping in Touch Day.

7.9.7 Any amount of work done on a KIT Day counts as one full KIT day, even coming into work for a one-hour training session or to attend a meeting, one KIT day has been used. The work can be consecutive or not.

7.9.8 Employees will be paid at their basic daily rate for the hours worked less appropriate maternity leave payment for KIT days worked.

7.9.9 If a KIT day is worked in the full pay period, the employer will make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work. If a KIT day is worked on a day of leave in the half pay period, the employer will make arrangements to ensure the employee receives a half day of paid leave in lieu once the employee had returned to work.

7.9.10 Where an employee takes up the opportunity to work KIT days, consideration will be given to reimbursement of reasonable childcare costs.

7.9.11 An employee who is breast/chest feeding must be risk assessed and facilities provided. It is encouraged that employees discuss their necessary breast/chest feeding arrangements with their manager prior to and during their KIT days so that they can be supported upon return to work

7.9.4 The same arrangements as outlined above also apply to members of staff on Adoption Leave.

8. MATERNITY PAY

8.1 Amount of Maternity Pay due

The amount of maternity pay due depends upon two factors:

- Length of service
- Average weekly rate of pay as at the notification week (this is 15 weeks before the expected date of childbirth)

8.1.1 Employees with 12 months or more continuous NHS Service and intending to return to work with the Trust or another NHS employer

- a. Where an employee intends to return to work the amount of contractual maternity pay receivable is as follows:
 - i. Weeks 1-8 of absence: full pay, less any SMP or MA (including any dependents allowances) receivable;
 - ii. Weeks 9-26 of absence: half of full pay plus any SMP or MA (including any dependents allowances) receivable, providing the total receivable does not exceed full pay.
 - iii. Weeks 27-39 of absence: SMP or MA.
- b. By prior agreement occupational maternity pay may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread over the maternity leave period.

8.1.2 Employee with 12 months' or more continuous NHS Service and NOT intending to return to work at the Trust or another NHS employer.

- a. An employee who satisfies the eligibility criteria given in Section A3.2 except that they do not intend to work with the Trust or another NHS employer for a minimum period of 3 months after their maternity leave has ended will be entitled to:
 - i. Weeks 1-6 Pay equivalent to SMP, which is paid at 90% of their average weekly earnings
 - ii. Weeks 7-39 flat rate sum.

8.1.3 Less than 12 months' continuous service

- a. If an employee does not satisfy the conditions in Section A3.2 for occupational maternity pay, they may be entitled to SMP.
- b. If their earnings are too low to qualify for SMP, or they do not qualify for another reason, they should claim Maternity Allowance (MA) from their local Job Centre Plus or social security office.

8.1.4 Statutory Maternity Pay (SMP)

- a. To qualify for SMP an employee must have been:

- i. Have been continuously employed by the Trust for at least 26 weeks up to the qualifying week (QW), which is the 15th week before the Expected Week of Confinement (EWC). Part weeks count as full weeks.
 - ii. Have average weekly earnings which are equal to or above the Lower Earnings Limit for National Insurance. The average weekly earnings are usually calculated by looking at the eight weeks prior to the QW, not less than the national Insurance Contributions Lower Earnings Limit.
 - iii. Give the Trust at least 28 days' notice of their intention to cease work.
- b. The Trust will pay SMP to the employee in the same way and at the same time as normal wages.
- c. The amount of SMP depends on how much you earn.

8.1.5 Maternity Pay Periods (MPP)

The maternity pay period is the period (up to 39 weeks) in which you can be paid SMP.

9 Summary Table of Maternity Benefits

Length of Service	Maternity Leave	Maternity pay/benefits
Less than 52 weeks continuous NHS service at the beginning of the 11th week before EWC	Up to 52 weeks	No Entitlement to occupational maternity pay. Subject to level of earnings may be entitled to SMP or if earnings are too low or does not qualify for SMP, eligible to claim for MA from Job Centre Plus or social security office.
52 weeks or more continuous NHS service at the beginning of the 11th week before EWC and intending to return to work with the Trust or another NHS employer	Up to 52 weeks	Weeks 1 - 8 Full pay*, less any SMP or MA Weeks 9 - 26 Half of full pay plus any SMP or MA (including any dependents allowances) receivable, providing the total receivable does not exceed full pay. Weeks 27 - 39 SMP or MA Weeks 39 - 52 Unpaid
52 weeks or more continuous NHS service at the beginning of the 11th week before the EWC and not intending to return to work for the Trust or any other NHS Trust for a minimum of 3	Up to 52 weeks	Weeks 1 - 6 Occupational maternity Pay equivalent to SMP, which is paid at 90% of average weekly earnings Weeks 7 - 39 Flat rate sum (SMP or MA). Weeks 39-52

months after maternity leave has finished		Unpaid
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*Note that SMP/MA will be paid to the employee in order that equivalence with full pay is achieved, since the payment of SMP/MA cannot exceed normal earnings.

9.1 Calculation of Maternity Pay

9.1.1 Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the following qualifications:

9.1.2 In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;

9.1.3 In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;

9.1.4 In the case of an employee on unpaid sickness absence or on sickness absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sickness absence shall be calculated on the basis of notional full sick pay.

NB Maternity pay will be affected if the employee is on a salary sacrifice arrangement during the Statutory Maternity Pay calculation period. See section 0.

9.2 Payment Arrangements

9.2.1 By prior arrangement, your maternity entitlements may be paid in a different way, for example a combination of full and half pay or a fixed amount spread equally over the whole of the maternity leave period.

9.2.2 If you wish to have an alternative pay arrangement you should tick the box and outline your requirements on form ML2 in the appropriate section.

9.3 Pension Contributions whilst on Maternity Leave

9.3.1 If you are a member of the NHS Pension Scheme, full contributions are payable throughout the whole period of maternity leave.

9.3.2 During paid maternity leave, these contributions are calculated and deducted automatically. However, during unpaid maternity leave arrears of contributions will accumulate and will be deducted over a period of months on your return to work.

9.3.3 For example if an employee took 3 months of unpaid maternity leave, they would owe 3 months of arrears. This would be deducted, in addition to your normal contributions, over a 3 month period on your return. The same conditions regarding pensions apply to staff on Adoption Leave.

Note: If you do not intend to return to work, you can choose either to remain in the scheme and pay contributions during your 52 weeks statutory maternity leave or to cease your membership as soon as pay stops.

For further guidance on this option, please contact the Pensions Department on 01782 298024.

10 PROCEDURE FOLLOWING BIRTH OF THE BABY OR MATCHING DATE

10.1 It is recommended that the individual should return form *ML3- Formal Notification of Amended Return Date from Maternity Leave* or send a letter identifying the actual proposed return date, to their manager at least eight weeks prior to the actual date that they will return to work **only** if this differs from the original return date that they have given.

10.2 Returning on Flexible Working Arrangements

10.2.1 If an employee wishes to return to work from Maternity Leave, Shared Parental Leave or Adoption Leave on a flexible basis, they have the right to make an application for flexible working. It is important that an employee makes any requests for flexible working at the earliest opportunity to enable their manager to consider the request and to make any necessary arrangements. This can be done by submitting a Flexible Working Application Form (see Trust Flexible Working Policy). Ideally requests should be made at least 6 weeks prior to the employees return date, if an application is made later than this, then it may not be possible to implement the new working pattern before the date the individual returns to work.

10.2.2 If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect their right to return to their job under the original contract at the end of the agreed temporary

period. Temporary reductions in hours are normally made for a maximum of 3 months in order to facilitate a return to work.

10.2.3 Managers must remember to notify Pay Services of any change to the working arrangements on a change form.

11. SICKNESS ABSENCE

11.1 Prior to Childbirth

11.1.1 If an employee is absent from work due to a pregnancy related illness during the last 4 weeks before the expected date of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or at the beginning of the next week after the employee last worked whichever is the later.

11.1.2 Absence prior to the last four weeks before the expected date of childbirth supported by a medical statement of incapacity for work, GP fit note or a self-certificate, shall be treated as absence in accordance with normal absence provisions.

11.1.3 An occasional day of pregnancy related absence during this four week period may be disregarded if the employee wishes to continue working until the maternity leave was due to start.

11.2 During Maternity Leave

There is no entitlement to sick pay during the maternity leave period.

11.3 Following Maternity Leave

11.3.1 Where an individual submits a medical certificate from a registered medical practitioner e.g. GP fit note, or a self-certificate form:

- The date that they have notified the Trust that they will return to work following confinement; or
- The date they have agreed with the Trust that they will return; or
- Where no date has been notified or agreed, the first day following the maximum period of maternity leave to which they are entitled

11.3.2 They will be reporting as absence in accordance with the normal absence provisions.

12. In Vitro Fertilisation (IVF) and Other Fertilisation Treatments

12.1 The Trust recognises that infertility may cause considerable distress and, as a provider of healthcare services, is sympathetic to those who decide to undertake fertility treatment.

12.1.1 There is no statutory right for time off to attend fertility treatments, IVF appointments and any sickness related to IVF should be treated the same as any other medical appointment or sickness regardless of whether the employee is the donor or recipient.

12.1.2 It is acknowledged that it might be difficult to control the times of fertility treatment such as tests, egg collections and embryo transfer due to hormone levels, however, the Trust requests that these are arranged outside normal working hours where possible, or at the start or end of the working day.

12.1.3 If further time off is required, consideration may be given to temporary flexible working, unpaid leave or annual leave

12.1.4 Having IVF treatment can be a difficult time emotionally and physically. If/when an employee chooses to share they are undergoing fertility treatment managers should discuss the physical work environment with them for additional support requirements and consider any necessary risk assessments or reasonable adjustments. Managers may also signpost colleagues to the Trust health and wellbeing resources, including but not limited to Staff Counselling and Occupational Health, to provide additional support throughout the process

12.1.5 An employee is "pregnant" from the point of the implantation of fertilised ova. From this stage, they will have the same rights as any pregnant person (including leave, pay, and protection from discrimination. If the IVF is unsuccessful, the protected period ends 2 weeks after the end of the pregnancy - 2 weeks after the date the women was informed that implantation was not successful

13. HEALTH AND SAFETY – PRE AND POST PREGNANCY

13.1 Antenatal Care

13.1.1 Pregnant employees have the right to paid time off for antenatal care. Antenatal care may include relaxation and parent craft classes as well as appointments for antenatal care.

13.2 Accompanying to antenatal appointments

13.2.1 Under the Children and Families Act 2014, any employee with a “qualifying relationship” to a pregnant person or the expected child will be entitled to time off

during working hours to accompany them to up to two antenatal appointments, taking up to a maximum of 6.5 hours off work for each appointment. This right only provides the accompanying spouse/partner with the right to **unpaid** time off and employees qualify for the right from day one of their employment.

13.2.2 The employee has a “qualifying relationship” to the pregnant person or the child if they are the pregnant person’s husband/wife or civil partner; they live with the person in an enduring family relationship and are not a relative of the person (parents, grandparents, siblings etc. would not be entitled); they are the expected child’s father; they are one of a same sex couple who is to be treated as the child’s other parent where the child was conceived by sperm donation; or they are the potential applicant for a parental order in relation to a child expected to be born to a surrogate.

13.3 Risk Assessments

13.3.1 Where an employee is pregnant, has recently given birth or is breastfeeding, the employer should carry out a risk assessment of their working conditions which should be regularly reviewed throughout the period of pregnancy and any subsequent return to work – particularly where the employee has experienced a period of sickness absence related to their pregnancy. If it is found, or a medical practitioner considers, that an employee or their child would be at risk were they to continue with their normal duties the employer should provide suitable alternative work for which the employee will receive normal rate of pay. Where alternative work is not practicable, the case should be referred to the Executive director of Leadership and Workforce, to consider medical suspension on full pay. These provisions also apply to an employee who is breast/chest feeding if it is found that their normal duties prevent them from successfully breast/chest feeding their child. The new and expectant mother’s risk assessment is available on the Trust intranet (Health and Safety Policy 5.25, New and Expectant Mothers Risk Assessment).

13.3.2 Staff working in non-clinical environments, or where patient contact can be eliminated:

- The first assessment should be carried out between the line manager and employee, as soon as the line manager has been informed in writing of the employee’s confinement.
- The second and subsequent assessments can be carried out by the employee and a colleague or recognised safety representative. This should be done monthly up to the end of the second trimester and then fortnightly until the employee goes on maternity leave.
- On returning to work after maternity leave the assessment should be carried out by the line manager, individual and if necessary an OH advisor.

13.3.3 Staff undertaking work involving patient contact or significant moving and handling activities:

- The first assessment should be carried out by the line manager, moving and handling advisor and the employee as soon as the line manager has been informed in writing of the employee's confinement. If there's a likelihood of significant health risk developing you should seek advice from the Health and Safety Advisor and/or OH Advisor.
- The second and subsequent assessments up to the end of the second trimester should be carried out on a fortnightly basis, alternating between the line manager and safety representative and will be supported by a manual handling advisor. The H&SA and OH Advisor should be consulted if there are significant issues relating to the health, safety and wellbeing of the individual. Once into the third trimester assessments should be carried out weekly until the employee goes on maternity leave.
- On returning to work after maternity leave the assessment should be carried out by the line manager, individual and if necessary an OH advisor.

13.3.4 Should the employee request that their Union representative be in attendance for any or all of these assessments, this will not be unreasonably refused.

14. Postnatal care

14.1 Employees who have recently given birth have the right to paid time off for post-natal care e.g. attendance at health clinics.

15. SHARED PARENTAL LEAVE (SPL)

15.1.1 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This section sets out the rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

15.1.2 The Trust recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights and staff are encouraged to discuss their options with their line manager or a member of the People Operations Team .

15.2 Who is eligible for Shared Parental Leave?

15.2.1 SPL can only be used by two people:

- The mother/ expectant parent /adopter **and**
- One of the following:
 - the father of the child (in the case of birth)or
 - the spouse, civil partner or partner of the child's mother/ expectant parent / adopter

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

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

- the mother/ expectant parent /adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the Trust at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned the minimum weekly amount as defined by the government (this may alter annually) in any 13 of those weeks;
- the employee must correctly notify the organisation of their entitlement and provide evidence as required

15.3 The Shared Parental Leave entitlement

15.3.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/ expectant parent'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.

15.3.2 A mother / expectant parent / 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.

15.3.3 If the mother/ expectant parent / 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/ expectant parent /adopter.

15.3.4 SPL can commence as follows:

- The mother / expectant parent can take SPL after taking 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).

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

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

15.3.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

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

16 Notifying the Trust of an entitlement to Shared Parental Leave

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

16.1.2 Part of the eligibility criteria requires the employee to provide the organisation with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave

16.1.3 The employee must provide the organisation with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;

- if they are not the mother/ expectant parent / adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the organisation

16.1.4 The employee must provide the organisation with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/ expectant parent / adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/ expectant parent / adopter;
- that they satisfy the 'employment and earnings test' (see "Who is eligible for Shared Parental Leave?" above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the organisation processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/ expectant parent / adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions

17 Requesting further evidence of eligibility

17.1.1 The organisation may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- 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

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

18 Fraudulent claims

18.1.1 The organisation can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

19 Booking Shared Parental Leave

19.1.1 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 notice must be submitted to the employee's line manager.

19.1.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

19.1.3 Requests for single blocks of leave cannot be refused

19.1.4 SPL can only be taken in complete weeks only 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.

19.1.5 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.

20 Continuous leave notifications

20.1.1 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).

20.1.2 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.

20.1.3 An employee may submit up to three separate notifications for continuous periods of leave. Examples of this may be:

- To vary start and end dates
- To vary the amount of leave, or
- Ask for a single period of leave to become discontinuous or vice versa.

21 Discontinuous leave notifications

21.1.1 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).

21.1.2 Where there is concern over accommodating the notification, the line manager will 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).

21.1.3 The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

21.1.4 In instances where discontinuous periods of leave are requested, employers are not bound to agree the requested pattern.

21.1.5 A two-week discussion period between the employee and employer will commence on the date the employee submits the booking notice. The review will look at the requested pattern of leave and discuss possible alternatives.

21.1.6 In the limited circumstances where the employer refuses the requested pattern, they will explain the reason for the refusal. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the employer has authority over how and when it is taken.

22 Responding to a Shared Parental Leave notification

22.1.1 Once the line manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

22.1.2 All notices for continuous leave will be confirmed in writing.

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

22.1.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

22.1.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

22.1.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a

start date then the leave will begin on the first leave date requested in the original notification.

23 Variations to arranged Shared Parental Leave

23.1.1 In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks' leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the employee but be no less than eight weeks from the date the original notice was provided to the employer. The employee has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the employee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.

23.1.2 An employee is not entitled to withdraw a notice for a single continuous block of leave but may do so with the employer's express permission.

23.1.3 An employee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice providing an agreement has not been reached with their employer about when they will be absent from work. Once the 15th day has passed, any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided.

23.1.4 If a notice is withdrawn, it will not count towards the three booking notifications cap.

24 Statutory Shared Parental Pay (ShPP)

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

24.1.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

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

- the parent/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;

- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below

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

21.1.5 Employees should also be aware that whilst the qualifying weeks for the relevant period are the 8 weeks prior to the ShPP commencing, they may be required to opt out of the salary sacrifice scheme(s) prior to the payday before this date. Employees are therefore advised to discuss this further with the Trust's payroll provider and/or the People Operations Team in advance of this payday.

21.1.6 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 organisation to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ expectant parent / adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ expectant parent / 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.

22 Terms and conditions during Shared Parental Leave

22.1.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue, in line with maternity leave.

22.1.2 If you are a member of the NHS Pension Scheme, full contributions are payable throughout the whole period of leave.

22.1.3 During paid leave, these contributions are calculated and deducted automatically. However, during unpaid Shared Parental Leave, arrears of contributions will accumulate and will be deducted over a period of months on your return to work.

22.1.4 For example if an employee took 3 months of unpaid SPL, they would owe 3 months of arrears. This would be deducted, in addition to your normal contributions, over a 3 month period on your return.

23 Contact during Shared Parental Leave

23.1.1 Before an employee's SPL begins, the line manager will discuss the arrangements for them to keep in touch during their leave. The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

24 Shared Parental Leave in Touch days

24.1.1 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 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 (e.g. a day is defined as an occasion, it could be ½ a day, a couple of hours etc.)

24.1.2 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 line manager and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

24.1.3 An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect 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.

25 Returning to work after Shared Parental Leave

25.1.1 The employee will have been formally advised in writing 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.

25.1.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

25.1.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, they will return to the same job. The same job is the one they occupied immediately before commencing paternity/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.

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

25.1.5 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.

25.1.6 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.

26 Failure to return to work

26.1.1 If an employee who has notified their employer of their intention to return to work for the same or a different NHS employer and will remain in that employment for at least 3 months on return from maternity / adoption or shared parental leave / pay in connection with this policy and in accordance with NHS Agenda for Change paragraphs 15.14, 15.15 or 15.17 fails to do so within:

- i) 15 months of the beginning of their maternity / adoption leave, or
- ii) three months of the end of their shared parental leave,

26.1.2 They will be liable to refund the whole of their maternity, adoption, or shared parental pay, less any Statutory Maternity, Adoption or Shared Parental Pay, received. Please note that returning as a bank worker does not constitute an appropriate return to work for pay purposes.

26.1.3 In cases where the employer considers that to enforce this provision would cause undue hardship or distress, the employer will have the discretion to waive their rights to recovery.

26.1.4 In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances, the Trust will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify with the People Operations Team.

26.1.5 Law relating to this SPL:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

27 ADDITIONAL INFORMATION

28 Annual Leave / Bank Holidays

28.1.1 Annual Leave will continue to accrue during maternity leave / Shared Parental Leave / Adoption Leave whether paid or unpaid.

28.1.2 If a bank holiday occurs during the period of either paid or unpaid maternity leave, the employee will also accrue bank holiday entitlement which will be added to the annual leave entitlement.

28.1.3 Where accrued annual leave would exceed normal carry over provisions it may be mutually beneficial to both employer and employee for the employee to take annual leave before and/or after the formal maternity leave period. The amount of leave to be taken in this way (before or after) should be discussed and agreed between manager and individual. For more information relating to Term time only working, please refer to the People Operations Team for guidance.

29 Salary Increments

29.1.1 Maternity leave, Shared Parental Leave and Adoption Leave (paid and unpaid) count as service towards the normal annual increments.

29.1.2 If an individual's annual increment is due prior or during a period of paid maternity leave / Shared Parental Leave or Adoption Leave, then the maternity/Statutory Shared Parental pay (SHPP) would be re-calculated from this point to include the increment.

29.1.3 The expectation is that an employee on maternity leave/ Shared Parental Leave would progress up a pay step on the due date if concerns had not been raised about the ability to meet their pay step requirements prior to their leave.

30 Pay Awards

30.1.1 If a pay award were agreed retrospectively, from a date prior or during a period of paid maternity leave, Shared Parental Leave or Adoption Leave then the maternity pay/SHPP would be re-calculated accordingly.

31 Lease Cars

31.1.1 Three options are available to lease car users as follows:

- to return the car and be re-issued with their car or another on their return to work
- to retain the vehicle and continue payments during their maternity leave, Shared Parental Leave or Adoption Leave
- to return the vehicle and pay the early termination payment

31.1.2 An individual not returning to work will be required to meet any early termination payments due under the leasing arrangements.

32 Regular Car Users

32.1.1 Where an individual receives regular car user allowance (withdrawn from Agenda for Change Terms and Conditions effective July 2013, but still eligible for employees on Medical & Dental Terms and Conditions) this will be payable for the remainder of the month when maternity leave, Shared Parental Leave or Adoption Leave commences and then:

3 months at full rate

3 months at 50% or until the maternity leave ends - whichever is less.

32.1.2 For individuals not returning, payment will cease at the end of the period of paid maternity leave / Shared Parental Leave.

33 Student Loans

33.1.1 For individuals repaying student loans, these payments will continue to be deducted during paid maternity leave, Shared Parental Leave or Adoption Leave

34 Salary Sacrifice Schemes

34.1.1 There may be direct and potentially significant impact on pay entitlement where a staff member accesses childcare vouchers (or other salary sacrifice schemes) during the qualifying weeks (relevant period) for Maternity Pay (weeks 17-25). Staff who participate in any salary sacrifice scheme(s) should note that the “average weekly earnings” will be based on the actual salary **LESS** the Salary Sacrifice amount.

34.1.2 Employees should also be aware that whilst the qualifying weeks for the relevant period are weeks 17-25, they may be required to opt out of the salary sacrifice scheme(s) prior to the last normal payday on or before the Saturday of the qualifying week (which could be from week 13 onwards). Employees are therefore advised to discuss this further with the Trust’s payroll provider and/or the People Operations Team in advance of this payday.

34.1.3 During paid maternity leave, these contributions are calculated and deducted automatically if the employee wishes to remain in the salary sacrifice scheme. However, during unpaid maternity leave, or when the monthly salary falls below the amount of deductions, arrears of contributions will accumulate and will be deducted over a period of months on your return to work.

34.1.4 For example if an employee took 3 months of unpaid maternity leave, they would owe 3 months of arrears. This would be deducted, in addition to your normal contributions, over a 4 month period on your return. The same conditions regarding salary sacrifice apply to staff on Adoption Leave.

35 New parent support leave and pay (paternity leave)

35.1.1 New parent support leave can be taken in addition to Shared Parental Leave and applies to the father of the child (including adoptive fathers), the mother’s / expectant parent’s spouse or partner (whether opposite or same sex) or nominated carer.

35.1.2 All eligible employees are entitled to two weeks of new parent support leave which can be taken around the time of the birth or the placement of the child for adoption

36 Eligibility for New Parent Support Leave (Paternity Leave)

36.1.1 Staff will be eligible for paid new parent support leave if they have completed 26 weeks continuous service with the Trust by the 15th week before the expected week of childbirth. *Staff with less than 26 weeks service will be entitled to unpaid new parent support leave (paternity leave).*

37 Timescales for new parent support leave (Paternity Leave)

37.1.1 New parent support leave (Ordinary Statutory Paternity) leave may be taken in blocks of time or individual days but should be completed within 8 weeks of the date of birth or adoption.

38 Application for new parent support leave (Paternity Leave)

38.1.1 Staff who wish to apply for new parent support leave (should contact their manager at the earliest opportunity and at the latest:

- On or before the 15th week before Expected Week of Childbirth (EWC) and at least 28 days before leave commences.
- *Within 21 days after the week in which an approved adoption match is made.*

38.1.2 Employee's must provide their manager with a completed SC3 form "Becoming a Parent" at least 28 days before they want their leave to start (or as soon as reasonably practical). This form can be obtained from the local benefits office, or from the following web site
<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>.

38.1.3 In addition to the SC3 form, evidence of the birth is also accepted, for example, the baby's birth certificate or mother's / expectant parent's certificate of confinement (MATB1 certificate). Once you have completed this form, please submit to your manager and Pay Service (Pay Service will provide acknowledgement and details of your entitlement in writing)

a. Payment during new parent support leave (paternity leave)

Employees granted new parent support leave will receive full pay during this period if they have 12 months' continuous service with their or any other NHS employer before they take their leave

Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity / adoption pay entitlements. The employee will receive full pay less any statutory paternity pay receivable.

Only one period of new parent support pay is ordinarily available when there is a multiple birth.

Employees who are not eligible for the two weeks of pay during their new parent support leave may still be entitled to statutory paternity pay subject to meeting the qualifying conditions described in the relevant legislation.

Details of the qualifying conditions can be found on www.gov.uk

39 ADOPTION LEAVE

Purpose

39.1.1 These guidelines provide clarification on adoption leave and pay entitlements for employees wishing to adopt a child who is newly placed for adoption and is under the age 18. They also cover parents who are recipients of a child born via surrogacy, who proceed to adopt the child, or who obtain legal parental rights via a parental order.

39.1.2 To avoid repetition, where entitlements under Adoption Leave/Pay are identical to those under Maternity Leave/Pay, the policy refers to the relevant sections for the Maternity Leave section of this Policy where 'Maternity' will be read as 'Adoption'.

a. Scope

39.1.3 Where the same employer employs both adopters, one parent should be identified as the primary carer and will be entitled to adoption leave and pay, the partner of the adopter will be entitled to Maternity Support (Paternity) Leave.

39.1.4 Employees do not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian or kinship carer

39.1.5 The entitlement to Adoption leave for parents of children born via surrogacy arrangements are complicated and subject to change, therefore the right to Adoption Leave and Pay under this policy, will mirror the legal rights to Statutory Adoption Leave. If the employee is entitled to Statutory Adoption Leave, by reason of applying for either adoption, or a parental order, for the child within 6 months of birth, then they will be entitled to Occupational Adoption Pay if the qualify, as outlined below.

39.1.6 Please contact the People Operations Team for a more detailed discussion about the current legislation, and documents to be provided when applying for adoption leave by reasons of Surrogacy.

b. Who is entitled to adoption leave?

i. Permanent employees

39.1.7 All employees' full time and part time are entitled to adoption leave when matched with a child under 18 who is newly placed for adoption. For employees who are the recipients of children born via surrogacy arrangements, who qualify and intend to apply for adoption or parental order, adoption leave can start the day the child's born or the day after when a surrogate is used.

39.1.8 All employees will be entitled to up to 52 weeks adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave) if they have primary carer responsibilities for the child being adopted.

39.1.9 Adoption pay entitlements will vary depending upon an employee's length of continuous NHS service and their earnings levels. These entitlements are outlined in Section 11.7 of this guidance.

ii. Fixed Term Employees

39.1.10 Employees subject to a fixed term contract which will expire after the matching week, who has 12 months service at that point, shall have their contracts extended so as to allow them to receive the 52 weeks contractual adoption leave and associated pay. If there is no right to return because the contract would have ended if adoption had not occurred the repayment provisions will not apply. Employees on fixed-term contracts who have over 26 weeks service at the matching date but do not meet the twelve months continuous service condition may still be entitled to Statutory Adoption Pay, they should complete the appropriate forms to apply for adoption leave and will be advised accordingly of their entitlements.

iii. Rotational Training Contracts

39.1.11 See paragraph 5.3

iv. Disruption of Placement

39.1.12 Should the adoption break down ("Be disrupted") the employee will be entitled to continue their adoption leave and receive the appropriate payment for that time.

c. Adoption Leave Options

i. Option A - Returning to work following adoption

39.1.13 Employees have the right to return to their original job. If this is not possible for justified business reasons then the employee has the right to return to a suitable job at the same level and on no lesser terms and conditions.

39.1.14 Employees must have notified their employer in writing within 7 days of confirmation that they have been matched with a child or if this is not possible as soon

as is reasonably practicable thereafter and give 28 days' notice of when they wish the adoption leave to commence.

39.1.15 If the employee wishes to change the start date for adoption leave they should notify their employer at least 28 days beforehand (or as soon as is reasonably practicable beforehand).

39.1.16 Employees are required to advise their manager in writing at least 28 days prior to their proposed actual date of return only if this differs from the original return date given (see section 5).

39.1.17 All employees are entitled to take up to 52 weeks adoption leave and can return at any time.

39.1.18 Employees must return to work for a minimum of 3 months after their adoption leave has ended with the same or another NHS employer to retain the NHS contractual adoption pay that they have received during their adoption leave and will be required to repay the whole of their adoption pay, less any Statutory Pay due..

39.1.19 Please note that returning as a bank worker does not constitute an appropriate return to work for adoption pay purposes. If an employee returns to work for another employer they must produce written evidence from the new employer that they have returned to work for a minimum period of 3 months indicating that the employment has contracted hours and is not a bank contract.

39.1.20 If an employee decides not to return or does not return within 15 months of the beginning of the adoption leave to the same or another NHS employer then they will be required to repay the whole of their adoption pay, less any Statutory Adoption Pay due.

ii. Option B – Resigning and claiming Statutory Adoption Pay

39.1.21 Employees can opt not to return to work following the adoption and resign from their post.

39.1.22 Under this option, employees will receive any Statutory Adoption Pay that may be due to them but no additional NHS contractual adoption pay entitlements.

39.1.23 Managers should forward a Termination of Employment to the Employment Services Department if this option is chosen.

iii. Option C – Deferring the decision to return

39.1.24 If an employee is unsure as to whether they wish to return following adoption they can defer the decision.

39.1.25 Under this option employees will only receive the same entitlements as under option B.

39.1.26 However, should an employee decide to return to work, any additional NHS contractual adoption entitlements due are payable in a lump sum when they have completed three months service following their adoption leave.

39.1.27 If the employee decides not to return they should forward a letter of resignation to their manager who will forward the Termination of Employment to the Employment Services Department.

39.1.28 The benefit of this option is that if an employee decides not to return there is nothing to repay to the Trust.

d. Procedure for applying for adoption leave / pay

i. Application for Adoption Leave and Pay

39.1.29 Employees should contact their manager at the earliest opportunity and within 7 days of receipt of the matching certificate to apply for adoption leave. Managers issue a copy of this guidance document.

39.1.30 Employees should **immediately** fill in form *AL1 – Application for Adoption Leave (See Appendices)* if possible at least 28 days before the date they want to begin or as soon as is practicable, obtaining their managers signature and then forward it to the Employment Services Department in order for adoption entitlements to be calculated. **The matching certificate must be attached to this form.**

39.1.31 At this stage staff are required to give details of:

- the date that they intend to commence their adoption leave
- the option they have chosen, A, B or C
- if option A or C - the expected date that they will to return to work

ii. Notification of Entitlements

The Pay Services Department will send a letter to the employee outlining the adoption leave period and pay that they will receive.

39.1.32 The Manager should discuss with the employee their adoption leave arrangements and should send a letter confirming their annual leave entitlements and the Keep in Touch arrangements. (For example letter see Appendix 4).

iii. Commencement Date for Adoption Leave

39.1.33 The earliest date that adoption leave can commence is 14 days before placement and the latest date that it can start is the actual date of placement. Leave can start on any day of the week.

39.1.34 If the employee wishes to change the start date they should notify their employer at least 28 days beforehand (or as soon as is as reasonably practicable beforehand).

39.1.35 If the date of the placement changes the employee should discuss this with their manager as soon as possible who should notify the Employment Services Department.

iv. Keeping in touch

39.1.36 See paragraph 0

e. Adoption Pay

i. Amount of Adoption Pay

39.1.37 The amount of adoption pay due depends upon 2 factors:

- Length of continuous NHS service as at the matching week
- Average weekly rate of pay as at the matching week. (Average pay is calculated using the actual amounts paid to the employee on the 8 weeks / 2 months prior to this date)

39.1.38 Employees who do not meet the criteria for Statutory Adoption Pay may be entitled to receive Income Support directly from the Department of Work and Pensions.

39.1.39 As a general rule employees would normally be entitled to Statutory Adoption Pay if they have worked for their employer for 26 weeks at the matching week and they earn enough to pay National Insurance.

39.1.40 Statutory Adoption Pay is set by the government and may change annually.

- **Less than 26 weeks continuous NHS service as at the matching week** The employee is not eligible for Statutory Adoption Pay but may be able to claim Income Support directly from the Department of Work and Pensions.
- The employee will still be entitled to 52 weeks unpaid adoption leave from the Trust.
- **weeks up to 12 months continuous NHS service as at the matching week** The employee is entitled to receive 39 weeks Statutory Adoption (subject to meeting the SAP criteria above).
- Plus 13 weeks unpaid adoption leave.
- **Over 12 months continuous NHS service as at the matching week**
- The employee is entitled to receive the following:

- Weeks 1 to 8 at “full pay” *
- (inclusive of Statutory Adoption Pay)
- Weeks 9 to 26 at half of the employee’s average weekly pay, plus flat rate Statutory Adoption Pay (subject to meeting the SAP criteria above) provided the total does not exceed full pay.
- Weeks 27 to 39 at the flat rate Statutory Adoption Pay only.
- Weeks 40 to 52 unpaid Adoption Leave.
- *“Full Pay”*
For the purposes of the adoption pay calculation “full pay” is based on an average weekly rate of pay calculated as at the matching week. (The average weekly pay is calculated using the actual amounts paid to the employee on the 8 weeks / 2 months prior to this date)
- *Pay increases operated during adoption leave will alter the amount due from the date of the increase.*

ii. Payment Arrangements

39.1.41 By prior arrangement, adoption entitlements may be paid in a different way, for example a combination of full and half pay or a fixed amount spread equally over the whole of the adoption leave period.

39.1.42 If an employee wishes to have an alternative pay arrangement they should tick the box and outline their requirements on form AL1 in the appropriate section.

39.1.43 Please note however that Statutory Adoption Pay cannot be paid in this way.

f. Procedure following Adoption Leave

39.1.44 It is recommended that the employee should return form *AL2- Formal Notification of Amended Return Date from Adoption Leave* or send a letter identifying the actual proposed return date, to their manager at least 28 days prior to the actual date that they will return to work **only** if this differs from the original return date that they have given.

g. Returning on flexible working arrangements

39.1.45 See section 10.2

h. Additional Information

i. Contractual rights

39.1.46 During adoption leave (paid and unpaid) an employee retains all of their contractual rights.

ii. Time off for official meetings

39.1.47 Once you have been matched to a child you are entitled up to 5 days paid time off during your working hours for mandatory meetings for the adoption process. 15.9.4 You must, however, give your manager reasonable notice for this in order that your absence can be covered if necessary.

39.1.48 You may be asked by your manager to provide proof of these mandatory adoption meetings.

39.1.49 You will not be required to make up any working time lost due to attendance at mandatory meetings for the adoption process. However, where possible, you should try to arrange meetings at the beginning or end of your working day to ensure minimum disruption on your working time and service delivery.

39.1.49 Your Line Manager can ask you to re-arrange your appointments where it is reasonable to do so. However, you cannot be asked to schedule mandatory adoption meetings outside working hours

40 Annual Leave / Bank Holidays

40.1.1 Employees on adoption leave are entitled to accrue annual leave throughout the adoption leave period paid or unpaid.

40.1.2 If a bank holiday occurs during the period of either paid or unpaid adoption leave, the employee will also accrue bank holiday entitlement which will be added to the annual leave entitlement.

40.1.3 Where accrued annual leave would exceed normal carry over provisions it may be mutually beneficial to both employer and employee for the employee to take annual leave before and/or after the formal adoption leave period. The amount of leave to be taken in this way (before or after) should be discussed and agreed between manager and employee.

iii. Salary Increments

See previous section

iv. Pay Awards

See previous section

v. Pension Contributions

See previous section

vi. Lease Cars

See previous section

vii. Regular Car Users

See previous section

viii. Student Loans

See previous section

ix. Salary Sacrifice Schemes

40.1.4 It is not possible to make a deduction from pay for salary sacrifice scheme(s) whilst an employee is on unpaid adoption leave, or if their earnings below the threshold for deductions.

40.1.5 If you require any additional information or support regarding this procedure, please contact the Trust's payroll provider and/or the People Operations Team.

x. Fostering for adoption

40.1.6 Prospective adopters who have been approved by their adoption agency under a "concurrent" or "fostering for adoption" arrangement may choose to start their adoption leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of placement will not affect any adoption pay payable under this agreement

xi. Overseas adoption

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

- i) tell their employer the date of the official notification (permission from a GB authority for an adoption abroad) and the estimated date that the child will arrive in GB. This must be done within 28 days of receipt of the official notification;
- ii) tell their employer the actual date the child arrives in GB within 28 days of this date;
- iii) provide their employer with a minimum of 28 days' notice of when they wish

to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered GB and must start no later than 28 days after the child has entered GB);

iv) provide appropriate documentation and proof of the adoption to the employer including but not limited to the official notification and evidence that the child has entered GB

41 PARENTAL LEAVE

a. Purpose

41.1.1 Parental leave is a separate provision from maternity, paternity, adoption and shared parental leave. It is non-transferable right to 18 weeks' leave unpaid leave. Parental leave is designed to facilitate the reconciliation of parental and professional responsibilities for working parents and to this end entitles employees to unpaid time off work for the purpose of caring for a child.

41.1.2 It is good practice for managers to maintain contact with employees whilst they are on parental leave.

b. Eligibility

41.1.3 The procedure applies to all employees of the Trust who has nominated caring responsibility for a child under the age of 18. If required by their manager, the employee will produce evidence of their responsibility for the child.

c. Entitlement

41.1.4 18 weeks unpaid leave for each child (including adopted and those who are disabled) up to the child's 18th birthday.

d. How is Parental Leave taken?

41.1.5 Leave arrangements need to be as flexible as possible, so that the leave may be taken in a variety of ways, by agreement with your line manager for periods of up to 3 weeks and by Associate Director level or above for longer periods.

41.1.6 Parental leave can be added to periods of maternity, paternity, adoption and shared parental leave.

41.1.7 The notice period should reflect the period of leave required.

41.1.8 Where both parents are employed by the Trust, each parent is entitled to 18 weeks for each child.

41.1.9 During parental leave the employee retains all of their contractual rights except remuneration and should return to the same job. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulation.

41.1.10 Periods of parental leave will be regarded as continuous service.

e. Postponement of parental leave

41.1.11 Although managers will try to accommodate requests wherever possible they do retain the right to delay the period of parental leave in exceptional circumstances if it will result in an undue disruption of service delivery.

41.1.12 If this situation arises, **written notice** of postponement must be given within 7 days of the original request confirming both the reason and the period of rescheduled leave. The employee must be able to take the leave within 6 months of the original request.

41.1.13 Leave requested immediately after birth or adoption cannot be postponed by line managers.

41.1.14 Employees may also postpone or cancel leave and should give reasonable notice of such.

f. Record Keeping

41.1.15 Notification of parental leave should be provided to the Employment Services Department using a Change form and details kept on an employee's personal file using the form at appendix 1. The Trust is entitled to enquire about the amount of parental leave already taken by a new employee. This can be checked by writing to the previous employer or by way of a declaration from the employee. The Trust may also be requested to provide details of parental leave taken to date to other employers when an individual employee leaves the organisation. It is therefore important that accurate records are maintained. If you require any additional information or support regarding this procedure, please contact the People Operations Team peopleoperations@combined.nhs.uk.

42 BREAST / CHEST FEEDING AND RETURNING TO WORK

a. The Trust Commitment to Breast / chest feeding

42.1.1 NHS North Staffordshire Combined Healthcare is committed to improving the health of its employees and their families. As an employer, our obligations begin as soon as an employee has notified us that they are pregnant and continues for as long as they wish to breast/chest feed or express milk. The Trust will

- encourage an understanding and positive attitude, recognising of the value of breast/chest feeding for staff and their families.
- be positive and support employees who have returned to work and have continued to breast/chest feed.
- wherever possible, allow appropriate flexibility in working hours, including regular breaks for employees who wish to express milk. Reasonable time will be given to enable employees to express breast/chest milk.
- wherever possible and as necessary, make available appropriate facilities to enable employees to express breast/chest milk.

b. Process: What should a staff member do if they wish to return to work and continue breast / chest feeding?

42.1.2 The individual should notify their line manager that they are breast/ chest feeding. (This could be done when giving notice intention to return to work following maternity leave).

42.1.3 The individual and manager will need to come to an arrangement around working arrangements to enable the individual to continue to breast/chest feed the child or to express milk. Wherever possible, the Trust will try to provide suitable facilities to allow employees to express milk. Arrangements to consider may include the scheduling of rest breaks, provision of suitable room and facilities to feed or express milk. It may be necessary to work flexibly to accommodate the need for more frequent breaks or breaks at certain times of the day.

42.1.4 This can be facilitated within the parameters of the Flexible Working Policy. Maternity regulations state that employees should be permitted time during working hours to breast/chest feed their child or to express milk. There is no expectation that this time should be paid, but flexibility with working hours and break times can usually be used to facilitate this.

c. Action required by Line Managers

42.1.5 Where an employee indicates the intention to continue to breast/chest feed on return from leave, a Risk Assessment will be carried out and any areas of concern will be raised and discussed appropriately. *(A Risk Assessment must be carried out when all employees return to work from maternity leave).*

42.1.6 It may be that although an employee is still breast/chest feeding, there may be little or no impact on the working day i.e. may be only be feeding baby in the morning or evening, or may already work reduced hours. It is important for managers and employees to discuss what facilities or flexibility may be needed.

42.1.7 If an employee wishes to breast/chest feed their child rather than express milk, it will be necessary to discuss in detail how this might be accommodated. Options include reducing working hours, changing work pattern, or - if the child is cared for at a place close enough to work - it may be possible to arrange to breast/chest feed there during extended rest breaks within the working day.

42.1.8 Under EU directive 92/85/EEC, NHS organisations must temporarily alter an employee's working conditions and/or hours or give alternative work to protect breast/chest feeding, where normal working arrangements are prohibitive.

42.1.9 If the employee works nights, they may negotiate a different shift while breast/chest feeding. They may ask their GP for a medical certificate to say that night work could affect their health and safety. If no suitable alternative is available, the manager should contact the People Operations Team as soon as possible to gain advice.

42.1.10 Where appropriate and wherever possible, a rest area/room (not toilet) should be identified to enable the expressing of breast/chest milk. Where there are no dedicated or appropriate staff facilities, the use of interview rooms etc. could be an option for employees to book and be able to express milk.

42.1.11 Consideration needs to be given to:

- The area/room needs to be clean, warm with a comfortable chair.
- The room should be lockable or have an arrangement for ensuring privacy.
- There should be hand-washing facilities nearby.
- There should be an electrical socket if required.
- An appropriate area for washing equipment should be available.
- Ideally a refrigerator should be available for storing expressed breast/chest milk at 2°- 4°c until it is taken home. Health and Safety guidelines suggest a dedicated refrigerator. However, where this is not practicable individuals can provide their own cool bag.

'Regulations do not put a time limit on breast/chest feeding... It is for themselves to decide for how long they wish to breast/chest feed.' (Health & Safety Executive, 2002)

d. Further Information & Advice

42.1.12 A number of online resources are available to provide information and advice on breast/chest feeding, and as well as local NHS services, there are a number of third sector organisations who may offer support.

42.1.13 For further information or advice, please contact the People Operations Team or alternatively other sources of advice include the Occupational Health Service, Health & Safety Team or the Equality, Diversity and Inclusion lead.

43 Key Terms Explained for the Purpose of the Policy

Confinement: the date of birth of the baby

Mother / expectant parent: the person who gives birth to a child or the adopter

Adopter: the adopter means the person who is eligible for adoption leave and/or pay.

Partner: the child's biological father/parent or the partner of the mother/ expectant parent / adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the adopter and the child.

SPL: Shared Parental Leave.

ShPP: Statutory Shared Parental Pay.

Continuous leave: a period of leave that is taken in one block e.g. four weeks' leave.

Discontinuous Leave: a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.

SPLIT day: Shared Parental Leave in Touch Day.

Unpaid Parental Leave: separate to SPL, entitles employees to take up to 18 weeks off work to look after a child's welfare, this leave is unpaid and can be taken in maximum amounts of four weeks per year.

Match: when an adopter is approved to adopt a named child or children.

Curtail: where an eligible mother / expectant parent brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period.



Training Needs Analysis for the policy for the development and management of Trustwide procedural / approved documents

Please tick as appropriate

There is no specific training requirements- awareness for relevant staff required, disseminated via appropriate channels (Do not continue to complete this form-no formal training needs analysis required)	✓
There is specific training requirements for staff groups (Please complete the remainder of the form-formal training needs analysis required-link with learning and development department.)	

Staff Group	✓ if appropriate	Frequency	Suggested Delivery Method (traditional/ face to face / e-learning/handout)	Is this included in Trustwide learning programme for this staff group (✓ if yes)
Career Grade Doctor				
Training Grade Doctor				
Locum medical staff				
Inpatient Registered Nurse				
Inpatient Non-registered Nurse				
Community Registered Nurse				
Community Non Registered Nurse / Care Assistant				
Psychologist / Pharmacist				
Therapist				
Clinical bank staff regular worker				
Clinical bank staff infrequent worker				
Non-clinical patient contact				
Non-clinical non patient contact				

Please give any additional information impacting on identified staff group training needs (if applicable)

Please give the source that has informed the training requirement outlined within the policy i.e. National Confidential Inquiry/NICE guidance etc.

Any other additional information

Completed by

Date

09.02.2023

Appendix 1 File record of parental leave

FILE RECORD OF PARENTAL LEAVE

NAME OF EMPLOYEE _____

GRADE _____

LOCATION _____

EMPLOYEE NUMBER _____

PERIOD OF UNPAID PARENTAL LEAVE:

FROM _____

TO _____

Authorised by:

Name of Manager _____

Signature of Manager _____

Date _____

Appendix 2 (AL1 Application for adoption leave and pay)

FORM AL1

Application for Adoption Leave and Pay

Please complete this form, obtain your managers signature and send it to the Employment Services Department as soon as (and within 7 days at the latest) of the matching date being given.

PLEASE ATTACH YOUR MATCHING CERTIFICATE TO THIS FORM

Name

Employee Number

Job Title

Trust

Hospital / Department

For Completion by the Employee's Manager

Name

Job Title

Signature

Date

For Employment Services Use Only

Matching Week

Adoption Period Commences

Adoption Pay Period Ceases

Earliest Date of return to duty

Must return by

FORM AL1, Page 2

OPTION A

IF YOU WILL RETURN TO WORK FOLLOWING ADOPTION LEAVE COMPLETE THIS PAGE

If you have more than 12 months continuous NHS service and intend to return to work complete this section

I wish to claim NHS contractual adoption leave and pay.

I will begin my adoption leave on (Date)

My estimated date of return is (Date)

I confirm that it is my intention to return to work with an NHS Employer within 52 weeks of the commencement of my adoption leave and will remain in that employment for at least 3 months.

I understand that in the event of failure to return to duty as stated above, the Trust will reclaim all adoption payments received other than statutory adoption payments due.

Signature

Date

If you have more than 26 weeks but less than 12 months continuous NHS service and intend to return to work complete this section

I wish to claim statutory adoption leave and pay

I will begin my adoption leave on (Date)

My estimated date of return is (Date)

Signature

Date

If you have less than 26 weeks service and intend to return to work complete this section

I wish to claim unpaid adoption leave of 52 weeks.

I will begin my unpaid adoption leave on
(Date)

My estimated date of return is (Date)

Signature

Date

FORM AL1, Page 3

OPTION B

IF YOU WILL BE RESIGNING FOLLOWING ADOPTION

I wish to terminate my employment with the Trust following adoption and wish to claim any statutory adoption pay which may be due to me.

I do not intend to return to work and my last working day will be:

(Date)

Signature

Date

OPTION C

IF YOU ARE DEFERRING THE DECISION TO RETURN

I am unsure about returning to work following adoption leave and wish to claim any statutory adoption leave and or pay due to me on this basis

I understand that if I decide to return to work, I will receive any outstanding NHS contractual adoption pay due to me following my completion of 3 months service.

I will begin my adoption leave on *(Date)*

Signature

Date

PAYMENT ARRANGEMENTS

☐ *I wish to receive my adoption pay in standard format*

☐ *I wish to receive my adoption pay in equal instalments over the whole adoption leave period*

Appendix 3 (AL2 Formal notification of amended return date from adoption leave)

FORM AL2

ADOPTION LEAVE POLICY

Formal Notification of Amended Return Date from Adoption Leave

It is suggested that you complete this form and forward it to your manager at least 28 days before you wish to resume work following your adoption leave only if your date of return is different to that indicated on form AL1.

I intend to resume work on _____ *(date)*

and hereby give 28 days' advance notification of such

Name

Personal Number

Job Title

Trust

Hospital / Department

Signature

Date

Managers should forward a copy of this form to the Employment Services Department.

Please remember to send a change form to confirm the employee has returned to work and notify any change of hours or band.

Appendix 4 (Template letter confirming receipt of application for adoption leave/pay)

Date

Name

Address

Dear

Adoption Leave

I am writing to confirm receipt of your application for adoption leave / pay.

If for any reason you need or wish to change the date that your adoption leave will commence wherever possible please give me 28 days' notice in order for me to make the necessary arrangements.

You will be advised in writing in due course by Pay Services of your adoption pay entitlements.

I can confirm that following our discussions we have agreed that you will carry forward days annual leave. *(Include in here any additional arrangements that you have made regarding use of annual leave, e.g. using leave in a block at the end of the adoption leave period before recommencing work, or using it in a block prior to adoption leave commencing, or using it to work part time for a period on their return to work).*

If you wish to return to work before or after the date stated on form AL1, please give me 28 days' notice by returning form AL2 in the Trust Adoption Policy in order for me to make the necessary arrangements.

Keep in Touch Days (KIT)

As we discussed, it is now possible to undertake up to 10 days paid work whilst on adoption leave without losing any adoption pay benefits.

If you feel that this would be useful and we identify that it is operationally appropriate for KIT days to be worked then these days would be taken as time off in lieu within 3 months of returning to work after adoption leave.

Flexible Working on return to work

If you are considering requesting a permanent change to your current working pattern on your return from adoption leave, this can be done by submitting a Flexible Working Application Form (see Trust Flexible Working Policy 3.25). Ideally any request should be forwarded to me at least 6 weeks prior to your return date to enable me to explore what is feasible also taking account of service needs.

If you have any queries regarding this letter or require any further information or assistance, please do not hesitate to contact me on

Yours sincerely

Manager

Appendix 5 (Shared Parental Leave and Shared Parental Pay Forms)

- To check eligibility parents can use the online calculator at <https://www.gov.uk/maternity-paternity-pay-leave>
- Application forms for SPL can be found: [Shared Parental Leave and Pay: Applying for leave and pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay)
<https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay>
- Applications also require completion of the template request letter appendix 5a

Appendix 5a Template letter Employee to complete and submit to Line Manager re. Notice booking a period of SPL / SHPP

[Insert the date]

Dear **[insert the name of your line manager]**

Notice booking a period of continuous Shared Parental Leave (SPL) / Shared Parental Pay ShPP

My current remaining entitlement to SPL is [insert the total number of weeks of SPL you have left] weeks.

This is my [insert 'first', 'second' or 'third' as appropriate] statutory notification to book leave.

This notice is to book a period of [insert the number of weeks SPL you want to take] weeks of SPL.

I will be taking a continuous period of leave from [insert when you want to start your SPL] to [insert when you want to end your SPL].

My current remaining entitlement to Statutory Shared Parental Pay (ShPP) is [insert the total number of weeks of SPL you have left] weeks.

During my period of SPL I would like to receive [insert the number of weeks SHPP you want to take] weeks ShPP. I would like this paid from [insert when you want to start your SHPP] to [insert when you want to end your SHPP].

I understand that if I do not return to work after my period of Shared Parental Pay in line with the terms contained within North Staffordshire Combined Healthcare NHS Trust policy and NHS Agenda for Change Terms and conditions, I will be liable to refund the whole of my shared parental pay, less any Statutory Shared Parental Pay, received. In addition, I understand that returning as a bank worker does not constitute an appropriate return to work for pay purposes.

Yours sincerely

[insert your name and signature]

CC. Pay Services
People Operations Team (peopleoperations@combined.nhs.uk)

Form 2: Notification that Adopter is intending to take SPL (for Adopter's Employer)

SECTION A: General (must be completed)

Please accept this as notification that I (the adopter taking adoption leave/pay) am entitled to and intend to take SPL (and ShPP if section C is completed).

Adopter's Surname

Appendix 6 (ML1 Advance notification of pregnancy)

FORM ML 1

Advance Notification of Pregnancy

Please complete this form and forward it to Pay Services as soon as pregnancy is known to enable maternity pay to be calculated

I am expecting a baby on/around _____(date)

Name _____

Employee Number _____

Job Title _____

Trust _____

Hospital / Department _____

Signature _____

Date _____

*You do not need to send a medical certificate or MATBI with this form, but you do need to send it **immediately** to Pay Services!*

Appendix 7 (ML2 Application for maternity leave and pay)

FORM ML 2

Application for Maternity Leave and Pay

Please complete this form and forward it to your manager 15 weeks before the expected date of childbirth (or if this is not possible as soon as is reasonably practicable).

Please attach your MATB1 Certificate of Confinement.

Name _____

Personal Number _____

Job Title _____

Trust _____

Hospital / Department _____

PLEASE REMEMBER TO ENCLOSE YOUR MATB1 WITH THIS FORM

For Completion by the Individuals Manager

Name _____

Job Title _____

Signature _____

Date _____

For Salaries and Wages Use Only

Notification Week _____

Maternity Period Commences _____

Maternity Pay Period Ceases _____

Earliest Date of return to duty _____

Must return under EPA _____

FORM ML 2 Page 2

OPTION A – RETURNING TO WORK FOLLOWING CONFINEMENT

If you have more than 12 months service complete this section

I wish to claim NHS contractual maternity leave and pay

I will begin my maternity leave on _____
_____(Date)

My anticipated date of return is _____(Date)

If I wish to change the date that I will begin my maternity leave, I undertake to give my manager 28 days' notice of such. If I wish to return earlier, I undertake to give my manager 8 weeks' notice of such. I confirm that it is my intention to return to work with an NHS Employer within 52 weeks of the commencement of my maternity leave and will remain in that employment for at least 3 months. I understand that in the event of failure to return to duty as stated above, the Trust will reclaim all maternity payments received other than Statutory Maternity Payments due.

If you have less than 12 months service complete this section

I wish to claim statutory maternity leave and pay.

I will begin my maternity leave on _____
_____(Date)

My anticipated date of return is _____(Date)

If I wish to change the date that I will begin my maternity leave, I undertake to give my manager 28 days' notice of such.
If I wish to return earlier, I undertake to give my manager 8 weeks' notice of such.

Signature _____

Date _____

OPTION B – RESIGNING AND CLAIMING STATUTORY MATERNITY PAY

I wish to terminate my employment with the Trust due to pregnancy and claim any Statutory Maternity Pay which may be due to me. I do not intend to return to work and my last working day will be: _____
_____(Date)

Signature _____

Date _____

FORM ML 2 Page 3

OPTION C - DEFERRING THE DECISION TO RETURN

I am unsure about returning to work within 52 weeks of the commencement of my maternity leave and wish to apply for Statutory Maternity Leave and Pay on this basis. I understand that if I decide to return to work, I will receive the outstanding NHS contractual maternity pay that may due to me following my completion of 3 months service. I will begin my maternity leave on _____
_____(Date)

If I wish to change the date that I will begin my maternity leave, I undertake to give my manager 28 days' notice of such.

Signature

Date

Option D – OPTION TO RETURN TO WORK AND FOR YOUR PARTNER TO TAKE ADDITIONAL STATUTORY PATERNITY LEAVE AND ADDITIONAL STATUTORY PATERNITY PAY

I intend to return to work following my Maternity Leave, taking no less than 20 weeks of Maternity Leave and for my spouse/partner to take the remaining period of Statutory Leave (this can be for a minimum of 2 weeks and for a maximum of 26 weeks but must be taken before the child is 52 weeks old).

I will begin my maternity leave on _____(Date)

My anticipated date of return is _____(Date)

If I wish to change the date that I will begin my maternity leave, I undertake to give my manager 28 days' notice of such. I confirm that it is my intention to return to work with an NHS Employer within 52 weeks of the commencement of my maternity leave and will remain in that employment for at least 3 months. I understand that in the event of failure to return to duty as stated above, the Trust will reclaim all maternity payments received other than Statutory Maternity Payments due. If I wish to return earlier or later than the date stated above, I undertake to give my manager 8 weeks' notice of such.

Signature

Date



FORM ML 2 Page 4

PAYMENT ARRANGEMENTS

☐

I wish to receive my maternity pay in standard format

☐

I wish to receive my maternity pay in equal instalments over the whole maternity leave period

Appendix 8 (ML3 Formal notification of amended return date from maternity leave)

FORM ML 3

Formal Notification of Amended Return Date from Maternity Leave

It is suggested that you complete this form and forward it to your manager at least 8 weeks before you wish to resume work following your maternity leave, only if your date of return is different to that indicated on form ML2.

I intend to resume work on _____(date)

and hereby give 8 weeks advance notification of such

Name _____

Personal Number _____

Job Title _____

Trust _____

Hospital / Department _____

Signature _____

Date _____

Managers should forward a copy of this form to the Pay Services .

Appendix 9

Resource Library

Links to resources or supportive organisations for LGBTQ+ Families



- <https://www.glaad.org/transgender/allies>
- <https://www.fflag.org.uk/>
- <https://lgbtmummies.com/>
- <https://www.facebook.com/LGBTrainbowfamilies>
- <https://newfamilysocial.org.uk/>
- <https://humankindcharity.org.uk/service/lgbt-north-east/>
- <https://www.meetup.com/lgb-parents-in-cheshire/>
- Different families, same love: <https://www.stonewall.org.uk/resources/different-families-same-love-pack>
- Proud Parents (online, Stafford based): <https://www.proudparentscommunity.co.uk/>
- A guide to lesbian parenting: <https://rightsofwomen.org.uk/wp-content/uploads/2014/10/PDF-guide-to-lesbian-parenting.pdf>
- A guide for gay dads:
https://www.stonewall.org.uk/system/files/A_Guide_for_Gay_Dads1_.pdf