

Maternity, Paternity and Adoption Leave

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1 Introduction

This procedure explains:

- How to apply for maternity, shared parental leave, paternity and adoption leave;
- What you are entitled to;

It also provides additional supporting information.

2 Why we need this policy

2.1 Purpose

Following this procedure will help the Trust to:-

- | |
|--|
| <ul style="list-style-type: none"> • Ensure staff are aware of what they are entitled to in relation to maternity, paternity and adoption leave |
| <ul style="list-style-type: none"> • Ensure staff know how to apply for maternity, paternity and adoption leave |
| <ul style="list-style-type: none"> • Comply with statutory requirements |
| <ul style="list-style-type: none"> • Ensure fairness and consistency |
| <ul style="list-style-type: none"> • Provide supporting information relating to maternity, paternity and adoption leave |

3 Related documents



This procedure describes what you need to do to implement the Maternity, Paternity and Adoption Leave section of the Human Resources During Employment Policy.

This procedure also refers to:-

- ✓ [Maternity & Adoption Information Pack](#)
- ✓ [Paternity Information Pack](#)
- ✓ [Special Leave Procedure](#)
- ✓ [Flexible Working Procedure](#)
- ✓ [Sickness Absence Management Procedure](#)
- ✓ [Maternity Calculator](#)

4 Maternity and Adoption Leave

- Whether you are entitled to maternity / adoption leave and pay will depend on:
 - Your continuous length of service with the Trust, or another NHS Employer; and
 - Whether you intend to return to work after your maternity leave.
 - **For advice on surrogacy please refer to the [Maternity and Adoption Leave information pack](#)**
- The Trust has a Maternity & Adoption Leave information pack and a [Maternity/Adoption Calculator/Application](#), to help staff understand what they are entitled to and how to apply. All staff to whom this may apply should read this information pack which can be accessed via InTouch or by clicking on the [hyperlink](#).
- This pack provides information on the following:-
 - Eligibility
 - Entitlements
 - How to apply and relevant timescales
 - What to expect during maternity / adoption leave
 - What happens if you choose not to return to work after your maternity / adoption leave, particularly in regards to payments
 - What you should do during your maternity / adoption leave (Keeping In Touch)
 - What you need to do on your return from maternity / adoption leave
 - Application forms and other relevant documentation that should be completed by employees and their line manager throughout the process
 - Additional information and advice
- Further information relating to maternity leave is contained within Section 15 of the [Agenda for Change Terms and Conditions of Service](#)



- If you are applying for Maternity Leave you **must** complete the [maternity/adoption leave calculator/application](#) and send the **original** MAT B1 certificate along with your application for maternity leave to the Trust Payroll department. If you do not provide the original certificate, your application form will be returned unprocessed.
- If you are adopting and unable to provide the original Matching Certificate with your application send this as soon as possible to the Payroll Department to enable timely processing of your application. Do not delay sending your adoption application.



- If maternity/adoption leave is taken and you do not recommence work for an NHS employer within 15 months from the date maternity/adoption leave started (the return must be for a minimum period of 3 continuous months), the entitlement to occupational maternity/adoption pay will be affected and overpayments must be repaid to the Trust.
- See [Agenda for Change Terms and Conditions of Service](#) Annex A for definitions of NHS Employers

5 Maternity/Adoption Flowchart

Step 1 - Initial Meeting with Manager

Discuss the employee's rights to time off for antenatal care / meetings relating to adoption and arranging a workplace risk assessment as appropriate



Step 2 - Risk Assessments

Risk Assessments must be completed in line with procedure to ensure the safety of the employee. Seek advice and guidance from Health and Safety Department if needed.



Step 3 - Documentation Required From Employee

- Send [Maternity Application](#) and ORIGINAL MAT B1 Certificate to the Payroll department no later than the end of 6 weeks prior to commencement of leave. (Shared Parental Leave application process can be found in the Trust Maternity and Adoption leave information pack)
- Send Adoption Application and matching certificate to the Payroll department as soon as possible and no later than 7 days before matching date (unless not possible)
- Retain a copy of the relevant applications form and certificate on the employee's personal file



Step 4 - Letter sent from Payroll Department to employee

A letter will be sent from the Payroll Department within the 1st week of commencement of maternity/adoption leave to confirm schedule of payments.



Step 5 - Keeping in Touch – SPLIT Days

The employee and their line manager will complete the "Keeping in Touch" Pro-forma and agree how contact will be maintained during maternity / adoption leave. Line managers must inform payroll of the dates, times and hours worked via email.



Step 6 - Meeting with employee on their return from Maternity Leave

Line manager and employee will complete a "Return to Work Planning" Pro-forma, ideally before the return or, if not, as soon as possible on return. This must include discussions about any updates and adjustments that might be needed (e.g. breast-feeding requirements)

ESR / Payroll documents should be completed and forwarded to Payroll to advise them the staff member has returned to work, this should be done as soon as possible and within payroll guidelines.

6 Shared Parental Leave

- Shared Parental Leave is designed to enable working parents to share leave and to take time off in a more flexible way. Eligible members of staff can apply for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (SSPP). SPL can only be taken within the year after the Child's birth or Adoption. In order to create SPL, you must end your Maternity/ Adoption Leave early. This would allow for any untaken Maternity/ Adoption Leave, Pay or allowance to be taken as SPL and/ or SSPP. It is your duty as the employee to inform the Trust of your eligibility for SPL and/ or SSPP.

- The Trust has a Maternity & Adoption Leave information pack to help staff understand what they are entitled to and how to apply. All staff to whom this may apply should read this information pack which can be accessed via InTouch or by clicking on the [hyperlink](#).

- This pack provides information on the following:-
 - Guidelines on Shared Parental Leave
 - How to end maternity leave and create SPL
 - Eligibility
 - Procedure and timescales
 - Links to Application forms and other relevant documentation that should be completed by employees and their line manager throughout the process
- Additional information and advice



- If shared parental leave is taken and you do not recommence work for an NHS employer within 15 months from the date maternity/shared parental leave started (the return must be for a minimum period of 3 continuous months), the entitlement to occupational maternity/adoption pay will be affected and overpayments must be repaid to the Trust.
- See [Agenda for Change Terms and Conditions of Service Annex A](#) for definitions of NHS Employers



- Shared Parental Leave In Touch Days (SPLIT) Days. Once a period of maternity leave has ended and shared parental leave has commenced you are entitled to – up to 20 SPLIT days
- Both KIT and SPLIT days are optional and must be agreed between you and your manager.



- Please follow the same principles outlined in Section 5 (Maternity/Adoption Leave Flow Chart) when an application for Shared Parental leave is submitted.

7 Paternity Leave (Maternity Support)

- Whether you are entitled to paternity leave and pay will depend on:
 - Your continuous length of service with the Trust, or another NHS Employer; and
 - Whether your intention is to return to work following your paternity leave.
- Dependent on eligibility, some staff may be able to take additional paternity leave and pay for up to 6 months off work from any remaining unpaid maternity leave, if their partners choose to return to work early.
- The Trust has a Paternity Leave information pack to help staff understand what they are entitled to and how to apply. All staff to whom this may apply should read this information pack which can be accessed via InTouch or by clicking on this [hyperlink](#).
- This pack provides information on the following:-
 - Eligibility
 - Entitlements
 - How to apply and relevant timescales
 - What to expect during paternity leave
 - What happens if you choose not to return to work after your paternity leave, particularly in regards to payments
 - What you need to do on your return from paternity leave
 - Application forms and other relevant documentation that should be completed by employees and their line manager throughout the process
 - Additional information and advice
- Further information relating to paternity leave is contained within Section 35 of the [Agenda for Change Terms and Conditions of Service](#).

Paternity (Maternity Support) Leave Flowchart

Step 1 - Initial Meeting with Manager

Discussing the employee's rights in relation to time off for antenatal care / meetings relating to adoption. The manager will also need to know:

- * the fact that their partner is pregnant / or due to be matched with a child for adoption
- * the expected week of confinement / matching date
- * the date the employee expects to commence paternity (maternity support) leave and if they wish to apply for additional paternity (maternity support) leave



Step 2 - Documentation Required From Employee

- Paternity (Maternity Support) Application and **COPY of MAT B1 / Matching Certificate** should be sent to the HR department no later than the end of 15th week before expected week of confinement (in cases of adoption the matching certificate should be forwarded as soon as this is available)
- A copy of the relevant applications form and certificate should be retained on the employee's personal file by the line manager.



Step 3 - Letter sent from Human Resources to employee

A letter will be sent from Human Resources to the employee detailing the expected dates of paternity (maternity support) leave, how many weeks of paternity (maternity support) leave the employee is qualified for and what to do if they change their mind regarding the paternity (maternity support) leave dates.

This letter will be copied to the line manager and payroll. The COPY MAT B1 / Matching Certificate (if available) will also be sent to payroll to action accordingly.



Step 4 - Keeping in Touch

The employee and their line manager will complete the "Keeping in Touch" Pro-forma and agree how contact will be maintained during additional paternity (maternity support) leave. Line managers should inform payroll of the dates, times and hours worked via email.



Step 5 – Returning from Additional Paternity (Maternity Support) Leave

ESR / Payroll documents should be completed and forwarded to Payroll to advise them the staff member has returned to work, this should be done as soon as possible and within payroll guidelines.

8 Definitions

Term	Definition
Statutory Maternity Pay (SMP)	This is a legal entitlement and is the minimum level of maternity pay due to employees who meet the necessary requirements.
Occupational Maternity Pay (OMP)	This is an NHS entitlement which is paid to employees who have been continuously employed for 12 months at the beginning of the 11 th week prior to the expected week of childbirth by one or more NHS employers AND who intend to return to work following the birth of the baby.
Statutory Adoption Pay (SAP)	This is a legal entitlement and is the minimum level of adoption pay due to employees who meet the necessary requirements
Occupational Adoption Pay (OAP)	This is an NHS entitlement which is paid to employees who have been continuously employed for 12 months ending with the week in which they are notified of being matched with the child for adoption, by one or more NHS employers AND who intend to return to work following the end of their adoption leave.
MATB1 certificate	This is the document that all pregnant employees should receive from their doctor or midwife confirming their pregnancy and expected date of confinement.
Matching Certificate	The document that an employee who is matched with a child for adoption will receive and must provide to the employer in order to qualify for adoption leave.
Paternity Leave (Maternity Support)	This is a legal entitlement to 2 weeks leave. Paternity pay is dependent on eligibility. Paternity (Maternity support) leave applies to the father of the child (including adoptive fathers), the mothers husband or partner (whether opposite or the same sex) or nominated carer, (i.e. the second parent)
Shared Parental Leave (SPL) and Statutory Shared Parental Pay (SSPP)	This is a legal entitlement. Eligible members of staff can apply for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (SSPP). SPL can only be taken within the year after the Childs birth or Adoption. In order to create SPL, you or your partner must end Maternity/ Adoption Leave early. This would allow for any untaken Maternity/ Adoption Leave, Pay or allowance to be taken as SPL and/or SSPP. It is your duty as the employee to inform the Trust of your eligibility for SPL and/ or SSPP
NHS Employers	Please see Agenda for Change terms and conditions of service Annex A for definitions of NHS Employers

9 Useful contacts

The following contacts may provide useful additional information:

HM Custom and Revenue website: www.hmrc.gov.uk/

NHS Employers website: www.nhsemployers.org

NHS pensions: www.nhsbsa.nhs.uk/pensions

10 Document control

Date of approval:	07 November 2017	
Next review date:	31 March 2024	
This document replaces:	Maternity, Paternity and Adoption Leave HR-0046-v3	
Lead:	Name	Title
	Nicola Rutherford	HR Team Manager
Members of working party:	Name	Title
	Lesley Hemmingway	HR Officer
This document has been agreed and accepted by: (Director)	Name	Title
	David Levy	Director of HR & Organisational Development
This document was approved by:	Name of committee/group	Date
	Policy Working Group	V3 29.9.2017
This document was ratified by:	Name of committee/group	Date
	Policy Working Group	V3 29.9.17
An equality analysis was completed on this document on:	01 October 2017	

Change record

Version	Date	Amendment details	Status
3	September 2017	References to Additional Paternity Statutory Pay and Leave removed. Definition added for Shared Parental Leave Link to Maternity and Adoption Information Pack for advice on surrogacy	Withdrawn
3	Oct 2020	Review date extended	Withdrawn
3	29 Mar 2021	Review date extended to 01 November 2021	Withdrawn
3.1	08 Jul 2021	Links updated to reflect new intranet.	Published
3.1	Nov 2021	Review date extended to 01/11/2022	Published
3.1	Feb 2023	Review date extended to 31 March 2023	Published
3.1	May 2023	Review date extended to 30 June 2023	Published
3.1	Feb 2024	Review date extended to 31 March 2024	Published

Equality Analysis Screening Form

Name of Service area, Directorate/Department i.e. substance misuse, corporate, finance etc	Human Resources			
Name of working party, to include any other individuals, agencies or groups involved in this analysis	HR Operational and Payroll Finance Department – Amendments made as a result of changes in legislation.			
Title	Maternity, Adoption and Paternity Procedure and Guidance Pack			
Is the area being assessed a	Policy/Strategy	<input type="checkbox"/>	Service/Business plan	<input type="checkbox"/>
	Procedure/Guidance		<input checked="" type="checkbox"/>	Code of practice
	Other – Please state			
Geographical area	Trustwide			
Aims and objectives	Ensure staff are aware of what they are entitled to in relation to maternity, paternity and adoption leave; ensure staff know how to apply for maternity, paternity and adoption surrogacy and shared parental leave; comply with statutory requirements; ensure fairness and consistency and provide supporting information relating to maternity, paternity and adoption leave			
Start date of Equality Analysis Screening	01 October 2017			
End date of Equality Analysis Screening	01 October 2017			

Please read the Equality Analysis Procedure for further information

1. Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?					
All staff who may wish to apply for maternity, adoption, shared parental or paternity leave.					
2. Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups below?					
Race (including Gypsy and Traveller)	No	Disability (includes physical and mental impairment)	No	Gender (Men and women)	No
Gender reassignment (Transgender and gender identity)	No	Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual)	No	Age (includes, young people, older people – people of all ages)	No
Religion or Belief (includes faith groups, atheism and some other non religious beliefs)	No	Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave)	No	Marriage and Civil Partnership (includes opposite sex and same sex couples who are either married or civil partners)	No
<p>Yes – Please describe the anticipated negative impact</p> <p>No – Please describe any positive outcomes</p> <p>In line with legislation the procedure ensures fairness and consistency for all staff. Procedure updated as a result of a legislative changes (shared parental leave replaces additional maternity and paternity leave only – no changes made to individuals eligibility or entitlement). Included section re surrogacy and shared parental leave – information has been provided from government/acas websites</p>					
3. Have you considered any codes of practice, guidance, project or business plan benefit? If 'No', why not?				Yes	No
				x	

Sources of Information may include:

- Feedback from equality bodies, e.g. Care Quality Commission, Disability Rights Commission, etc
- Investigation findings
- Trust Strategic Direction
- Data collection/Analysis
- Staff grievances
- Media
- Community Consultation/Consultation Groups
- Internal Consultation
- Other (Please state below)
- Employment Law

4. Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the following protected groups?: Race, Disability, Gender, Gender reassignment (Trans), Sexual Orientation (LGB), Religion or Belief, Age, Pregnancy and Maternity or Marriage and Civil Partnership

Yes – Please describe the engagement and involvement that has taken place

No – Please describe future plans that you may have to engage and involve people from different groups.

5. As part of this equality analysis have any training needs/service needs been identified?

No	Please describe the identified training needs/service needs below
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A training need has been identified for					
Trust staff	No	Service users	No	Contractors or other outside agencies	No
Make sure that you have checked the information and that you are comfortable that additional evidence can provided if you are required to do so					
The completed EA has been signed off by: You the Policy owner/manager: Nicola Rutherford – Senior HR Team Manager					Date: Oct 17
Your reporting manager: Type name: Beverley Vardon- Odonkor					Date: Oct 17
Please forward this form by email to: tewv.policies@nhs.net Please Telephone: 0191 3336267/6542 for further advice and information on equality analysis					