



Public – To be published on the Trust external website

Leave and pay for new parents procedure

(Replacing Maternity, Paternity & Adoption Leave Procedure and Information Pack HR-0046-v3.1)

Ref: HR-0046-v4

Status: Approved

Document type: Procedure

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1 Introduction

Following this procedure will make the process of applying for leave and pay, for our new parents as problem free as possible. It will do this by outlining the different types of leave, how to apply, provide details on relevant timescales and inform staff of their entitlement, covering the following:

- Maternity/perinatal Leave and pay,
- Adoption Leave and pay,
- Shared Parental Leave and pay,
- Paternity Leave and Pay,
- Surrogacy

This procedure will support the delivery of the Trust's second goal, which is to Co-Create a great experience for our colleagues.

We will do this by:

- Ensuring that all staff are aware of their entitlements in relation to leave and pay and are able to make informed decisions around the duration of leave they wish to take.
- Creating a respectful and compassionate culture when supporting staff who in the process of or have become new parents.
- Demonstrating that we are a well led and managed organisation.

2 Purpose

Following this Procedure will help the Trust to:

- Ensure staff are aware of what they are entitled to in relation to Maternity/perinatal Leave and pay, Adoption Leave and pay, Shared Parental Leave and pay, and New Parent Support Leave and pay.
- Ensure staff know how to apply for Maternity/perinatal Leave and pay, Adoption Leave and pay, Shared Parental Leave and pay, and Paternity Leave and Pay updated as of 8th March 2024
- Comply with statutory requirements.
- Ensure fairness and consistency.
- Eliminate discrimination and advance equality of opportunity under the public sector equality duty.

3 Who this Procedure applies to

This Procedure applies to:

- All employees of Tees, Esk & Wear Valley's NHS Foundation Trust (TEWV)

3.1 This Procedure does not apply to:

- Temporary Staffing (Bank and Agency Staff)

4 Related documents

This procedure also refers to:

- ✓ [Special Leave Procedure](#)
- ✓ [Flexible Working Procedure](#)
- ✓ [Management of Staff Health and Wellbeing Procedure](#)
- ✓ [Maternity/perinatal/Adoption Calculator/Application](#)
- ✓ New Parents Information Pack
- ✓ [New and expectant mothers/people procedure](#)

5 Leave and Pay – Maternity/Perinatal

All pregnant employees, regardless of their length of service, have a statutory right to time off for antenatal care and to have up to 52 weeks Maternity/perinatal Leave, providing they are still pregnant at the 11th Week before the Expected Week of Confinement (EWC).

Staff working full-time or part-time will be entitled to paid and unpaid Maternity/perinatal Leave under the NHS Occupational Maternity/perinatal Pay scheme if:

- they have 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth.
- they notify their employer in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):

If an employee does not satisfy the conditions for occupational maternity/perinatal / adoption / shared parental pay, they may be entitled to Statutory Maternity/perinatal, Adoption or Shared Parental Pay. Statutory Maternity/perinatal, Adoption or Shared Parental pay will be paid regardless of whether they satisfy the conditions.

If an employee's earnings are too low for them to qualify for Statutory Maternity/perinatal / Adoption / Shared Parental Pay, or they do not qualify for another reason, they should be advised to claim maternity/perinatal allowance (if applicable) or any other possible benefits from their local Job Centre Plus. Information on maternity/perinatal allowance is available on the government website <https://www.gov.uk/maternity/perinatal-allowance> .

5.1 Confirming Your Intended Leave



- Please use the Trust; Maternity/Perinatal/Adoption Leave Calculator/Application to work out your entitlement.
- Appendix 3 of the Trusts New Parent Support Pack can also be used as a guide to work out your entitlement.



- If you are applying for Maternity/perinatal Leave you **must** complete the **Maternity/perinatal/Adoption Leave Calculator/Application** and send the **original MAT B1** certificate along with your application for Maternity/perinatal Leave to the Trust Payroll department. If you do not provide the original certificate, your application form will be returned unprocessed.

Following discussion with your manager and after completion of the Maternity/perinatal/Adoption Leave Calculator/Application, you will receive in writing from the Trust's Payroll team.

- your paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under this agreement).
- unless an earlier return date has been given, your expected return date, based on your 52 weeks paid and unpaid leave entitlement under this agreement.
- the length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity/perinatal leave period.
- the need for you to give at least 28 days of notice if you wish to return to work before the expected return date.

5.2 Commencement and Duration of Your Leave

You may begin your maternity/perinatal leave at any time between 11 weeks before the expected week of childbirth and the expected week of childbirth, provided you give the required notice.

5.3 Changing Your Leave Start Date

If you wish to change the date of your leave start date you should notify your manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

5.4 Occupational Maternity/Perinatal Leave (unpaid)

You are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances, for example, where employees have sick pre-term babies or multiple births.

5.5 Maternity/Perinatal - Pay

5.4.1 Statutory Maternity/perinatal Pay (SMP)

SMP is a legal entitlement and is the minimum level of maternity/perinatal pay due to employees who meet the necessary requirements of the scheme.

If you have been employed by the Trust for 26 weeks by the qualifying week i.e., 15th week before your baby is due and your earnings are above the NI lower earnings limit, you are entitled to statutory maternity/perinatal leave with pay.

Statutory Maternity/perinatal Pay (SMP) is a weekly benefit paid to you whilst on maternity/perinatal leave.

You will be entitled to:

- 39 weeks paid leave.
- The first 6 weeks at the higher rate of SMP (90% of average earnings)
- The next 33 weeks at the lower rate of SMP or 90% of average weekly earnings whichever is less. (This amount may change each April, please ask your Payroll Department for the amount).
- 13 weeks unpaid maternity/perinatal leave.
- This entitlement is 52 weeks in total.
- This entitlement is yours regardless of whether you return to work or not.

In the event of not qualifying for Statutory Maternity/perinatal Pay (following completion of the maternity/perinatal/adoption calculator) you should

- Print application form and SMPT 1
- Send above to Payroll with original Mat B 1 Form
- These will then be completed by Payroll and returned to you.
- You can then apply through DWP (Link can be found on Maternity/perinatal/adoption calculator).

Payment of SMP is not dependent upon you giving a commitment to return to work.

You must not work during the period when SMP is paid. If this does happen the SMP will be stopped. SMP can only be paid for a maximum of 39 consecutive weeks and therefore if SMP is stopped it cannot be reclaimed at the end of the 39 weeks.

5.4.2 Occupational Maternity/Perinatal Pay (OMP)

OMP, is an NHS entitlement, paid to those employees who have been continuously employed for 12 months at the beginning of the 11th week prior to the expected week of childbirth at one or more NHS employers **AND** who intend to return to work following the birth of the baby.

OMP operates in conjunction with SMP and is paid to you (if you work full or part time)

If you intend to return to work the amount of occupational maternity/perinatal pay receivable is as follows:

- for the first eight weeks of absence, you will receive full pay, less any Statutory Maternity/perinatal Pay or maternity/perinatal allowance (including any dependents' allowances) receivable.
- for the next 18 weeks you will receive half of full pay, plus any Statutory Maternity/perinatal Pay or maternity/perinatal allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay.
- for the next 13 weeks, you will receive any Statutory Maternity/perinatal Pay or maternity/perinatal allowance that you are entitled to under the statutory scheme.
- for the final 13 weeks, you will receive no pay.

By prior agreement, occupational maternity/perinatal pay may be paid in a different way, for example a combination of full pay and half pay, or a fixed amount spread equally over the maternity/perinatal leave period. Where occupational maternity/perinatal pay has been paid in a different way, and you subsequently choose to access shared parental leave and pay, the Trust may need to recalculate payments to ensure that there has not been any over or underpayment of entitlements.

5.6 Calculation of Maternity/Perinatal Pay

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



To help you understand what you are entitled to and how to apply, the Trust has a [Maternity/Perinatal/Adoption Calculator/Application \(link\)](#)

- in the event of a pay award or move to a higher pay point being implemented before the paid maternity/perinatal leave period begins, the maternity/perinatal pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Maternity/perinatal Pay calculation period. If such a pay award was agreed retrospectively, the maternity/perinatal pay should be re-calculated on the same basis.
- in the event of a pay award or move to a higher pay point being implemented during the paid maternity/perinatal leave period, the maternity/perinatal pay due from the date of the pay award or new pay point should be increased accordingly. If such a pay award was agreed retrospectively the maternity/perinatal pay should be re-calculated on the same basis.
- in the case of an employee on unpaid sick absence or on sick 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/perinatal Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

5.7 The right to time off for Antenatal Care

All pregnant employees are entitled to paid time off to attend antenatal appointments; this will be paid at the normal rate of pay. Antenatal may include relaxation and parent-craft classes on the advice of a healthcare professional as well as medical examinations related to pregnancy. This entitlement is regardless of the employee's length of service.

The pregnant employee's partner will be entitled to unpaid leave to attend two ante natal appointments. Unpaid leave, up to a maximum of six and a half hours per appointment can be accessed. The pregnant employee's partner includes a spouse, civil partner or a person with whom they are in a long-term relationship.

Except for the first appointment, employees may be asked to provide their line manager with a certificate from a midwife, health visitor or registered medical practitioner (e.g., GP) confirming the pregnancy and/or appointment care or other documentation showing that an appointment has been made. Every effort will be made by the Trust to accommodate such requests, however there may be occasions whereby it is reasonably necessary to refuse.

5.8 Sickness prior to childbirth

If you are off work ill, or become ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity/perinatal leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later.

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

Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working till the maternity/perinatal leave start date previously notified to the employer.

5.9 Pre-term birth

If your baby is born prematurely, you will be entitled to the same amount of maternity/perinatal leave and pay as if your baby was born at full term.

If your baby is born before the 11th week before the expected week of childbirth and you have worked during the actual week of childbirth, maternity/perinatal leave will start on the first day of your absence.

Where your baby is born before the 11th week before the expected week of childbirth and you have been absent from work on certified sickness absence during the actual week of childbirth, maternity/perinatal leave will start the day after the day of birth.

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

5.10 Still birth

In the event where a baby is stillborn after the end of the 24th week of pregnancy, you will still be to take your entitled maternity/perinatal leave and pay.

5.11 Miscarriage

In the event of a miscarriage before the start of the 25th week of pregnancy, you will be entitled to up to 10 days special leave (bereavement leave) in line with section 6.1.3 of the Trust's Special Leave Procedure, if you are not well enough to attend work following the 10 days bereavement leave, then normal sick pay rules will apply.

5.12 Health and safety of employees pre and post birth

Where an employee is pregnant the employer must carry out a risk assessment of their working conditions. If it is found, or a medical practitioner considers, that an employee or the unborn 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 their normal rate of pay. Where suitable alternative employment cannot be found, the employee will be placed on a period of authorised paid absence, seeking suitable alternative employment will continue.

A risk assessment must be carried out for any employee who is breastfeeding and facilities must be provided. To ensure compliance with Workplace (Health, Safety and Welfare) Regulations 1992 employers must provide suitable rest facilities for workers who are pregnant or breastfeeding. Facilities should be suitably located and where necessary should provide appropriate facilities for the new or expectant mother/birthing parent to lie down. The NHS Staff Council Health Safety and Wellbeing Partnership Group have published further guidance on workplace health and safety standards.

The Trust's expectant employee's risk assessment and guidance can be found at appendix 1 of the Trust New Parents Resource Pack



For further guidance on Maternity/perinatal Leave and pay, please see Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland), at
<https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>

6 Leave and Pay - Adoption

Staff working full-time or part-time will be entitled to paid and unpaid Adoption Leave under the NHS Occupational Adoption Pay scheme if:

- they are the primary carer in the adoption arrangement made by an official adoption agency, or they are the intended parent through a surrogacy arrangement and commit to applying for a parental or adoption order (see <https://www.gov.uk/legal-rights-when-using-surrogates-and-donors>); and
- they have 12 months' continuous service with one or more NHS employers by either:
 - the beginning of the week in which they are notified of being matched with a child for adoption.
 - or
 - the 15th week before the baby's due date if applying via a surrogacy arrangement and where the employee is eligible and intends to apply for a parental order.
- they notify their employer in writing before the end of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement: Which will confirm.
 - a) their intention to take Adoption Leave.
 - b) the date they wish to start their Adoption Leave
 - c) that they intend to return to work with the same or another NHS employer for a minimum period of three months after their Adoption Leave has ended.
 - d) provide written confirmation from their placing authority of the matching decision or a parental statutory declaration that they intend to apply for a parental order in the case of a surrogacy arrangement.



- To help staff understand what they are entitled to and how to apply, the Trust has a **Maternity/Perinatal/Adoption Calculator/Application**



- If you are applying for Adoption Leave you **must** complete the **Maternity/Perinatal/Adoption Leave Calculator/Application** and send the **original MAT B1** certificate along with your application for Adoption 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 are unable to provide the original Matching Certificate with your application, please 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 Adoption Leave is taken and you do not recommence work for an NHS employer within 15 months from the date Adoption Leave started (the return must be for a minimum period of 3 continuous months), the entitlement to occupational Adoption pay will be affected and overpayments must be repaid to the Trust.

- See [Agenda for Change Terms and Conditions of Service Annex 1](#) for definitions of NHS Employers

6.1 Confirming Adoption Leave

Following discussion with the employee, the employer should confirm in writing:

- i) the employee's paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under this agreement).
- ii) unless an earlier return date has been given by the employee, their expected return date, based on their 52 weeks paid and unpaid leave entitlement under this agreement; and
- iii) the length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal adoption leave period.
- iv) the need for the employee to give at least 28 days of notice if they wish to return to work before the expected return date.

6.2 Adoption - Pay

Where an employee intends to return to work the amount of occupational adoption pay receivable is as follows:

- i) for the first eight weeks of absence the employee will receive full pay, less any Statutory Adoption Pay receivable.
- ii) for the next 18 weeks the employee will receive half of full pay, plus any Statutory Adoption Pay receivable, providing the total receivable does not exceed full pay.
- iii) for the next 13 weeks, the employee will receive any Statutory Adoption Pay that they are entitled to under the statutory scheme.
- iv) for the final 13 weeks, the employee will receive no pay.

6.3 Changing Your Adoption Leave Start Date

If you need to change the date from which you wish your leave to start, you should notify your manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

By prior agreement with the employer, occupational adoption pay may be paid in a different way, for example a combination of full pay and half pay, or a fixed amount spread equally over the

adoption leave period. Where occupational adoption pay has been paid in a different way, and the employee subsequently chooses to access shared parental leave and pay, the employer may need to recalculate payments to ensure that there has not been any over or underpayment of entitlements.

6.4 Occupational Adoption Leave - Unpaid

Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances.

6.5 Calculation of Adoption Pay

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

- i) in the event of a pay award or move to a higher pay point being implemented before the paid adoption leave period begins, the adoption pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Adoption Pay calculation period. If such a pay award was agreed retrospectively, the adoption pay should be re-calculated on the same basis.
- ii) in the event of a pay award or move to a higher pay point being implemented during the paid adoption leave period, the adoption pay due from the date of the pay award or new pay point should be increased accordingly. If such a pay award was agreed retrospectively the adoption pay should be re-calculated on the same basis.
- iii) in the case of an employee on unpaid sick absence or on sick 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 Adoption Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

6.6 Time off to attend official meetings.

Reasonable time off to attend official meetings in relation to an adoption process should also be given to both potential new parents (if both work for the Trust)

Prospective adopters who are expecting a child to be placed (Early Permanence), will also be entitled to time off on 5 occasions (main adopter) or 2 occasions (secondary adopter) for adoption appointments.

6.7 Leave and Pay Fostering for adoption and Early Permanence

Many children who cannot live with their birth parents are adopted and become part of a new 'forever family'. However, traditional adoption can take a long time and usually means that a child

suffers the disruption of moving from a foster family to their adoptive family just at the time when they need stability and permanence the most. Early Permanence offers an alternative route to permanence for babies and children.

For children placed in an early permanence placement, a child who cannot live with their birth parents is looked after by carers who are **dually approved** as **both foster carers and adopters** whilst their future is decided by the court.

Prospective adopters starting an Early Permanence placement will now also be eligible for adoption leave and pay from the point a child is placed with a family (when they are in the fostering phase), not at the point that they are formally placed for adoption.

The information below states statutory payment, however we pay occupational adoption so should this be the same.

Adoption pay will now match current statutory maternity arrangements, with a qualifying period of employment (currently 26 weeks) and adoption pay will be 90% of earnings for the first 6 weeks (then at the statutory rate for a further 33 weeks).

Carers are also entitled to take adoption leave and pay from up to 2 weeks before the child is placed with the family in accordance with section 22C of the Children Act 1989 (i.e. from up to 2 weeks before the child joins the family, initially for fostering).

6.8 Eligibility for Leave

To be eligible for adoption leave the dual approved carer* / prospective adopter must:

- Be a foster carer who has been approved as suitable to adopt the child that they will initially foster.
- Have been notified by the local authority of its decision to place a child with them in accordance with section 22C of the Children Act 1989.
- Have notified the local authority that they agree to the placement (initially for fostering) and the date it will take place.
- Give the correct notice to their employer (this notice must be given within 7 days of the employee being notified by the local authority in accordance with section 22C, or as soon as practicable).

6.9 Eligibility for Pay

The dual approved prospective adopter will only be eligible for statutory adoption pay if they meet all of the conditions for adoption leave (above) and also have:

- 26 weeks continuous employment with the same employer at the 'qualifying week'.
- Earned, on average, at least the lower earnings level (£112 a week) in the 8 weeks leading up to the date they were notified of a match with a child.
- Notified their employer that they are entitled to statutory adoption pay and when this is to begin.
- Stopped working for the employer.
- Elected to receive statutory adoption pay.

*Please note the phrase Dual approval has been used instead of Early Permanence

6.10 Notice of Leave

Due to the nature of Early Permanence placements, carers often have a very short notice period before the making of a placement. Sometimes when there is to be a planned move, carers may have up to a couple of weeks notice.

However, more often, placements need to happen very quickly. This is due to the fact that children sometimes have to be placed quickly from their home due to safeguarding (child protection) concerns or are new-born babies who need to be placed upon discharge from hospital.

In these circumstances, often the Local Authority has applied to the court to remove the child and is awaiting the Courts decision before acting. In such circumstances, children may need to be placed with Early Permanence carers on the same day.

Carers will be aware of the proposed date for the Court hearing, however, this is a court process and not a foregone conclusion.

In some cases Judges have felt that other care plans would be more suitable, such as a parent and parental assessment unit or for the child to remain at home with their parents, therefore an Early Permanence placement is not required. Carers who have been on standby, would only be told this after the court hearing. We encourage our carers to inform their employers as soon as possible.



- To help staff understand what they are entitled to and how to apply, the Trust has a **Maternity/Perinatal/Adoption Calculator/Application**



- A dual approved prospective adopter must notify their employer of their intention to take adoption leave within 7 days of being matched with a child for adoption. In the case of dual approved prospective adoptions, 'matched with a child' means that the employee has been notified by the local authority that a child will be placed with them in accordance with section 22C of the Children Act 1989. If it is not possible to give notice in this timescale the employee must give the notice as soon as reasonably practicable.'

- If you are applying for leave for Early Permanence you **must** complete the **Maternity/Perinatal/Adoption Leave Calculator/Application**

6.11 Adoption disruption

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.

6.12 Overseas adoption

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

- 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.
- tell their employer the actual date the child arrives in GB within 28 days of this date.
- 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).
- 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.



For further guidance on Adoption Leave and pay, please see Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland), at <https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>

7 Leave and Pay - Shared Parental



Shared Parental Leave and Pay can be taken at any time within one year from the birth or placement for adoption, providing two weeks’ compulsory Maternity/perinatal or Adoption Leave has been taken first.

Staff working full-time or part-time will be entitled to paid and unpaid Shared Parental Leave under the NHS Occupational Shared Parental Leave and pay scheme if:

- they have 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement;
- they notify their employer of their wish to take Shared Parental Leave and provide a minimum of eight weeks' notice, through the submission of a booking notification form or other local process, which will confirm:
 - a) their intention to take Shared Parental Leave.
 - b) the date(s) they wish to access Shared Parental Leave (noting that two weeks compulsory maternity/perinatal or adoption leave must be taken by the primary adopter before they can access Shared Parental Leave).
 - c) that they intend to return to work with the same or another NHS employer for a minimum period of three months after their Shared Parental Leave has ended.
 - d) that the primary adopter has returned to work following Maternity/perinatal or Adoption Leave or has provided the binding notice confirming that they intend to bring their Maternity/perinatal or Adoption Leave and pay entitlements to an early end.
- i) they confirm that the other parent meets the statutory "employment and earnings test" by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The individual must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). This amount can be amended from time to time by the Secretary of State.

In order to access enhanced shared parental leave employees will be required to complete the appropriate forms produced by ACAS and available on the Government website <https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay>. As stated on the statutory forms, some employers may provide their own standard forms for employees to use. Employing organisations will need to be able to satisfy themselves that they have all the information necessary to offer this enhanced benefit.

Employing organisations may at their discretion require the individual to provide additional information on their circumstances where this is reasonable and necessary to determine entitlements.

It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements, the employing organisation will have a right to reclaim any overpayment. Providing deliberately inaccurate information may also lead to the employing organisation taking disciplinary or other action against the employee.

It is recommended that organisations develop their own local shared parental leave policy and processes in partnership with local staff sides to ensure application processes are consistent and

to enable local audit procedures to be carried out where necessary, ensuring equality duties are met.

7.1 Booking and varying Shared Parental Leave

Shared parental leave and pay must be taken within one year of the birth of the child, or the date the child was placed with the family in cases of adoption.

Following notification of their intention to take shared parental leave, an employee should provide notice to book a period of leave. The minimum period of notice to book or amend a period of leave shall be eight weeks.

An employee can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave.

Each of the three notices to book leave may include a single, continuous or discontinuous block of leave.

Requests for single blocks of leave cannot be refused.

Confirmed leave arrangements can be amended by the submission of a notice to vary the agreed period of leave. An employee can submit a notice to extend a period of leave, end it sooner than previously agreed or consolidate a number of discontinuous weeks into a single block of leave using a variation notice. Eight weeks' notice must be given but flexibility should be provided in the event of early and late births.

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

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.

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.

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.

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

7.2 Confirming Shared Parental Leave

Following discussion with the employee, the employer should confirm in writing:

- i) the employee's paid and unpaid shared parental leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under the agreement).
- ii) the confirmed leave pattern, including start and end dates, for each block of shared parental leave the employee and employer have agreed will be taken.
- iii) confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended; and
- iv) the length of any period of accrued annual leave which it has been agreed may be taken following the end of shared parental leave.

7.3 Shared Parental Leave - Pay

Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory maternity/perinatal pay, maternity/perinatal allowance or statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year.

Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity/perinatal pay, maternity/perinatal allowance or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/perinatal/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity/perinatal or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent.

- for the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay.
- for the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay.
- for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme.
- for the final 13 weeks, the employee will receive no pay.

An NHS employer (as defined at Annex 1) will not pay more than 26 weeks, 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay to employees accessing occupational maternity/perinatal or adoption or shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

7.4 Calculation of Shared Parental Leave - Pay

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

- in the event of a pay award or move to a higher pay point being implemented before the paid shared parental leave period begins, the shared parental pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Shared Parental Pay calculation period. If such a pay award was agreed retrospectively, the shared parental pay should be re-calculated on the same basis.
- in the event of a pay award or move to a higher pay point being implemented during the paid shared parental leave period, the shared parental pay due from the date of the pay award or new pay point should be increased accordingly. If such a pay award was agreed retrospectively the shared parental pay should be re-calculated on the same basis.
- in the case of an employee on unpaid sick absence or on sick 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 Shared Parental Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

7.5 Occupational Shared Parental Leave – Unpaid

Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total for shared parental leave to 50 weeks. However, this may be extended by local agreement in exceptional circumstances.



For further guidance on Shared Parental Leave and pay, please see Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland), at
<https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>

8 Keeping in Touch During Your Leave Period

Before going on leave, the employer and the employee should also discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity/perinatal, adoption, or shared parental leave, including:

- i) any voluntary arrangements that may help them keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work.
- ii) keeping the employer in touch with any developments that may affect their intended date of return.

To facilitate the process of keeping in touch, it is important that the employer and employee have early discussions to plan and make arrangements for "keeping in touch days" (KIT days), or "shared parental leave in touch" (SPLiT) days, before the employee's maternity/perinatal leave, adoption leave, or shared parental leave takes place.

To enable employees to take up the opportunity to work KIT and SPLiT days, employers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities.

KIT / SPLiT days are intended to facilitate a smooth return to work for employees returning from maternity/perinatal, adoption, or shared parental leave.

An employee may work for up to a maximum of ten KIT days without bringing their maternity/perinatal or adoption leave to an end. Any days of work will not extend the maternity/perinatal / adoption leave period.

An employee may work up to a maximum of twenty SPLiT days without bringing their shared parental leave to an end. Any days off work will not extend the shared parental leave period. This will enable employees on shared parental leave to work either continuously or on odd days without bringing an end to their shared parental leave and pay.

An employee may not work during the two weeks of compulsory maternity/perinatal or adoption leave.

Work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace.

Any such work must be by agreement and neither the employer nor the employee can insist upon it.

For KIT /SPLiT days worked the employee will be paid at their basic daily rate for the hours worked, less any occupational or statutory maternity/perinatal / adoption / shared parental leave payments. If a KIT /SPLiT 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 /SPLiT 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.

Working for part of any day will count as one KIT / SPLiT day.



For further guidance on Keeping in Touch, please see Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland), at <https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>

Keeping in Touch Pro forma can be found at appendix 5 of the New Parents Support Pack

9 Returning To Work After Your Leave Period

An employee who intends to return to work at the end of their leave period will not be required to give any further notification to the employer, although if they wish to return early, they must give at least 28 days' notice.

An employee has the right to return to their job under their original contract and on no less favourable terms and conditions.



Return to work Planning Pro forma can be found at appendix 6 of the New Parents Support Pack

9.1 Failure To Return to Work Following the Leave Period

If an employee who has notified their employer of their intention to return to work for the same or a different NHS employer, and fails to do so within:

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

they will be liable to refund the whole of their maternity/perinatal, adoption, or shared parental pay, less any Statutory Maternity/perinatal, Adoption or Shared Parental Pay, received. 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.

9.2 Employees not returning to NHS employment.

An employee who satisfies the conditions in paragraph 15.14, 15.15 or 15.17, except that they do not intend to work with the same or another NHS employer for a minimum period of three months after their maternity/perinatal, adoption, or shared parental leave has ended, will be entitled to pay equivalent to Statutory Maternity/perinatal / Adoption / Shared Parental Pay.

Statutory Maternity/perinatal Pay (SMP) and Statutory Adoption Pay (SAP) is paid at 90 per cent of their average weekly earnings for the first six weeks of the maternity/perinatal / adoption leave and to the statutory flat rate sum or 90 per cent of the average weekly earnings (whichever is lower) for the following 33 weeks.

Shared Parental Leave Pay (ShPP) is paid at a statutory flat rate sum or 90 per cent of an employee's average weekly earnings, whichever is the lower.

9.3 Returning to work - flexible working arrangements

If, at the end of adoption, or shared parental leave, the employee wishes to return to work on different hours, the NHS employer has a duty to facilitate this, wherever possible. The employee will return to work on different hours, in the same job. If this is not possible, the employer must provide written, objectively justifiable reasons for this and the employee should return to the same pay band and work of a similar nature and status, to that which they held prior to their - / adoption / shared parental absence.

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 the employee's right to return to their job under their original contract, at the end of the agreed period.

9.4 Sickness During or Following the End of The Leave Period

In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply as necessary.



For further guidance on returning to work, please see Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland), at <https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>

10 Paternity Leave and Pay

Whether you are entitled to new parent support leave and pay will depend on: You can apply for Paternity leave and pay by completing Appendix 7 of the New Parent Support Pack

- 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

This provision builds on statutory paternity leave and pay and applies to the or co-parent of the child (including adoptive parent or co-parents), the birth parents' spouse or partner or nominated carer.

All eligible employees are entitled to two weeks of new parent support leave.

When a child is born or placed for adoption after the 6th of April 2024 the following statutory provisions will be applied:

- fathers and partners can choose to split their leave and pay into two non-consecutive periods of leave of a week each.
- fathers and partners will be able to take their leave and pay at any time at any time during the first 52 weeks of the birth or the placement of the child for adoption.
- employees will need to inform their employer of their entitlement to their leave 15 weeks before the expected week of childbirth, however, employees will only need to give 28 days' notice of the dates they wish to take.

Employees granted Paternity Leave/Pay 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/perinatal / adoption pay entitlements. The employee will receive full pay less any statutory paternity pay receivable.

Only one period of Paternity Leave pay is ordinarily available when there is a multiple birth.

Employees who are not eligible for the two weeks of pay during their Paternity 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



For further guidance on New Parent Support Leave and pay, please see Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland), at

<https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>

11 Surrogacy

11.1 Surrogate mothers or birthing parents

Currently a woman or person who gives birth is always treated as the mother/birthing parent in UK law and has the right to keep the child – even if they are not genetically related. They also have right to maternity/perinatal leave. The child's legal father or "second parent" will be the surrogate's husband or partner unless:

- Legal rights are given to someone else through a parental order or adoption (Intended Parents)
- Parenthood can be transferred by a parental order or adoption.

11.2 Intended parents.

The intended parents can apply for a Parental Order 6 weeks after the child is born, and before the child is 6 months old.

Parental or adoption order

- Intended parents must be genetically related to the child to be able to apply for a parental order.
- Adoption using a registered adoption agency will be necessary for intended parents to become the legal parents if neither are genetically related.
- Adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order. Intended parents will be entitled to 2 unpaid antenatal appointments to enable them to accompany the birthing parent. Adoption leave can start the day of the birth or the day after.

New Parent Support (previous paternity leave and pay) is available for those parents who are genetically related to the child and who meet the qualifying conditions.

New Parent Support is normally 1 or 2 weeks and can be taken up to 56 days after the child is born. Paternity leave cannot start before the child is born.

Employees must formally apply by completing the Maternity/perinatal/Adoption-Calculator/Application

12 Additional information for Maternity/Perinatal, Adoption and Shared Parental Leave

12.1 Fixed-term contracts or training contracts

Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth, or the date of matching, or the 15th week before the baby's due date if applying via a surrogacy arrangement, and who satisfy the relevant conditions, shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid occupational and statutory maternity/perinatal / adoption / shared parental pay, and the remaining 13 weeks of unpaid maternity/perinatal / adoption / shared parental leave.

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

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth / adoption / shared parental leave had not occurred or been taken, the repayment provisions set out at 9.3 will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition, may still be entitled to Statutory Maternity/perinatal / Adoption / Shared Parental Pay.

12.2 Rotational training contracts

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 shall have the right to return to work after a period of maternity/perinatal, adoption or shared parental leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth/adoption/shared parental leave had not occurred.

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

To ensure equality of access to the provisions in this Section:

- a. where an employee changes employer because their training programme has required them to do so, and
- b. this means they do not have enough statutory continuous service with their current employer to access statutory maternity/perinatal pay, statutory adoption pay, or statutory shared parental pay, but
- c. they would have had sufficient statutory continuous service to access statutory maternity/perinatal pay, statutory adoption pay, or statutory shared parental pay had they not been required to change employer because of the training programme

The employee shall be paid, by their current employer, the value of statutory maternity/perinatal / adoption / shared parental pay they would have otherwise received if their statutory continuity had not been broken by their change of employer.

Where an employee does not have enough statutory continuity of service to access statutory maternity/perinatal /adoption / shared parental pay as a result of being required as part of their training programme to work in a Crown Dependency, and they would have had sufficient statutory continuous service to access statutory maternity/perinatal pay, statutory adoption pay, or statutory shared parental pay had they not been required to work in a Crown Dependency, the employee shall be paid, by their current employer, the value of statutory maternity/perinatal / adoption / shared parental pay they would have otherwise received if their statutory continuity had not been broken by working in a Crown Dependency.

12.3 Contractual rights

During maternity/perinatal leave (both paid and unpaid) an employee retains all of their contractual rights, except remuneration.

12.4 Pay progression.

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

For staff on medical or dental contracts that are covered by this section the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking maternity/perinatal/adoption/shared parental leave.

12.5 Annual leave and public holidays

Employees on paid and unpaid maternity/perinatal / adoption / shared parental leave retain their right to their normal annual leave and public holidays.

Where unused annual leave and public holidays exceed local provisions for carry over to the next leave year it may be beneficial to the employer and employee for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) maternity/perinatal / adoption / shared parental leave period.

The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions, providing this would not cause a breach in the Working Time Regulations 1998.

12.6 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pension Scheme Regulations.

12.7 Continuous service

For the purposes of calculating whether an employee has 12 months of continuous service with one or more NHS employers, NHS employers include health authorities, NHS boards, NHS trusts, and the Northern Ireland Health Service and are set out in Annex 1. The following breaks in service will be disregarded (but do not count as service)

- i) a break in service of three months or less will be disregarded.
- ii) employment under the terms of an honorary contract.
- iii) employment as a locum in a general practice setting for a period not exceeding 12 months.

- iv) a period of up to 12 months spent abroad as part of a definite programme of postgraduate training on the advice of the postgraduate dean or college or faculty advisor in the specialty concerned.
- v) a period of voluntary service overseas with a recognised international relief organisation for a period of 12 months, which may exceptionally be extended for 12 months at the discretion of the employer which recruits the employee on their return.
- vi) absence on an employment break scheme in accordance with the provisions of Section 34 of this Handbook.
- vii) absence on maternity/perinatal leave, adoption leave, or shared parental leave (paid or unpaid) as provided for under this agreement.
- viii) for doctors and dentists in training, time spent outside of NHS employment (employers not listed at Annex 1) in an Out of Programme (OOP) placement approved by the Postgraduate Dean.
- ix) for doctors and dentists in training, time spent employed in the health service of a UK Crown Dependency as part of an approved training programme.

13 Further information

There are occasions when employees are entitled to other statutory benefits / allowances and information about these and all statutory maternity/perinatal, adoption, shared parental leave and paternity rights can be found on the Gov.uk website. Information about health and safety for new and expectant mothers or birthing parents at work can be found on the government website.²

14 Definitions

Term	Definition
Statutory Maternity/perinatal Pay (SMP)	This is a legal entitlement and is the minimum level of maternity/perinatal pay due to employees who meet the necessary requirements.
Occupational Maternity/perinatal 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	This is a legal entitlement to 2 weeks leave. New Parent Support pay is dependent on eligibility. Paternity Leave applies to the father or co-parent of the child (including adoptive Father or co-parents), the mother or birthing parents' husband or partner, or nominated carer, (i.e., the second parent)
Shared Parental Leave (SPL) and Statutory Shared Parental Leave Pay (ShPP)	This is a legal entitlement. Eligible members of staff can apply for Shared Parental Leave (SPL) and Statutory Shared Parental Leave Pay (ShPP). SPL can only be taken within the year after the Child's birth or Adoption. In order to create SPL, you or your partner must end Maternity/perinatal/Adoption Leave early. This would allow for any untaken Maternity/perinatal/Adoption Leave, Pay or allowance to be taken as SPL and/or ShPP. It is your duty as the employee to inform the Trust of your eligibility for SPL and/or ShPP
NHS Employers	Please see Agenda for Change terms and conditions of service Annex A for definitions of NHS Employers
Dual Approved Prospective Adopters	Parents who are approved Foster Parents and Prospective Adopters - you must be a Dual approved Prospective Adopters to be eligible for Early Permanence Leave and Pay

15 How this procedure will be implemented

- This procedure will be published on the Trust intranet and external website. Awareness of the updated procedure will be included in the Trust internal bulletin
- Line managers will disseminate this procedure to all Trust employees through a line management briefing.

15.1 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
No training needs identified			

16 How the implementation of this procedure will be monitored

Number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).

1	Monitor any concerns raised in relation to the procedure – i.e. potential grievances	Frequency = monthly Method = Case Management Tracker Responsible = people partners	Monthly Case Management Meeting
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17 References

The following may also provide useful additional information:

- Agenda for Change Terms and Conditions of Service Section 15: Leave and pay for new parents (England, Wales and Scotland) <https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-wales-and-scotland>
- Government website: www.gov.co.uk
- HM Revenue and Customs website: www.hmrc.gov.uk/
- NHS Employers website: www.nhsemployers.org
- NHS pensions: www.nhsbsa.nhs.uk/pensions
- ACAS website: www.acas.org.uk
- The Human Rights Act 1998 protects and upholds the rights of trans people in the same way as for all citizens.

18 Document control (external)

To be recorded on the policy register by Policy Coordinator

Required information type	Information
Date of approval	09 July 2024
Next review date	09 July 2027
This document replaces	HR-0046-v3.1 Maternity, Paternity and adoption Procedure (note new name at this version v4)
This document was approved by	Policy Working Group
This document was approved	28 February 2024
This document was ratified by	Joint Consultative Committee (JCC)
This document was ratified	09 July 2024
An equality analysis was completed on this policy on	09 July 2024
Document type	Public
FOI Clause (Private documents only)	n/a

18.1 Change record

Version	Date	Amendment details	Status
v4	09 Jul 2024	<p>Combined Current Maternity Paternity Adoption Procedure and Maternity Paternity Adoption information pack into one procedure</p> <p>Updated in line with Leave and Pay for New Parents Guidance Gov.uk</p> <p>Updated Parental leave – following introduction of new legislation April 2024 – whereby the 2 weeks can be split and taken within the first year</p> <p>Cross referenced and amended language throughout to be gender inclusive</p> <p>Addition at 6.7 to include new legislation re Early Permanence</p> <p>Addition of definition of Dual approved prospective adopter</p>	Approved

19 Appendix 1 - Equality Analysis Screening Form

Please note: The Equality Analysis Policy and Equality Analysis Guidance can be found on the policy pages of the intranet.

Section 1	Scope
Name of service area/directorate/department	People and Culture
Title	Leave and Pay for New Parents Procedure
Type	Procedure
Geographical area covered	Trust Wide
Aims and objectives	<ol style="list-style-type: none"> To ensure that staff are aware of what they are entitled to in relation to, and how to apply for: <ul style="list-style-type: none"> Maternity/perinatal/Adoption Leave and pay. Shared Parental Leave and pay. Updated information on Paternity Leave and pay. Surrogacy To comply with statutory requirements in relation to the above To ensure fairness and consistency in relation to the above To provide and guide to supporting information in relation to the above
Start date of Equality Analysis Screening	19 February 2024
End date of Equality Analysis Screening	18 May 2024

Section 2	Impact
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Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	All employees
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups?	<ul style="list-style-type: none"> • Race (including Gypsy and Traveller) NO • Disability (includes physical, learning, mental health, sensory and medical disabilities) NO • Sex (Men, women and gender neutral etc.) NO • Gender reassignment (Transgender and gender identity) NO • Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual etc.) NO • Age (includes, young people, older people – people of all ages) NO • Religion or Belief (includes faith groups, atheism and philosophical beliefs) NO • Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave) NO • Marriage and Civil Partnership (includes opposite and same sex couples who are married or civil partners) NO • Armed Forces (includes serving armed forces personnel, reservists, veterans and their families) NO
Describe any negative impacts	The procedure ensures all eligible staff are aware of what their entitled to in relation the Leave and Pay as a new Parent
Describe any positive impacts	Full contents and language used within the procedure has been cross referenced and amended to gender inclusion guidance, provided by the Trust's EDHR Team.

Section 3	Research and involvement
What sources of information have you considered? (e.g., legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)	<p>Focus groups</p> <p>The Big Conversation</p> <p>Individual feedback from staff into the Operational HR Team</p>

Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes, all staff were invited to attend a number of focus groups focussed on the HR Procedures. All staff were invited to comment on the Big Conversation – in relation to HR procedures.
If you answered Yes above, describe the engagement and involvement that has taken place	As above Policy working group and JCC
If you answered No above, describe future plans that you may have to engage and involve people from different groups	NA

Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	No
Describe any training needs for Trust staff	Awareness information/sessions for existing managers. In-depth session for new managers (on all of the HR procedures) as part of their local induction.
Describe any training needs for patients	Na
Describe any training needs for contractors or other outside agencies	NA

Check the information you have provided and ensure additional evidence can be provided if asked.

Appendix 2 – Approval checklist

To be completed by lead and attached to any document which guides practice when submitted to the appropriate committee/group for consideration and approval.

Title of document being reviewed:	Yes / No / Not applicable	Comments
1. Title		
Is the title clear and unambiguous?	Yes	
Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
2. Rationale		
Are reasons for development of the document stated?	Yes	
3. Development Process		
Are people involved in the development identified?	Yes	
Has relevant expertise has been sought/used?	Yes	
Is there evidence of consultation with stakeholders and users?	Yes	
Have any related documents or documents that are impacted by this change been identified and updated?	n/a	
4. Content		
Is the objective of the document clear?	Yes	
Is the target population clear and unambiguous?	Yes	
Are the intended outcomes described?	Yes	
Are the statements clear and unambiguous?	Yes	
5. Evidence Base		
Is the type of evidence to support the document identified explicitly?	Yes	
Are key references cited?	Yes	
Are supporting documents referenced?	Yes	
6. Training		
Have training needs been considered?	Yes	
Are training needs included in the document?	n/a	
7. Implementation and monitoring		

Does the document identify how it will be implemented and monitored?	Yes	
8. Equality analysis		
Has an equality analysis been completed for the document?	Yes	
Have Equality and Diversity reviewed and approved the equality analysis?	Yes	
9. Approval		
Does the document identify which committee/group will approve it?	Yes	
10. Publication		
Has the policy been reviewed for harm?	Yes	No harm
Does the document identify whether it is private or public?	Yes	Public
If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	n/a	
11. Accessibility (See intranet accessibility page for more information)		
Have you run the Microsoft Word Accessibility Checker? (Under the review tab, 'check accessibility'. You must remove all errors)	Yes	
Do all pictures and tables have meaningful alternative text?	Yes	
Do all hyperlinks have a meaningful description? (do not use something generic like 'click here')	Yes	