

# Family Leave Policy

*Includes Maternity/Paternity/Adoption  
 Carer leave & Special leave*

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## CONSULTATION SCHEDULE

Name and Title of Individual	Groups consulted	Date Consulted
Naomi Bentley & Sue Bamford	Pan Staffs Staff Engagement Group	December 2018
Staff Side	Unison, MiP, RCN	January 2019

## APPROVALS & RATIFICATION SCHEDULE

Name of Committee approving Policy	Date
Communications, Engagement, Equality & Employment Committee	26 <sup>th</sup> February 2019

## VERSION CONTROL

Version	Version/Description of amendments	Date	Author/amended by
1	South Policy -New policy incorporating Maternity, Paternity, Adoption, & Parental Leave)	15 <sup>th</sup> December 2017	1.0
2	Adopted pan – Staffordshire  Included special leave within the policy. Greater description of how leave is applied esp. for anti-natal care, carer leave and for the attendance of medical appointments	January 2019	2.0

## IMPACT ASSESSMENTS – AVAILABLE ON REQUEST

	Stage	Complete	Comments
Equality Impact Assessment	1	27 <sup>th</sup> September 2017	
Quality Impact Assessment			
Privacy Impact Assessment			

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## 1. INTRODUCTION

- 1.1 The Clinical Commissioning Groups, (the CCGs) are committed to supporting family life through the development of family friendly policies, assisting staff in balancing work and family responsibilities by adopting a flexible approach.
- 1.2 The CCG support prospective parents through all aspects of pregnancy or adoption and throughout the period until their return to work.
- 1.3 The purpose of this policy is to provide managers and employees with information and guidance about entitlements to maternity, paternity, parental, adoption, carer and special leave relating to conditions of service, and to provide the basis for a clear understanding of the nature and period of leave, paid and unpaid, that will apply in particular circumstances.

## 2. SCOPE

The policy applies equally to all CCG directly employed staff in accordance with the CCGs Diversity in Employment Policy

## 3. POLICY STATEMENT

- 3.1 The CCGs will ensure that all employees are assisted in achieving a work/life balance and have provided the following leave arrangements for employees to ensure that they are fully able to manage their family lives outside of work and are committed to promoting fair and equal treatment inside the workplace.
- 3.2 The CCGs will comply with both the spirit and the letter of the law in ensuring that all employees have a robust system to assist them in achieving a work/life balance. It is recognised that the provision of maternity, paternity, adoption, carer leave and special leave is key to being able to demonstrate this commitment.
- 3.3 The policy is intended to promote an employee's awareness of their rights and entitlements and conforms to the NHS Terms and Conditions of Service, the Employment Act 2002 and other current legislation.
- 3.4 This policy is intended to give the employee relevant information and is not an exhaustive account of all the regulations. It outlines the provisions and provides guidance for managers and employees on both statutory and occupational entitlements and benefits relating to:
  - √ Pregnant employees
  - √ Employees wishing to adopt a child who is newly placed for adoption
  - √ Employees who wish to take paternity leave when their partner gives birth or adopts a child
  - √ Employees who wish to take additional paternity leave if the mother / main carer of a newly placed adopted child returns to work without taking their full entitlement to Maternity / Adoption leave.
  - √ Employees with carer responsibilities
  - √ Employees in "urgent domestic distress"

## 4. RESPONSIBILITIES

This policy and related procedures were been written and agreed through a partnership of managers, Trade Union representatives, the HR/OD Committee in South Staffs CCGs and

the CCGs' Human Resources provider in line with legislative requirements and NHS Agenda for Change Terms and Conditions of Service. The policies have been aligned and additional sections added on the advice of the Staff Engagement Group to make them more user friendly.

#### **4.1 Responsibility of the CCGs**

The provision of an agreed Family Leave Policy lies with the CCGs Senior Leadership Team and the Communications, Engagement, Equality & Employment (CEEE) Committee.

4.2 The Senior Leadership Team (SLT) will oversee the implementation of this policy and actively support and promote the principles of this policy.

#### **4.3 Responsibility of Managers**

- Ensure that this policy is applied fairly to all employees.
- Ensure that all applications forms for maternity, paternity, adoption or parental leave are processed appropriately and forwarded to the CSU's First Line HR Team together with relevant evidence for the application.
- Undertake a risk assessment and make any reasonable modifications to the employee's post as required and where appropriate in conjunction with the Occupational Health Service to facilitate an employee's return to work in a safe environment.
- Complete appropriate payroll documentation to notify the commencement of leave and forward to the CSU's First Line HR Team for processing.
- Support members of staff to interpret and understand the policy and how it affects them.

#### **4.4 Responsibility of Employees**

4.4.1 All employees have the responsibility to follow the notification procedures in all cases as detailed within this policy including providing supporting evidence as required.

4.4.2 All employees have a responsibility to inform their manager of any condition which may affect their ability to do their job safely.

4.4.3 All employees must ensure they are aware of their responsibilities as detailed in this policy.

#### **4.5 Responsibility of the CCGs Human Resources Provider**

To provide initial training and on-going support in the application of this policy and provide advice and support to managers in relation to the application of this policy.

To ensure that the Family Leave Policy is applied fairly, equitably and consistently throughout the CCGs.

### **5. MATERNITY PAY AND LEAVE**

#### **5.1 Statutory Maternity Leave**

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

#### **5.2 Statutory Maternity Pay (SMP)**

Women employed for a minimum of 26 weeks continuous service prior to the end of the 15<sup>th</sup> week before the week of expected childbirth (EWC) are entitled to 39 weeks paid statutory maternity leave and 13 weeks unpaid leave (provided the conditions below are met).

<b>Statutory Maternity Pay</b>  At least 26 weeks continuous service as at 15th weeks before the EWC	First 6 weeks	90% of average weekly earnings
	Followed by 33 weeks	SMP rate (or 9/10ths of a week's pay if this is less).
	Remaining 13 weeks	Unpaid

- Have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions which is in force during your qualifying week calculated over the period of 8 weeks leading up 15 weeks before the expected date of childbirth.
- Continues to be employed and pregnant (or to have given birth) by the 11th week before the expected week of childbirth.
- Provides a MAT B1 form (from a midwife or GP) stating the expected week of childbirth.
- Gives proper notification of pregnancy in writing stating the intention to take maternity leave, including the start date.

### 5.3 Occupational Maternity Pay (OMP)

5.3.1 Employees will be entitled to both paid and/or unpaid Occupational Maternity leave/pay providing they fulfil the following criteria:

- Have 12 months continuous service with one or more NHS Employer at the beginning of the 11<sup>th</sup> week before the expected week of childbirth
- Be employed for on a whole or part-time basis with an entitlement to paid sick leave
- Notifies the CCGs in writing before the end of 15<sup>th</sup> week before the expected date of childbirth, or if this is not possible, as soon as is reasonably practicable thereafter, including informing that she intends to return to work with the same or another NHS organisation for a minimum of three months after her maternity leave has ended.
- An employee who satisfies the conditions above and intends to return to work will be entitled to receive:

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

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

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

#### 5.4 Average Maternity Pay

5.4.1 Employees may request that their Occupational Maternity Pay (OMP) is paid as an average payment across the period of maternity leave. Maternity leave calculations 'best practice' would be no earlier than the pay period prior to the Maternity Leave start period.

5.4.2 Maternity Leave entitlement is: -

- 8 weeks Maternity Leave with full OMP
- 18 weeks Maternity Leave with half OMP plus Statutory Maternity Pay (SMP)
- 13 weeks SMP
- 13 weeks Unpaid Maternity Leave

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

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

#### 5.5 Employees who are not intending to return to work

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

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

5.5.2 Where an employee has made an informed decision not to return to work prior to commencing maternity leave then the employee should provide in writing that they intend to resign with effect from the date on which she commences maternity leave. This will enable the employee to receive statutory maternity pay but not the enhanced occupational pay that would be required to be paid back at the end of the maternity leave period.

5.5.3 The manager must notify Human Resources immediately and forward a copy of the employee's letter of resignation, and relevant payroll documentation.

#### 5.6 Maternity Allowance

5.6.1 If an employee does not meet the qualifying conditions for SMP they will receive an SMP1 stating the reasons for not meeting the qualifying conditions and may be eligible to receive Maternity Allowance. Maternity Allowance pays a standard weekly rate or 90% of average gross weekly earnings (before tax), whichever is the smaller.

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

## **5.7 Notification and Application for Maternity Leave**

All pregnant employees are required to provide notification in writing of their intention to take maternity leave before the end of the 15th week before the expected week of childbirth by completing the Maternity Leave Application Form (Appendix 1). The completed form must be forwarded to CSU front line HR team.

## **5.8 Commencement of Maternity Leave**

5.8.1 An employee's Ordinary Maternity Leave period begins on the day (falling on or after the beginning of the 11<sup>th</sup> week before her expected week of childbirth) that she has notified her manager as being the day on which she intends to begin her maternity leave. If however, the employee gives birth prematurely, her Ordinary Maternity Leave begins on the day following the one on which childbirth occurred.

5.8.2 An employee whose maternity leave commences because she gives birth prematurely must inform her manager, that she has given birth and of the date on which the birth occurred. The employee will be entitled to the same amount of maternity leave and pay as if the baby was born at full term.

5.8.3 An employee's maternity leave will also be triggered if she is absent from work for a pregnancy-related reason, such as a pregnancy-related illness or suspension on maternity grounds, in the four-week period before the expected week of childbirth. In this case, her maternity leave will commence on the day following the first day after the beginning of the fourth week before the expected week of childbirth on which she is absent for this reason.

5.8.4 In the event of a stillbirth after the 24<sup>th</sup> week of pregnancy an employee will be entitled to the same amount of maternity leave and pay as if the circumstances had not changed. Where an employee has a miscarriage before the 25<sup>th</sup> week of pregnancy normal sick leave provisions will apply as necessary.

## **5.9 Compulsory Leave**

All employees must take the compulsory 2 weeks maternity leave immediately after childbirth.

## **5.10 Change of Maternity Leave Start Date and Return to Work Arrangements**

5.10.1 The employee may later change her mind about the date on which she intends to start her maternity leave. She must notify her manager of the revised start date at least 28 days before the earlier of the new date and the original date, by completing the Request to Change the Start Date of Maternity Leave Form (Appendix 2).

5.10.2 If an employee has given notification of her intention to return to work for the same or another NHS employer, in line with Section 15.41 of Agenda for Change Terms and Conditions failure to return within 15 months of the beginning of the maternity leave will mean the employee is liable to refund the whole of her maternity pay, less any Statutory Maternity Pay, received. The interpretation of returning to work in this context is physically returning to the workplace and undertaking the duties associated with their role.

5.10.3 There may be instances whereby an employee returning to work from a period of maternity leave wishes to request a change to their working hours, patterns etc. The right to request flexible working applies to all employees from the date of commencement as per Agenda for Change Terms and Conditions. This is above the statutory requirement for employees to have 26 weeks continuous service to be eligible to submit a flexible working request.

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

to their return. Any requests to permanently change working hours, patterns etc should be dealt with using the process outlined in the CCGs Flexible Working and Policy.

### **5.11 Interrupted Maternity Leave**

Maternity Leave will normally be a period of consecutive weeks. Exceptionally, an employee who has given birth prior to the 11<sup>th</sup> week before the expected week of childbirth (week 29 of pregnancy) and whose baby is in hospital may split the leave entitlement, subject to agreement with her line manager. Whilst each case may be different and should be treated on its merits, interrupted Maternity Leave shall normally imply taking a short period of leave after the birth, then returning to work whilst the baby is hospitalised, and finally, resuming Maternity Leave upon the baby's discharge. If an employee does more than ten days work for the CCG in her Statutory Maternity Pay (SMP) period, SMP cannot be paid for any week in which she does such work and her Maternity Leave will come to an end. Further information regarding this matter can be found at: <https://www.gov.uk/government/collections/statutory-pay>

### **5.12 Nursing mothers**

If you are a nursing mother returning to work, please inform your Line Manager as soon as possible so they are able to make the necessary arrangements.

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

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

### **5.13 Ante-Natal Care**

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

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

### **5.14 Surrogacy Agreement**

If a CCG employee becomes pregnant as part of a surrogacy agreement, they will be managed on a case by case basis.

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

5.14.2 The Pay entitlement will depend on the circumstances of each case. However, please note that there are currently no provisions for Statutory Surrogacy Pay. Adoption/ surrogacy Leave and pay are available to one member of a couple where a couple jointly adopt. The other member of the couple will be entitled to paternity Leave/Pay.

### **5.15 Health and Safety Considerations**

5.15.1 Managers are responsible once they are aware an employee is pregnant, has recently given birth or is breastfeeding to identify potential health and safety risks. A risk assessment should be carried out to assess the risks in line with the CCGs Health and Safety Policy.

5.15.2 If a risk is identified in the workplace or where a medical practitioner considers the employee at risk to continue with her normal duties, the following should apply:-

- Remove the cause of the health risk or change the employee's duties so the risk does not arise. This should be monitored and reviewed on a regular basis.
- Discuss and agree with the employee concerned, suitable alternative work (for which the employee will receive her normal rate of pay) that may be undertaken for a specified period of time;
- Suspend the employee from work on maternity grounds where there is no other reasonable or practicable alternative. Maternity suspension will be on normal pay and will not be counted as maternity leave or sickness leave. However, such actions should not be taken without advice from Human Resources.

## 5.16 Fixed Term and Training Contracts

An employee who is on a temporary or fixed-term contract may be eligible for paid Occupational Maternity Pay or Statutory Maternity Leave /Pay.

An employee on a temporary, fixed-term or training contract which expires after the 11<sup>th</sup> week before the expected week of childbirth (week 29 of pregnancy) and who satisfies the conditions below will have her contract of employment extended, if necessary, to allow them to receive the 52 weeks, which includes paid contractual and SMP, and the remaining 13 weeks of unpaid Maternity Leave.

- She has 12 months continuous service with one or more NHS employers at the beginning of the 11<sup>th</sup> week before the expected week of childbirth (week 29 of pregnancy) if the employee does not meet the 12 months continuous service condition, they may still be entitled to SMP.
- She notifies her employer in writing before the end of the 15<sup>th</sup> week before the expected date of childbirth (week 25 of pregnancy); or if not possible, as soon as reasonably practicable thereafter:
  - Of her intention to take Maternity Leave.
  - Of the date when she wishes to start her Maternity Leave –she can choose when to start this maternity leave –which can usually be any date from the beginning of the 11<sup>th</sup> week before the baby is born (week 29 of pregnancy), but if the employee subsequently wants to change the date from which she wishes her leave to start, she should notify her line manager at least 28 days beforehand or if this is not possible, as soon as is reasonably practicable.

- And provides a MATB1 form from her midwife or GP giving the expected date of childbirth.

## 6. ADOPTION PAY AND LEAVE

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

### 6.1 Eligibility for Adoption Leave

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

6.1.2 To qualify an employee must:

- have worked continuously for the CCGs for 26 weeks ending with the week in which they are notified of being matched with a child for adoption, and

- be “newly” matched with a child for adoption by an approved adoption agency
- have notified the approved adoption agency that he or she agrees that the child should be placed with him or her for adoption and on the date of placement.

6.1.3 Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example where fostering prior to adoption or a step parent is adopting a partner’s child. The partner of an individual who adopts, or the other member of a couple who are adopting jointly may be entitled to paternity leave and pay.

**6.2 Adoption Leave Entitlement**

Statutory Adoption Pay and leave and Occupational Adoption Pay and leave will be in accordance with the maternity leave and pay provisions of this policy, if employees meet the criteria as detailed in section 6.1.

**6.3 Notification and Application**

6.3.1 An employee who intends to apply for adoption leave must notify their manager and complete the Adoption Leave Application Form (Appendix 3) within 7 days of being notified by an approved adoption agency that they have been newly matched with a child for adoption. The completed form must be forwarded to Human Resources.

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

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

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

**6.4 Timing of Adoption Leave**

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

**6.5 Pre-Adoption Visits**

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

**6.6 Disrupted Adoption**

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

- the adopter is notified that the placement will not be made
- the child dies; or
- the child is returned to the adoption agency

**7. TERMS AND CONDITIONS DURING MATERNITY / ADOPTION LEAVE**

**7.1 Annual Leave**

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

Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial for the employee to take the annual leave before and /or after the formal (paid and unpaid) maternity / adoption leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the manager and the employee, taking into consideration service requirements.

## **7.2 Pensions**

Pension rights and contributions are provided in accordance with the NHS Superannuation Regulations. Further information can be found on the NHS Pensions Agency Website: [www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions).

## **7.3 Sickness following the end of Maternity / Adoption Leave**

In the event of illness following the date the employee was due to return to work normal sick leave provisions will apply. The employee must contact her manager and submit a medical certificate to cover the absence.

## **7.4 Increments**

Maternity / Adoption leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification for additional annual leave.

## **7.5 Early return to Work following Maternity / Adoption Leave**

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

## **7.6 Keep in Touch Scheme**

7.6.1 An employee on maternity or adoption leave will be eligible to work for up to a maximum of 10 days (in agreement with their manager) during the maternity leave period without losing their entitlement to maternity pay or bringing it to an end. This may include attendance at training days or any other activity undertaken for the purpose of the employee keeping in touch (KIT days) with the workplace. Any work undertaken on a day during the maternity leave period will count as a whole keeping-in-touch day. As a result if an employee goes into work for a one-hour training session but does no other work that day, she will have used one of her keeping-in-touch days. Any such work must be by agreement and neither can insist upon it. KIT days are intended to facilitate a smooth return to work. The employee will be paid at their basic daily rate, for the hours worked less appropriate maternity leave payment for the KIT days worked.

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

## **8. PATERNITY LEAVE**

### **8.1 Eligibility for Paternity Leave**

Employees are eligible for paternity leave if they have or expect to share responsibility for the baby's upbringing as husband or partner to the mother of the baby i.e. biological or adoptive parent. Paternity leave can also apply to nominated carers, same sex partners and adoptive parent partners.

### **8.2 Paternity Leave Entitlement**

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

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

8.2.2 Employees with less than 26 weeks continuous employment will be granted unpaid paternity leave.

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

8.2.4 **Interrupted Paternity Leave** - In accordance with the requirements for Statutory Paternity entitlements, leave will normally be a period of one or two consecutive weeks. It cannot normally be taken as odd days or as two separate weeks. Exceptionally, an employee whose partner has given birth prior to the expected week of childbirth and whose baby is in hospital may split the paternity leave entitlement, subject to the agreement of their line manager. Whilst each case may be different and should be treated on its merits, interrupted Paternity Leave shall normally imply taking a short period of leave after the birth, then returning to work whilst the baby is hospitalised, and finally, resuming Paternity Leave upon the baby's discharge. Employees who have taken Paternity Leave will have the right to return to the same job under their original contract and on no less favourable terms and conditions.

### 8.3 Notification and Application

8.3.1 Employees will be required to inform their manager of their intention to take paternity leave at least 28 days prior to commencing the leave (or 7 days for adoption), and complete the Paternity Leave Application Form (Appendix 4). Paternity leave must be taken in full within the period of 56 days beginning with the date of the child's birth or placement with its adoptive parent.

8.3.2 Only one period of leave will be available to employees irrespective of whether more than one child is born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

## 9. SHARED PARENTAL LEAVE (FORMERLY ADDITIONAL PATERNITY LEAVE)

Shared Parental Leave (SPL) enables eligible parents whose babies are due, or who will adopt a child on or after 5 April 2015, to choose how to share the care of their child during the first year of birth or adoption, providing parents with additional flexibility. Please refer to the CCGs Shared Parental Leave Policy which clarifies eligibility for SPL and the process for application and approval of leave.

## 10. PARENTAL LEAVE

10.1 Parental leave is available to employees who have, or expect to have responsibility for a child and who has at least 12 months continuous service in the CCGs. Outstanding leave will transfer from previous employers, but the individual will have to re-qualify with a year of employment within the CCGs. Parental Leave is per child born or adopted.

## 10.2 Parental Leave Entitlement

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

10.2.2 During parental leave the employee retains all their contractual rights, except remuneration and should return to the same job role. Pension rights and contributions shall be dealt with in accordance with the NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

## 10.3 Conditions

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

## 10.4 Notification and Application

Employee Applications for parental leave must give at least 21 days' notice to their line manager of their request. All requests for parental leave must be made on the appropriate Parental Leave Application Form (Appendix 5).

## 11. SPECIAL LEAVE FOR DOMESTIC, PERSONAL OR FAMILY REASONS

The purpose of this leave is to allow time off with pay to cover a wide range of situations, many of which might be categorised as "urgent domestic distress". These situations may include the serious illness of a child, spouse, partner or elderly dependent relative, the sudden breakdown of normal carer arrangements, the making of arrangements for the longer term to cope with the problem. These situations will also include time off for employees to make necessary arrangements at the time of the death of close relatives.

It should be recognised that in any of these situations such leave is for immediate, short-term, "one-off" situations. It will be for managers to ensure that situations which are recurring or on-going are dealt with by alternative strategies, such as adjustments (temporary or permanent) to hours, periods of unpaid leave, annual leave or an extension of special leave.

### 11.1 Conditions

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

### 11.2 Entitlement

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

### 11.3 Leave and Provisions for Carers

It is recognised that many employees will have responsibilities as carers for a dependant relative or partner.

(The Agenda for Change Terms and Conditions Handbook defines a "dependant", as someone who is an employee's parent, wife, husband, partner, child, or is someone who relies on the employee in a particular emergency.)

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

The following identifies the range of provisions which managers and employees may consider to meet these needs.

#### **11.4 Carer Leave**

11.4.1 Employees with primary carer responsibilities for a dependant relative or partner shall be entitled to Carer Leave, which matches the leave provided for employees with the nominated responsibility for the care of children under Parental Leave provisions.

11.4.2 As such this leave will be open to all employees who are the primary carer and undertake the primary responsibilities for a dependant relative or partner.

11.4.3 The employee should have a minimum of one year's continuous CCG or NHS service

11.4.4 During carer leave all of contractual rights are retained, except for remuneration, and the employee will be able to return to the same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of carer leave will be regarded as continuous service.

11.5 The entitlement will be :

- Up to 18 weeks
- The leave is unpaid
- The leave may be taken in blocks of one week or more at any one time. Periods of leave of less than one week, will be aggregated together, and deducted from the total leave entitlement.
- Complete section 5 of attached form and submit to your manager 28 days prior to date you wish leave to commence.

#### **11.6 Other Provisions for those with Carer Responsibility**

In addition managers and employees may wish to consider the following provisions to enable the employee to meet their short or long term carer responsibilities needs:

### **12. MEDICAL APPOINTMENTS**

#### **12.1 GP and other Medical/Dental/Ophthalmic Appointments**

It is expected that employees who need to attend for GP or other Medical/Ophthalmic appointments will arrange such appointments either during their own time or alternatively at a time which minimises the effect on the service. Where employees do attend such appointments during working hours' time off with pay will normally be granted. If the frequency or the number of attendances for such attendances is such that gives rises to an on-going adverse effect on the provision of the service the manager shall discuss arrangements for attendance for these appointments with the employee.

#### **12.2 Routine Dental Checks**

It is expected that employees should seek to make arrangements to attend for their 6 monthly routine dental checks in their own time. Where this is not possible, they should be arranged for a time which minimises the disruption to the service, and time off with pay will be granted for the purpose of attending such appointments.

#### **12.3 Blood Donation**

Time off with pay will be granted to employees who are blood donors to attend Blood Transfusion Service blood-donation sessions, providing that the employees produce satisfactory proof of the appointment (e.g. invitation card) to their manager.

Employees will also be expected to inform their manager of the expected time of the appointment, the likely length of the appointment and the expected time of return.

Employees should also discuss their absence with their manager, giving sufficient notice to allow alternative staffing arrangements to be made where necessary.

#### **12.4 Assisted Conception**

Employees undergoing IVF or other fertility treatment should take unpaid leave. You should discuss the situation with your line manager who may be able to offer alternative suggestions to assist you e.g. time of in lieu, different working pattern or annual leave.

#### **13. Essential civic and public duties**

In addition employees will be entitled to statutory reasonable time off work under the provisions of the Employment Rights Act 1996 for the purposes of undertaking essential civic and public duties. Employees will be entitled to paid time off to undertake such duties.

13.1.1 Employees should discuss their absence with their manager, giving as much notice as reasonably possible, to enable cover/appropriate alternative staffing arrangements to be made where necessary. Written requests for such leave should be accompanied by relevant supporting documentation.

13.1.2 Employees considering appointment as a justice of the peace, or to a relevant public body, under the heading of 'Public Duties', should discuss with their manager, in confidence, the potential requirements for time off and the practicalities of taking such time off from their work with the Trust. See Appendix 3 for advice on the calculation

#### **13.2 Recording Special Leave**

Managers should monitor and record the taking of Special Leave in the same way as they do annual leave.

#### **14. RELATED POLICIES**

14.1 This policy should be read in conjunction with the following policies: -

- Annual Leave Policy
- Attendance Management Policy
- Health and Safety at Work Policy
- NHS Terms and Conditions of Service (Agenda for Change Terms and Conditions)

#### **15. EQUALITY IMPACT ASSESSMENT**

An Equality Impact and Risk Assessment has been carried out on this policy and the policy will be reviewed every three years unless changes to employment legislation require a review to take place sooner.

#### **16. QUALITY IMPACT ASSESSMENT**

A Quality Impact Assessment has not been required.

#### **17. TRAINING**

The implementation of this policy will not require staff to undergo any specific training. The CCG Governance Team will provide assistance on an individual basis, when required.

#### **18. MONITORING AND EVALUATION**

The CCGs will monitor the effectiveness of this policy through the HROD Committee with support from the CCGs Human Resources provider. Where review is necessary due to legislative change, this will happen immediately.

**MATERNITY LEAVE APPLICATION FORM**

Please read the Family Leave Policy and complete the appropriate section of the form (signing as appropriate) and return to your manager at least 28 days prior to your commencement of Maternity Leave. Your manager will check this form, and sign off your application before sending directly to HR for processing along with the relevant payroll documentation. On receipt of this completed form your manager will write to you to confirm details of your maternity leave and pay.

**SECTION A – PERSONAL DETAILS**

Full Name:	
Post held:	
Hours worked:	
Base:	
Assignment Number:	
Home address:	
Date of commencement of employment at CCG's	/ /
Do you have previous NHS Service YES/NO	Years: _____

**SECTION B – MATERNITY LEAVE**

I wish to inform you that I am pregnant and I intend to take maternity leave as follows:

My expected date of childbirth is*:	
Risk Assessment undertaken	Date: _____

\*I enclose herewith my MAT B1/medical certificate issued (after the 20<sup>th</sup> week of pregnancy) by my doctor/midwife/recognised medical practitioner confirming the date my baby is due.

I intend to commence maternity leave on: \_\_\_\_\_

26 wks (Ordinary Maternity Leave)  + 26 wks (Additional Maternity Leave) up to 39 weeks  
 only  Taking 52 weeks maternity leave in total

Working up to the _____ week before the expected date of birth.	
Your maternity leave cannot begin prior to the eleventh week before your expected week of childbirth.	
I intend to return to work:	Yes/No
I have at least 26 weeks continuous service as at 15 <sup>th</sup> week before EWC:	<input type="checkbox"/>
I have at least 1 year's continuous service and intend to return to work:	<input type="checkbox"/>
I would like my Occupational Maternity Pay to be paid:	
<ul style="list-style-type: none"> <li>• 8 Weeks full pay, 18 weeks half pay paid + 13 weeks SMP paid over 39 weeks</li> <li>• A fixed amount spread over 39 weeks, excluding SMP</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>
*I do not intend returning to work with the CCG's or another NHS organisation for a minimum period of three months after my maternity leave has ended.:	<input type="checkbox"/>
I will therefore receive maternity leave and pay in accordance with Section 5.5 of the Policy.	
I may be eligible for Maternity Allowance and will claim in accordance with Section 5.6 of the Policy and I note that I will receive a completed SMP1	<input type="checkbox"/>
I have agreed with my manager to take accrued annual leave prior to commencing my maternity leave. We have agreed to take ( <i>please identify in hours/days/weeks</i> ):	<input type="text"/>
I have agreed with my manager to take annual leave at the end of my maternity leave. We have agreed I will take ( <i>please identify in hours/days/weeks</i> ):	<input type="text"/>
My actual return to work date, following annual leave will be :	

**Employee's Declaration**

I agree that I have read and understood the Family Leave Policy, and my entitlements under the policy. I am aware that if I wish to return early from maternity leave, I undertake to provide at least 56 days notice to my manager. I further undertake to return for a minimum of 3 months with the CCG's or with another NHS organisation (providing a copy of my appointment letter).

\*I enclose a copy of my resignation letter, in accordance with notice within my terms and conditions of employment: Yes/No

Signed:
Print Name:
Date:

**Manager's Declaration**

Signed:	MATB1 included Yes/No
Print Name:	Payroll documentation complete Yes/No
Position:	
Date:	

HR Office Use Only:

Date form received: \_\_\_\_\_ Date letter sent: \_\_\_\_\_

HR Signature: \_\_\_\_\_

## REQUEST TO CHANGE THE START DATE OF MATERNITY LEAVE/ADOPTION LEAVE

Full Name:	
Post held:	
Base:	
Date of commencement of employment	
I previously notified you that I wished to start my maternity leave/adoption leave on:	
I now wish to vary this date. Instead of starting my maternity leave/adoption leave on the above date, I would like to start my leave on:	
My expected date of childbirth/placement is:	
Signed (Employee)	
Date:	
Signed: (Manager)	
Date:	

If you have applied to bring forward your maternity leave/adoption leave start date, please return to your manager ( who will forward to Human Resources ) **at least 28 days** prior to the new date on which you wish your maternity leave/adoption leave to commence.

OR

If you have applied to postpone your maternity leave/adoption leave start date, please return to your manager (who will forward to Human Resources) **at least 28 days** before your original proposed start date.

If Human Resources do not receive this form within the notified date the delay will affect your maternity leave/adoption leave and pay (if applicable).

### ADOPTION LEAVE APPLICATION FORM

Please read the Family Leave Policy and complete the appropriate section of the form (signing as appropriate) and return to your manager within 7 days of being notified by an approved Adoption Agency that you have been newly matched for adoption. Your manager will check this form, and sign off your application before sending directly to Human Resources with the relevant payroll documentation for processing. On receipt of this completed form your manager will write to you to confirm details of your Adoption leave and pay.

#### SECTION A – PERSONAL DETAILS

Full Name:	
Post held:	
Hours worked:	
Base:	
Assignment Number:	
Home address:	
Date of commencement of employment at the CCG's	/ /
Do you have previous NHS Service YES/NO	Years: _____

#### SECTION B – ADOPTION LEAVE

I wish apply for adoption leave in accordance Section 6.3 of the Family Leave Policy, I am newly matched, and eligible with the conditions of service below:

Expected date of placement of child/children*:	
--	--

\*I enclose a copy of a "matching certificate" or any other form of official documentation from the approved adoption agency

I intend to commence adoption leave on: \_\_\_\_\_ and I am giving 28 days notice.

26 wks (Ordinary Adoption Leave)  + 26 wks (Additional Adoption Leave) up to 39 weeks only  
 Taking 52 weeks statutory adoption leave in total

Working up to the \_\_\_\_\_ week before the expected date of placement.

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

I intend to return to work: Yes/No

I have at least 26 weeks continuous service ending with the week in which I was notified of being matched with a child for adoption

I have at least 1 year's continuous service and intend to return to work:

I would like my Occupational Adoption Pay to be paid:

- 8 weeks full pay, 18 weeks half pay paid + 13 weeks SAP paid over 39 weeks
- A fixed amount spread over 39 weeks, excluding SAP

\*I do not intend returning to work with the CCG's or another NHS organisation for a minimum period of three months after my adoption leave has ended. I will therefore receive adoption leave and pay in accordance with Section 5.5 of the Family Leave Policy.

I am not eligible for adoption pay and will receive a completed SAP 1, which I will forward and contact Job Centreplus, information available on [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

I have agreed with my manager to take accrued annual leave prior to commencing my adoption leave. We have agreed to take (please identify in hours/days/weeks):

I have agreed with my manager to take annual leave at the end of my adoption leave. We have agreed I will take (please identify in hours/days/weeks):

My actual return to work date, following annual leave will be :

**Employee's Declaration**

I agree that I have read and understood the Family Leave Policy, and my entitlements under the policy. I am aware that if I wish to return early from adoption leave, I undertake to provide at least 8 weeks notice to my manager. I further undertake to return for a minimum of 3 months with the CCG's or with another NHS organisation (providing a copy of my appointment letter).

\*I enclose a copy of my resignation letter, in accordance with notice within my terms and conditions of employment: Yes/No

Signed:
Print Name:
Date:

**Manager's Declaration**

Signed:	Evidential documentation included Yes/No
Print Name:	Payroll documentation complete Yes/No
Position:	
Date:	

HR Office Use Only:
Date form received: _____ Date letter sent: _____
HR Signature: _____

PATERNITY LEAVE APPLICATION FORM			
Please read the Family Leave Policy, complete and sign the appropriate section of the form and return to your manager at least 28 days prior to the commencement of your Paternity Leave (or 7 days for adoption). Your manager will check this form, and sign off your application before sending directly to Human Resources.			
SECTION A – PERSONAL DETAILS			
Full Name:			
Post held:			
Hours worked:			
Base:			
Assignment Number:			
Home address:			
Date of commencement of employment at the CCG:	_____ (date / month / year)		
Do you have previous NHS Service?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If Yes, number of years: _____
SECTION B – PATERNITY LEAVE			
<b>Date of Birth of child:</b> (Please enclose copy of birth certificate as proof)	_____ (date / month / year)		
<b>Relationship to child:</b>			
<b>Date of placement for adoption:</b> (Please enclose copy of matching certificate or appropriate documentation from approved adoption agency)	_____ (date / month / year)		
<b>I am applying and agree in accordance with the Family Leave Policy. I request approval to commence Paternity Leave (no later than 56 days after the baby's birth).</b>			
I wish to take my Paternity Leave as follows (according to eligibility):			
1 week / 2 weeks <u>paid</u> Paternity Leave <i>delete as appropriate</i>	From: _____	To: _____	
1 week / 2 weeks <u>unpaid</u> Paternity Leave <i>delete as appropriate</i>	From: _____	To: _____	
My last working day will be : _____ (date / month / year)			
Employee Signature: ..... Date: .....			
I agree to the above employee receiving the stated Paternity Leave and confirm that they meet the criteria specified in the Family Leave Policy:			
Manager's Signature: ..... Date: .....			

**PARENTAL LEAVE APPLICATION FORM**

Please read the Family Leave Policy and complete the appropriate section of the form (signing as appropriate) and return to your manager at least 21 days prior to your commencement of Parental Leave (or 7 days for adoption). Your manager will check this form, and sign off your application before sending directly to Human Resources

**SECTION A – PERSONAL DETAILS**

Full Name:	
Post held:	
Hours worked:	
Base:	
Assignment Number:	
Home address:	
Date of commencement of employment at the CCG's	/ /

**SECTION B – UNPAID PARENTAL LEAVE**

**I am applying and agree in accordance with the Family Leave Policy.** Please note the maximum entitlement for unpaid parental leave is 18 weeks for every child up to the age of 18. No more than 4 weeks unpaid parental leave may be taken in any 12 month period.

**Date of birth of child(ren):**  
(please enclose a copy of your child's birth certificate, not applicable to parental leave – adoption)

**Date of placement of adopted child (please enclose a copy of adoption certificate or approved documentation from the adoption agency)**

**Please indicate if your child is registered disabled.** Yes/No

If applicable, please declare below how much Parental Leave you have already taken (previous employers will need to be taken into consideration\*)

No. of days taken \_\_\_\_\_ No. of weeks taken \_\_\_\_\_ Year: \_\_\_\_\_

**I wish to apply for { } weeks unpaid parental leave**

**From: \_\_\_\_\_ To: \_\_\_\_\_**

**I wish to apply for { } days or { } weeks unpaid parental leave (applies only if the child in question is disabled).**

**My last working day will be :**

**Employee Signature:**

**Date:**

**I agree to the above employee receiving the stated time off without pay and that they meet the criteria specified in the Family Leave Policy:**

**Manager's Signature:**