

Maternity, Paternity, Adoption, Shared Parental and Ordinary Parental Leave Policy v1.0

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Target Audience:	All staff and managers of staff taking maternity/paternity leave
Further information:	HR Manager

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Version History:

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1.0	TBC	HR Manager	TBC	TBC

Summary of changes from last version:

Combination of the Maternity/Paternity policy and the Shared parental leave policy
Inclusion of surrogacy and adoption requirements and eligibility criteria. Update with regards to timescales for notification.

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1 Policy Statement

Heart of England Foundation Trust is committed to promoting its values and developing supportive working practices for their staff.

The purpose of this policy is to outline the specific terms and conditions surrounding Maternity, Paternity, Adoption and Shared Parental Leave. This policy identifies the contractual entitlement of staff wishing to take Maternity, Paternity, Adoption, Shared Parental or Ordinary Parental Leave.

This policy should be read in conjunction with the [Maternity and Paternity Leave Procedure](#).

2 Scope

The policy applies to all grades and levels of staff employed by Heart of England NHS Foundation Trust Hospital NHS Trust.

3 Definitions

A more extensive list of definitions is in the related [procedure](#)

Mother - the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).

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

EWC – Expected Week of Childbirth. The EWC is the week beginning Sunday and ending Saturday in which it is expected that childbirth will take place.

SMP – Statutory Maternity Pay - This is a statutory payment set by the Government, which is payable to all employees with at least 26 weeks service by the qualifying week.

SPP – Statutory Paternity Pay - This is a statutory payment set by the Government, which is payable to employees with at least 26 weeks service at the 15th week before their partners EWC.

SPL - Shared Parental Leave.

4 Policy Framework

The aims of the policy are to:-

- Identify the contractual leave and pay entitlements of staff.
- Outline the Trust managers' and members of staff's responsibilities.
- Provide guidelines for managers when dealing with Maternity, Paternity, Adoption, Shared Parental and Ordinary Parental Leave.
- Explain to members of staff how to request Maternity, Paternity, Adoption, Shared Parental and Ordinary Parental Leave.
- Ensure staff are not discriminated against for taking Maternity, Paternity, Adoption, Shared Parental and Ordinary Parental Leave.

Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

No training is required for the operation of the policy but advice and support can be sought from Human Resources.

This policy is supported by the [Maternity/Paternity operational Procedure](#). The responsibility for updating this document is that of the Director of Workforce in consultation with the HR Policy Review Group.

4.1 General Principles of Maternity Leave

Pregnant employees have the following basic rights:-

4.1.1 To paid time-off for antenatal care.

- 4.1.2 To retain all contractual rights, with the exception of remuneration, during both paid and unpaid Maternity Leave, including the accrual of annual leave and bank holidays.
- 4.1.3 Where applicable to receive the normal annual increment upon the normal increment date in line with satisfactory performance during Maternity Leave.
- 4.1.4 Not to be unfairly dismissed or suffer detriment because of reasons related to pregnancy or maternity.
- 4.1.5 To return to their substantive post, providing that post remains within the Trust structure, after absence due to the baby's birth and Maternity Leave. Where the post does not remain consultation will take place with the individual in accordance with the Organisational Change Policy in relation to suitable alternative posts.
- 4.1.6 To have arrangements made to keep in contact during the leave period.
- 4.1.7 To have optional Keep In Touch days (KITs) for up to 10 days without losing their rights to Maternity Pay.
- 4.1.8 To receive additional Maternity Leave, up to a total of 52 weeks absence, regardless of the length of service.
- 4.1.9 Employees will not be able to undertake bank work whilst on Maternity or Adoption leave whether paid or unpaid.
- 4.1.10 Maternity leave and pay can commence on any day of the week from the start of the 11 weeks prior to your expected date of confinement (date your baby is due).

5 MATERNITY LEAVE PROVISIONS

5.1 Entitlements to Occupational and Statutory Maternity Leave and Pay

All Trust employees have an entitlement to Maternity Leave; however the level of pay is dependent upon their NHS service (Review Table 1 below).

This section briefly lays out Maternity entitlements for employees whilst they are employed by the Trust. Entitlements are dependent upon an employee's length of service and whether or not they intend to return to work within the NHS.

5.2 Occupational Maternity Pay Provisions (OMP) – Option C

In order to be eligible for maternity pay under NHS terms and conditions the employee must:

- Have been employed within the NHS/Deanery for a continuous period of at least 12 months by the 11th week before their Expected Week of Childbirth (EWC).

- Return to work within the Trust or another NHS organisation for a minimum of 3 months at the end of their Maternity Leave period.

If these conditions are met and the employee intends to return to work, the employee is entitled to 26 weeks paid Maternity Leave at the following rate:

8 weeks at Full Pay (inclusive of SMP – where eligible)

18 weeks at Half Pay (inclusive of SMP – where eligible)

13 weeks low rate SMP

Please note that if you participate in one of the Trust's salary sacrifice scheme's your Occupational Maternity pay will be based on your revised salary.

5.3 Statutory Maternity Pay Provision (SMP) – Option B

In order to be eligible for Maternity pay under SMP provisions the employee must:

- Have been employed by the Trust for a continuous period of at least 26 weeks by the 15th week before their EWC but less than 12 months service.
- Have average weekly earnings, during the qualifying weeks for Maternity Pay, at least equal to the lower earnings limit (LEL).

If these conditions are met, the employee will be entitled to 39 weeks SMP, irrespective of whether or not the employee intends to return to work. This will be made up of 6 weeks at the higher rate of SMP (90% of the employee's average weekly earnings before tax) followed by 33 weeks at lower flat rate of SMP or 90% of average weekly earnings before tax (whichever is lower).

N.B. Maternity Payments will commence on the first day of the employee's Maternity Leave Period.

Table 1

Length of service	Maternity leave	Benefits Entitlement
Option A: Less than 26 weeks with Trust or NHS	26 weeks Ordinary maternity leave and 26 weeks Additional maternity leave	Leave is unpaid but you may be able to claim Maternity Allowance from the Department of Work and Pensions
Option B: At least 26 weeks with the Trust but less than 12 months with NHS at 15th week before baby is due and have earned enough to	39 weeks paid leave, up to 13 weeks unpaid leave	6 weeks at high rate SMP followed by 33 weeks at low rate SMP.

pay NI contributions		
Option C: 12 months service with NHS (either the Trust or another NHS body) at 11th week before the baby is due and you will be returning to work	39 weeks paid leave, up to 13 weeks unpaid leave	8 weeks at full pay followed by 18 weeks half pay plus low rate SMP (provided this does not exceed full pay) followed by 13 weeks at low rate SMP
Option D: As above but will not be returning to work	N/A	6 weeks at high rate SMP followed by 33 weeks at low rate SMP

5.4 Additional Unpaid Maternity Leave

In addition to 39 weeks paid Maternity Leave all employees are entitled to take a further 13 weeks unpaid leave.

5.5 Ante Natal Provisions

All employees who are pregnant have the right to paid time off to attend antenatal care appointments (plus reasonable travelling time). Employees are not required to make up any lost time for these appointments, irrespective of the employee's working pattern, provided that the ante natal appointments fall within their normal working hours. The employee may be requested to provide written evidence by their line manager, for example, by providing an appointment card.

5.6 Working Beyond the 4th Week Prior to the EWC

Employees wishing to work beyond the 4th week of their EWC may do so. The manager should review the employee's Risk Assessment (Appendix 8) at this time to make sure that the employee continues to work safely.

5.7 Absence Due to Sickness

If an employee is absent due to sickness prior to the 4th week before their EWC, this shall be treated as sick leave and normal sick leave entitlements will apply, irrespective of whether their sickness is pregnancy related.

If an employee has chosen to work beyond the 4th week before their EWC and is absent due to sickness which is certified as being unrelated to pregnancy, then normal sick leave provisions will apply. However, if the sickness is pregnancy related, the commencement of their Maternity Leave will automatically be triggered.

5.8 Miscarriage and Still Birth

Where an employee miscarries prior to the 25th week of pregnancy, normal sick leave provisions will apply.

Where an employee's baby is still born after the 24th week of pregnancy the employee will be entitled to the same amount of Maternity Leave and Pay as if their baby had been born alive.

5.9 Premature Birth

Where an employee's baby is born prematurely the employee will be entitled to the same amount of Maternity Leave and Pay as if her baby was born at full term.

In these circumstances, Maternity Leave will start on the day after the birth.

5.10 Failure to Return to Work

Employees should return to work for the Trust or another NHS organisation for a minimum period of 3 months at the end of their paid or unpaid Maternity Leave. If the employee fails to do this they will be asked to pay back their Occupational Maternity Pay.

Employees who are uncertain of whether they will return to work may choose to defer payment of their Occupational Maternity Pay until their return to work. This must be done before Maternity Leave commences by completing Appendix 2b.

5.11 Employees on Fixed Term Contracts

If your fixed-term contract is due to expire after the 11th week before the EWC and you satisfy the eligibility criteria, your contract will be extended to allow you to receive 52 weeks, which includes paid occupational and statutory maternity pay and unpaid maternity leave.

Employees on fixed term contracts who do not meet the 12 months continuous service criteria may still be entitled to Statutory Maternity Pay.

Confirmation of any extension to your contract due to maternity entitlements will be put in writing to you by your manager, in consultation with the HR Department.

5.12 Flexible Working

If at the end of your maternity leave you wish to return to work on different hours, you can apply for flexible working via the Trust's Flexible Working policy.

6 PATERNITY LEAVE PROVISIONS

6.1 General Principles

Paternity Leave of up to two weeks may be available to employees and may be taken at their discretion, either at the time of birth/adoption of a child or in the 8 weeks following the birth/adoption including surrogacy.

Paternity Leave applies to father, husband or partner of the mother (or adopter), child's adopter or intended parent (if they are having a baby through a surrogacy arrangement).

6.2 Entitlements to Occupational and Statutory Paternity Leave and Pay

Depending on an employee's length of service within the NHS, an employee may be entitled to a maximum of 2 weeks Paternity Leave. This leave can be taken as one or two weeks consecutively, but cannot be taken as odd days.

The Paternity Leave can start either on the day the baby is born or after but it must be taken within 8 weeks of the date of birth.

Employee's taking Paternity Leave may be paid during the Paternity Leave period dependent upon their length of service. This payment may be made either under the NHS terms and conditions, Statutory Paternity Pay (SPP) provisions, or a combination of both.

6.3 Occupational Paternity Pay Provision (2 weeks)

In order to qualify for Occupational Paternity Pay an employee will have a minimum of 12 months continuous service within the NHS at the beginning of their partners EWC*. If these conditions are met Paternity Pay will be as follows:

- 2 weeks (10 Days) at Full Pay (inclusive of SPP - where eligible)

6.4 Statutory Paternity Pay

If an employee does not have 12 months continuous service within the Trust at the beginning of their partners EWC* or by the end of the week in which they are being notified of being matched with a child for adoption, but does have 26 weeks continuous service with the Trust at the 15th week before their partners EWC or by the end of the week they have been notified of match, payment will be as follows:

- 2 weeks (10 Days) at Statutory Paternity Pay

6.5 Unpaid Paternity Leave

If an employee has less than 12 months continuous service with the NHS at the beginning of the EWC, or date of adoption, and less than 26 weeks service with the Trust at the 15th week before the EWC*, then leave will be as follows:

- 2 weeks (10 days) unpaid.

* With regards to staff taking Paternity Leave when a child is adopted the employee should have the NHS service requirements at the beginning of the week in which they were

matched with the child and the Trust service requirements at the 15th week before they were matched with the child.

6.6 Time Off for Ante Natal Appointments

Employees are entitled to reasonable paid time off to attend antenatal appointments with their partners. Managers may request evidence of appointments.

7 ADOPTION LEAVE PROVISIONS

7.1 General Principles

- Adoption Leave is available to an employee who is the primary carer of a newly and legally adopted child under the age of 18 or has a child through a surrogacy arrangement.
- If both parents adopting the child are employed by the Trust, Adoption Leave may be taken by either parent, but not both. Paternity Leave may be appropriate for the partner that is not the primary carer.

7.2 Entitlements to Occupational and Statutory Adoption Leave and Pay

All Trust employees have an entitlement to Adoption Leave; however the level of pay is dependent upon their NHS service.

This section briefly lays out adoption entitlements for employees whilst they are employed by the Trust. Entitlements are dependent upon employee's length of service and whether or not they intend to return to work within the NHS.

7.3 Occupational Adoption Pay Provisions

In order to qualify for Occupational Adoption Pay under Trust terms and Conditions the employee must:

- Have been employed within the NHS/Deanery for a continuous period of at least 12 months at the beginning of the week in which they are notified of being matched with the child to be adopted (Matching Week, MW).
- Return to work within the Trust or another NHS organisation for a minimum of 3 months at the end of their Adoption Leave period.

If these conditions are met the employee is entitled to 26 weeks paid Adoption Leave at the following rate:

8 weeks at Full Pay (inclusive of SAP - where eligible)

18 weeks at Half Pay (inclusive of SAP - where eligible)

7.4 Statutory Adoption Pay (SAP) Provision

In order to be eligible for Adoption Pay under SAP provisions the employee must:

- Have worked continuously for the Trust for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.
- Have average weekly earnings during the qualifying weeks for Adoption Pay, at least equal to the lower earnings level.
- Submit their Adoption Leave application form 28 days before they wish to commence their Adoption Leave period or as soon as is reasonably practicable. A copy of the Matching Letter or Certificate must also be submitted.

If these conditions are met the employee will be entitled to the first six weeks paid at the higher rate of SAP (90% of the employee's normal earnings) and the remaining 33 weeks paid at the lower rate of SAP rate irrespective of whether or not the employee intends to return to work.

7.5 Additional Unpaid Adoption Leave

In addition to 39 weeks paid Adoption Leave all employees are entitled to take a further 13 weeks unpaid leave.

7.6 Time Off

The main adopter will be entitled to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for 2 appointments.

7.7 Failure to return to Work

Employees should return to work for the Trust or another NHS organisation for a minimum period of 3 months at the end of their Adoption Leave. If the employee fails to do this they will be asked to pay back their Occupational Adoption Pay.

8 SURROGACY ARRANGEMENTS/FOSTER TO ADOPT

Parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 will be able to take adoption leave and pay and paternity leave and pay (birth and adoption), if each parent meets the normal qualifying conditions. Both parents in a surrogacy arrangement are also entitled to take unpaid time off work to attend two antenatal appointments with the woman carrying the child.

Employees who are in a “foster to adopt” arrangement are entitled to take ordinary paternity leave and pay, adoption leave and pay and shared parental leave and pay, provided that they meet the eligibility criteria.

9 SHARED PARENTAL LEAVE PROVISIONS

9.1 General Principles

The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother is still on maternity/adoption leave.

Therefore eligible mothers and fathers will be able to share up to 50 weeks' leave (52 weeks less 2 weeks compulsory maternity leave) to care for their child – less the period that the mother has spent on maternity/adoption leave; and share up to 37 weeks' shared parental pay (39 weeks less 2 weeks compulsory maternity/adoption pay) – less the pay period the mother has taken.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave

9.2 Eligibility Criteria

To qualify for SPL a mother must:

- have a partner
- be entitled to either maternity/adoption leave or to statutory maternity/ adoption pay or maternity allowance
- have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

A parent intending to take SPL must:

- be an employee
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
- have properly notified the Trust of their entitlement and have provided the necessary declarations and evidence.

In addition, a parent wanting to take SPL is required to satisfy the 'continuity of employment test' and their partner must meet the 'employment and earnings test' see below table:

Continuity of Employment Test	Employment and Earnings Test
The individual has worked for the same employer for at least 26 weeks at the end	In the 66 weeks leading up to the baby's expected due date/ matching date, the

of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period	person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.
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Sometimes only one parent will be eligible. For example a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

If both parents are employees and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother has decided to curtail their maternity/adoption leave.

9.3 Shared Parental Pay

A mother, subject to certain criteria, will be entitled to statutory/occupational maternity pay/adoption pay/Maternity Allowance for up to 39 weeks in accordance with the Maternity/Adoption pay Policy.

If the mother gives notice to reduce their statutory entitlement before they will have received it for 39 weeks then any remaining weeks could become available as ShPP.

Shared Parental Pay (ShPP) will be paid at the statutory rate only.

If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform the Trust of their entitlement.

To qualify for ShPP an employee needs to have met the 'continuity of employment test' and their partner must meet the 'employment and earnings test', just like SPL. In addition, the employee must also have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date/matching date and still be employed with the same employer at the start of the first period of ShPP.

If an employee's employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

It is the employee's responsibility to check that they are eligible for SPL and ShPP and a line manager should grant leave and pay based on the information and declarations provided by the employee. If it is subsequently discovered that ShPP was incorrectly paid, the Trust will correct their records and may recover wrongly paid ShPP as an overpayment of wages, as applies to all statutory payments.

9.4 Shared Parental Leave

Shared Parental leave is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5th April 2015.

Shared Parental Leave can:

- start on any day of the week
- only be taken in complete weeks (so if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday)
- be taken using three separate notices to book leave
- be taken by the partner, while the mother is still on maternity/adoption leave if the mother reduces their entitlement to maternity/adoption leave
- Each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks.
- Notifying the Trust of a continuous block means taking an unbroken period of leave. For example, this could be a notification for a period of six weeks' leave.

It should be noted that SPL can only be used after the mother has:

- already returned to work, or given notice to their employer that reduces their maternity/adoption leave, confirming when their maternity/adoption leave will come to an end. Notice is binding so cannot be withdrawn.

If an employee is eligible for, and intends to take SPL they must provide the Trust with a notice of entitlement to take SPL (see Appendix 1). The notice of entitlement must be submitted at least eight weeks before the employee intends to take a period of SPL.

9.5 Terms and Conditions during Shared Parental Leave

During SPL an employee is entitled to benefit from all of the terms and conditions of their employment except for remuneration. Employees are also bound by any obligations arising from the terms and conditions except the need to attend work.

Early birth and special circumstances: effect on Shared Parental Leave

In certain situations an employee's rights and requirements to take SPL do change.

9.6 Multiple births/adoptions

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

10 ORDINARY PARENTAL LEAVE PROVISIONS

10.1 General Principles

If you have a child aged under 18, you may have the right to unpaid parental leave. To qualify you must be an employee of the Trust and have at least one year's continuous service with the Trust.

You must also either be the parent:

- named on the child's birth certificate
- named on the child's adoption certificate

- with legal parental responsibility for a child under 18

If you are separated and you don't live with your children, you have the right to parental leave if you keep formal parental responsibility for the children.

If you are self-employed or a worker (e.g. agency worker, contractor etc.) then you are not entitled to parental leave.

Foster parents do not have rights to parental leave but may be able to request a flexible working pattern.

The purpose of parental leave is to care for your child. This means looking after their welfare and could include making arrangements for the good of your child.

Caring for a child does not necessarily mean being with the child 24 hours a day. Parental leave might be taken simply to enable you to spend more time with your young child.

Examples of the way parental leave might be used include:

- straight after your maternity, paternity or adoption leave
- spending more time with your child in their early years
- time with your child during a stay in hospital
- looking at new schools
- settling your child into new childcare arrangements
- allowing your family to spend more time together, for example, taking your child to stay with grandparents

10.2 Entitlement

- Each parent can take a total of up to 18 weeks' parental leave for each of your children up to their 18th birthday.
- If your child is adopted, each parent can take a total of up to 18 weeks' parental leave.

11 FRAUDULENT CLAIMS

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

The Counter Fraud department may also be contacted.

12 ROLE AND RESPONSIBILITIES

12.1 Managers/Clinical Directors

- To ensure that the Employees are aware of the policy.

- Assist members of staff in clarifying eligibility for Maternity, Paternity, Adoption, Shared Parental and Ordinary Parental Leave and Pay.
- On notification of an employee's pregnancy, perform a risk assessment of her work and do what is reasonably practicable to control any risk to the health of the mother, unborn child or child of a woman who is breast feeding, which may include looking temporarily at alternative work patterns/environments within the Trust.
- To liaise with Work and Wellbeing and place a record of this risk assessment on the employee's personal file.
- To consider all physical, chemical and biological hazards in the workplace.
- To accommodate reasonable paid time off for expectant mothers for medical appointments and antenatal care.
- To assist the pregnant employee to plan any annual leave entitlement which may need to be taken before maternity leave commences.
- To consider the request and make appropriate arrangements.
- To notify the employee of the end dates of their Ordinary Maternity Leave period and Additional Maternity leave (if applicable) within 28 days of receiving notification of the intended start date of maternity leave. To notify the employee of the agreed dates of Shared Parental Leave.
- To keep the member of staff who is on Maternity, Paternity, Adoption or Shared Parental Leave informed about developments or changes in the Trust and the ward/department. This should be agreed in advance on how they wish to be informed.
- To plan in advance of the Maternity, Adoption or Shared Parental Leave as much as is practicable, any keep in touch days (up to 10 days).
- To notify Payroll of employees' Maternity, Adoption, Paternity, Shared Parental Leave and Ordinary Parental plans.
- To ensure provision of adequate facilities for breastfeeding mothers.
- To give consideration to staff requests for flexible working and provide valid evidence for the decision made within a reasonable timeframe of the request.

12.2 Employees

- To inform the manager of the pregnancy/request for Paternity, Adoption leave or Shared Parental Leave as soon as possible.
- To inform the manager of the intention to take Shared Paternity Leave eight weeks before the requested date for SPL
- To complete all forms and send them to their line manager and Employee Services
- To provide the evidence of the pregnancy by sending the original MATB1 form to Employee Services.
- To access the Maternity, Paternity, Adoption, Shared Parental and Ordinary Parental Leave Policy on the intranet, through their manager or from Human Resources and seek additional advice if necessary.
- To make an application to take Maternity, Paternity, Adoption, Shared Parental or Ordinary Parental Leave in accordance with the policy and procedures.
- For Shared Parental Leave to provide evidence that the maternity leave of the partner has ceased

- To plan and request any annual leave entitlement which may need to be taken before the maternity leave starts in conjunction with the line manager.
- To provide evidence of any ante-natal appointments or classes to the line manager in advance of the appointment.
- To assist their line manager with completion of health and safety risk assessments at intervals throughout their pregnancy.
- To comply with requests to attend Work and Wellbeing.
- To comply with any measures agreed following the risk assessments, to protect the health, safety and welfare of the foetus and employee.
- To agree and confirm in writing, the date they wish their leave to start and their intended date of return to work, prior to the commencement of Maternity Leave. Return to work can be earlier than the agreed date but 8 weeks' notice must be given.

12.3 Human Resources - Operational HR Team

- To advise line managers and employees of rights and obligations under the policy.
- Assist line managers in clarifying difficult cases relating to eligibility, medical suspensions, evoking Maternity Leave early and any necessary job adjustments.
- To advise and support managers considering flexible working requests from returning employees.

12.4 Work and Wellbeing Department - Advisers, Nurse and Doctors

- Assist in health and safety recommendations of job re-structure/adjustment and redeployment to suitable alternative work, where the new or expectant mother is deemed at risk.

12.5 Employee Services/Payroll Advisers

- To ensure that payments are made in line with both current Occupational and Statutory regulations.
- To ensure that the necessary data and proof of pregnancy, cessation of Maternity Leave has been collected from the employee before payment.
- To ensure that a parent wanting to take SPL is required to satisfy the 'continuity of employment test' and their partner must meet the 'employment and earnings test'.
- To ensure that payments are made timely in line with normal salary crediting.
- That the employee's membership to the NHS Pension Scheme is protected during the full period of Maternity Leave both paid and unpaid.
- To assess eligibility for Occupational Pay and Statutory Pay based on NI contributions, and if necessary,
- issue an SMP exclusion form (SMP1) quickly to employees not entitled to Trust or SMP pay, in order to allow them to make a claim for Maternity Allowance.

13 Monitoring Matrix

See **Appendix A**

Appendix A

MONITORING OF IMPLEMENTATION	MONITORING LEAD	REPORTED TO PERSON/GROUP	MONITORING PROCESS	MONITORING FREQUENCY
To measure fair implementation and the operation of the policy/procedure	Operational HR	Operational Workforce Group	An annual report looking at: <ul style="list-style-type: none"> • Numbers of applications • Complaints, with trends and themes • Learning from complaints • Learning from the operation of the policy/procedure. • Any amendments to be made to the policy 	Annual