

MATERNITY, MATERNITY SUPPORT (PATERNITY), ADOPTION AND PARENTAL LEAVE POLICY

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POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

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1 Introduction

This policy and procedure outlines the process for applying for maternity, maternity support (paternity) adoption, or parental leave. It covers a range of situations that may arise during the process including changes in rates of pay, sickness absence and returning to work. It also sets out the rights and obligations of staff and managers. This policy applies to substantive employees including those on fixed term contracts.

2 Engagement

The NHS Business Services Authority (BSA) Maternity Leave Policy, Maternity Support (Paternity) Leave Policy, Adoption Leave Policy and Parental Leave Policy for CSU's were used for the basis of this policy. They have been adapted locally for CCG use and staff members have had the opportunity to contribute to its development prior to approval from the Senior Leadership Team and ratification through the eMBED Health Consortium (eMBED) and the Social Partnership Forum (SPF). It has been agreed with recognised Trade Unions.

3 Impact Analyses

3.1 Equality

In developing this policy, an Equality Impact Analysis (EIA) has been undertaken and the results are included in Appendix 7 of this policy. As a result of the initial screening, the policy does not appear to have adverse effects on people who share protected characteristics and no further actions are recommended at this stage.

3.2 Sustainability

The policy has been assessed against the CCG's sustainability themes using a sustainable impact assessment (SIA) and there is no anticipated detrimental impact. The results of the SIA are published in Appendix 8 of this policy.

3.3 Bribery Act 2010

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed.

The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

The Bribery Act does not apply to this policy.

4 Scope

This policy applies to:

- All employees of the CCG
- CCG Governing Body

- Contracted third parties (including eMBED and agency staff)
- Students and trainees
- Staff on secondment and other staff on placement with the CCG

5 Policy Purpose and Aims

The purpose of this policy and procedure is to give guidance on the maternity, maternity support (paternity), adoption and parental leave and pay entitlements within NHS Scarborough and Ryedale CCG.

The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCGs Data Protection and Confidentiality and related policies and procedures.

6 Definitions

6.1 Ordinary Maternity/Adoption Leave (OML/OAL)

The entitlement to a period of 26 weeks leave regardless of how long an employee has worked for the CCG. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity Allowance.

6.2 Additional Maternity/Adoption Leave (AML/AAL)

The entitlement to a further period of up to 26 weeks unpaid leave, regardless of how long an employee has worked for the CCG.

6.3 Ordinary Maternity Support (Paternity) Leave (OPL)

The entitlement of a father, or mother's partner, to take 2 weeks leave up to 56 days from the birth of the child.

6.4 Shared Paternal Leave (SPL)

The opportunity for eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This offers another option for taking leave to care for a new child Statutory Maternity Support (Paternity) Pay (SMSP)

Employees may be entitled to two weeks' statutory maternity support (paternity) pay – to be taken around the time of the birth or the placement of the child for adoption subject to eligibility criteria.

6.5 Statutory Maternity/Adoption Pay (SMP/SAP)

The minimum level of Maternity/Adoption Pay that an employee is entitled to through State provision if an employee has 26 weeks continuous with the CCG by the 15th week before their EWC and paid sufficient National Insurance (NI) Contributions.

6.6 Statutory Maternity/Adoption Allowance (SMA/SAA)

Allowance paid by Department of Work and Pensions to those employees, who do not qualify for Statutory Maternity Pay. Eligibility is determined by the above Government Departments.

6.7 Occupational Maternity/Adoption Pay (OMP/OMA)

This is based on eligibility. Maternity/Adoption Pay, which is payable by the Employer.

6.8 Expected Week Of Childbirth (EWC)

The week in which the baby is due to be born.

6.9 Qualifying Week (QW)

Qualifying week: 15th week before the EWC.

6.10 MAT B1 Form

The certificate provided by the employee's GP or Midwife, anticipating the potential date of the birth of their baby. Usually issued to the employee from around 20 weeks into pregnancy.

6.11 Kit Days

'Keep in Touch' days.

7 Roles, Responsibilities and Duties

7.1 Employee

Are responsible for:

- Co-operating in the Maternity, Maternity Support (Paternity), Adoption and Parental leave procedures and should make every effort to attend any meetings arranged by management.
- Arranging their own trade union representation or support throughout the Maternity, Maternity Support (Paternity), Adoption and Parental leave procedures (if necessary).
- Notification of pregnancy to their line manager, as soon as is reasonably practicable.
- Risk identification, to ensure they are not putting themselves, or others, at risk of harm.

7.2 Manager

- Requests for Maternity, Maternity Support (Paternity), Adoption and Parental leave should be dealt without any undue delay on the part of the manager.
- The manager must view any applications with an open mind and follow a fair and justifiable decision making process.
- A Maternity Support (Paternity), Adoption, or Parental Leave application may, on occasion, be declined due to service needs etc, and a new date for the leave to be taken proposed. Where a grievance is raised in regards to a refusal to grant Maternity Support (Paternity), Adoption or Parental Leave, the manager must prepare a thorough management case outlining their decision making rationale for consideration by the grievance panel.

7.3 Human Resources

- The Human Resources department is responsible for the creation and maintenance of records of applications for Maternity, Maternity Support (Paternity), Adoption and Parental leave within the CCG in line with best practice for information governance.
- To support, where necessary, managers through the Maternity, Maternity Support (Paternity), Adoption and Parental leave procedures, including the grievance stage if required.
- The Human Resources department is responsible for the review and maintenance of the Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy agreed forums within the CCG.
- To provide advice to employees and managers, as required.

7.4 Trade Unions

- To represent employees (who are members of that Trade Union or Professional Body) through the Maternity, Maternity Support (Paternity), Adoption and Parental leave procedure.
- To make every reasonable attempt to attend meetings at the scheduled time to support employees.
- To adhere to their respective trade union code of conduct when dealing with issues of grievance.

8 Implementation

This policy will be published on the CCG website and all staff will be made aware of its publication through communications and team meetings.

Any deliberate breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

9 Training and Awareness

The Senior Management Team and line managers are responsible for ensuring that all staff are aware of the policy which will be available on the CCG intranet.

Guidance and support will be provided to all Line Managers in the implementation and application of this policy upon request.

10 Monitoring and Audit

Reports will be provided to the CCG by the eMBED Team with regards to Maternity Leave, Adoption Leave and Additional Maternity Support (Paternity) Leave.

Applications made in line with this policy will be monitored by the eMBED HR Team.

11 Policy Review

The policy and procedure will be reviewed at least *every four years* by the eMBED HR Team in conjunction with managers, and Trade Union representatives if appropriate, with

changes made as required and the outcome published. Where review is necessary due to legislative change, this will happen immediately.

The Senior Management Team has delegated responsibility for monitoring and reviewing the policy and will report any concerns to the Governing Body.

12 References and Associated Documentation

For further information please refer to the following reference sources:

- Absence Management Policy
- Special / Other Leave Policy
- Flexible Working Policy
- Grievance Policy

APPENDIX 1 – MATERNITY LEAVE

1 Policy Statement

This policy is designed to provide a framework across the CCG for a consistent and timely approach to the new and expectant mother.

The policy is intended to promote an employee's awareness of their rights and entitlements during, and following, pregnancy and conforms to the NHS Agenda for Change Terms and Conditions of Service, the Employment Act 2002 and other current legislation.

2 Principles

Advice and guidance will be provided to all Line Managers on request regarding the implementation and application of this policy

2.1 Entitlement to Maternity Leave

All employees will be entitled to 52 weeks Maternity Leave.

2.2 Entitlement to Occupational Maternity Pay under the NHS Scheme

- An employee working full or part-time is entitled to Maternity pay under the NHS scheme provided that she:
- has 52 weeks continuous service with one or more NHS employers and continues to be employed by the CCG until at least the beginning of the 11th week before the expected week of childbirth (EWC); and
- notifies the CCG, on form M1 (included in the Maternity Leave document pack and available on the CCG website) at least 15 weeks before her expected date of childbirth (EDC) that she intends to take Maternity Leave (or as soon as is reasonably practicable thereafter), of the date she wishes to start her Maternity Leave and intends to return to work for a minimum period of three months with the same or another NHS employer; and
- submits a statement (MAT B1) signed by a registered medical practitioner or a practising midwife at least 28 days before the expected commencement of Maternity Leave, indicating the expected date of childbirth.

2.3 Entitlements under the Scheme

An employee who qualifies for full benefits and intends to return to work with the same or another employing authority will be entitled to 52 weeks Maternity Leave, paid as follows:

- 8 weeks at full pay including any SMP, Maternity Allowance (MA) or equivalent benefits receivable;
- 18 weeks at half pay reduced only where half pay plus any SMP, Maternity Allowance (MA) or equivalent benefits payable exceeds full pay;
- 13 weeks at SMP, if payable;
- 13 weeks unpaid leave.

Where an employee has stated that they will return to work, and fails to do so, please refer to Section 3.4

An employee who qualifies for full benefits and does not intend to return to work for the same or another employing authority will be entitled to 52 weeks Maternity Leave, paid as follows:

- 6 weeks SMP, paid as 90% of full pay (average weekly earnings);
- 33 weeks at the lesser of standard rate SMP or 90% of average weekly earnings;
- 13 weeks unpaid leave.

An employee who does not qualify for full benefits under the NHS Scheme but who has at least 26 weeks service by the 15th week before the EWC and meets the earnings rule whether or not she intends to return to work will be entitled to 52 weeks Maternity Leave, paid as follows:

- 6 weeks at 90% of full pay;
- 33 weeks at the lesser of standard rate SMP or 90% of average weekly earnings;
- 13 weeks unpaid leave.

An employee who does not qualify for SMP will be entitled to 52 weeks Maternity Leave, whether or not she intends to return to work. No payments will be made during the Maternity Leave period although Maternity Allowance or other benefits may be payable directly from Jobcentre Plus.

By prior agreement with the employer, occupational maternity pay may be paid in a different way e.g. a combination of full pay and half pay or a fixed amount spread equally over the Maternity Leave period.

In exceptional circumstances, for example in the case of a multiple birth or sick pre-term babies, the unpaid element of leave may be extended beyond 13 weeks. Requests for this should be submitted in writing to the employee's line manager who may seek advice from the HR Team.

2.4 Timing of Leave

Maternity Leave may commence at any time between eleven weeks before the EWC and the expected week of childbirth, provided the required notice is given. Early childbirth and maternity related sickness absence will affect this as follows:

2.5 Early Childbirth

Where childbirth occurs before the 11th week before the EWC and the employee has worked during the actual week of childbirth, Maternity Leave will start on the first day of the employee's absence.

Where childbirth occurs before the 11th week before the EWC and the employee has been absent from work on certified sickness absence during the actual week of childbirth, Maternity Leave will start the day after the day of birth.

Where an employee's baby is born before the 11th week before the EWC, and the baby is in hospital, she may split her Maternity Leave entitlement, taking a minimum period of two weeks' leave immediately following the birth and the rest of her leave following the baby's discharge from hospital.

In either circumstance of early childbirth, the employee (or family member) should inform the line manager as soon as reasonably practicable. The line manager will then notify HR, who can advise Payroll accordingly.

2.6 Miscarriage and Stillbirth

Where an employee has a miscarriage before the 25th week of pregnancy then normal sick leave provisions will apply.

In the event of a still birth after the 24th week of pregnancy the employee will be entitled to the same amount of Maternity Leave and pay as if her baby was born alive.

The Organisation recognises that this will be a difficult and traumatic time and would encourage the use of the Occupational Health. This service is available to both employees and family members.

2.7 Surrogacy

Every pregnant employee who gives birth after the 24th week of pregnancy has the right to maternity leave and pay, as detailed above.

If an employee uses a surrogate to become a parent, there is currently no provision for paid leave unless the child has been 'matched' with the parent through a formal adoption agency, in which case the employee may be entitled to adoption leave. Please refer to this section for further guidance.

2.8 Sickness Absence during Pregnancy and Leave

Where an employee is off work ill long term, or becomes ill, with a pregnancy related illness during the last four weeks before the EWC, Maternity Leave will normally commence at the beginning of the fourth 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 EWC, supported by a medical certificate or self-certificate will be treated as sick leave in accordance with normal leave provisions. Normal sick leave provisions will be suspended once Maternity Leave has commenced.

Odd days of pregnancy related illness during this 4 week period may be disregarded if the employee wishes to continue working until the Maternity Leave start date previously agreed. An employee would need to provide self-certification for short term absence, in accordance with the Absence Management Policy (please refer to this policy in respect of sickness trigger points).

Where an employee is absent due to illness which is not pregnancy related then normal sick leave provisions will apply until the date previously agreed that Maternity Leave would commence.

2.9 Other Provisions

2.9.1 Ante-natal and Post-natal Care

Pregnant employees have the right to reasonable paid time off for ante-natal care including relaxation classes and parent craft classes. This time off would need to be agreed with the employee's line manager, prior to the date of attendance at the class.

Employees who return to work shortly after giving birth will be given paid time off for post natal care e.g. attendance at health clinics.

2.9.2 Calculation of Pay

Maternity Pay is calculated on average earnings paid for two months prior to the qualifying week which is the 15th week before the EWC. Employees with average weekly earnings below the Lower Earnings Limit who do not qualify for SMP may be entitled to MA or other benefits.

2.9.3 Implementation of a Pay Award or Annual Increment

Absence on Maternity Leave, whether paid or unpaid, counts as service towards the normal annual increment.

Where a pay award and/or annual increment are implemented from a date prior to the paid Maternity Leave period, the Maternity Pay will be calculated as though the pay award had effect throughout the entire SMP calculation period. If a pay award is agreed retrospectively, the Maternity Pay will be recalculated on the same basis

Where a pay award and/or annual increment is implemented from a date during the paid Maternity Leave period, the Maternity Pay due from the operative date of the pay award or annual increment should be increased accordingly. Again, if such a pay award were agreed retrospectively, the Maternity Pay should be recalculated on the same basis.

2.9.4 Pay Progression Framework

The expectation is that an employee on Maternity Leave will progress through a pay progression gateway on the due date if concerns have not been raised about the employee's capability prior to Maternity Leave commencing. Please refer to the Objective Setting and Review Policy

2.9.5 Employees on a Fixed-Term or Training Contract

An employee who is entitled to full benefits under the NHS Scheme, i.e. who satisfies the conditions under Section 3.1 and whose contract is due to end after the 11th week before the EWC, will have her contract extended to enable her to receive 52 weeks Maternity Leave which includes paid occupational and statutory maternity pay and the remaining 13 weeks of unpaid leave.

Under these circumstances, there will be no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred.

Employees who do not satisfy the conditions under Section 3.1 and whose contract ends after the 15th week prior to the EWC but before the 11th week prior to the EWC, will not be entitled to Maternity Leave but SMP may be payable. In this case, the contract will not be extended but the Organisation will be responsible for paying any SMP due. Under these circumstances, the employee must inform the Organisation if she starts work for another employer following the birth of the baby and must still provide evidence of pregnancy via the MAT B1 form.

2.9.6 Contractual Rights

An employee retains all her contractual rights, except remuneration, during the Maternity Leave period.

2.9.7 Annual Leave

Annual leave will continue to accrue during Maternity Leave, whether paid or unpaid.

Where the amount of accrued leave would exceed the normal carry over provisions, the manager and employee should agree arrangements for the leave to be taken either prior to or immediately following the Maternity Leave period.

In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.

All Maternity Leave, including unpaid Maternity Leave, will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.

Bank Holiday leave is not accrued whilst on paid or unpaid Maternity Leave.

2.9.8 Pension

Contributions will be deducted from salary as normal during paid Maternity Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be recovered and deducted from salary over an agreed period of time. It is the employee's responsibility to arrange this (where necessary).

<http://www.nhsbsa.nhs.uk/pensions>

3 Procedure

3.1 How to Claim Maternity Leave and Pay

Form M1 (included in the Maternity Leave Document Pack and available on the CCG website) should be completed no later than the end of the 15th week before the EWC and signed by the employee and their Line Manager or equivalent. The original form should be sent to the HR Team, who will then forward a copy to Payroll.

Maternity Leave can start on any day of the week. Any Annual Leave to be taken before the commencement of Maternity Leave should be taken into account.

On receipt of form MAT B1 from a registered medical practitioner or a practising midwife, the original should be sent to Payroll, with a copy forwarded to HR, at least 28 days before the commencement of leave. Payroll can then determine whether the employee qualifies for SMP. If the employee does not qualify for SMP, they will be sent form SMP1 together with the Maternity Certificate MAT B1. These forms will be needed to claim Maternity Allowance from Jobcentre Plus.

The employee will receive written confirmation from the HR Team within 28 days of receipt of Form M1 detailing:

- their maternity entitlements, both paid and unpaid

- her expected return date based on 52 weeks paid and unpaid leave unless an earlier return date has been given
- details of any accrued annual leave that is to be taken at the end of the Maternity Leave period
- the need for her to give at least 28 days' notice in writing if she wishes to return to work before the expected return date.

If the employee subsequently decides that she wishes to change the start date of her Maternity Leave she must notify her Line Manager at least 28 days beforehand or where this is not possible as soon as is reasonably practicable.

3.2 Return to Work

If the employee wishes to take her full entitlement to Maternity Leave she need not give any further notification of her return to work. An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.

If the employee wishes to return to work before the end of her full entitlement to leave, she must give at least 28 days' notice of her date of return. The employee and manager must complete a HR6 payroll form as Notification of Return from Maternity.

An employee has the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their Line Manager in accordance with the Flexible Working Policy and will be given fair and objective consideration.

3.3 Sickness Following the end of Maternity Leave

Where an employee is unable to return to work following the date she was due to return as a result of illness, normal sick leave provisions will apply.

3.4 Failure to return to Work

An employee who has notified the Organisation of her intention to return to work for a minimum of three months for the same or another NHS employer, and fails to do so within 15 months of the beginning of her Maternity Leave will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay received.

In cases where the Organisation considers that to enforce this provision would cause undue hardship or distress, the organisation has the discretion to waive the right of recovery.

4 Health and Safety

Where an employee is pregnant, has recently given birth or is breastfeeding, then a risk assessment of her working conditions will be carried out.

A Pregnancy Assessment Checklist is available in the Health and Safety Control Book.

If it is found, or if a medical practitioner considers, that an employee or her child would be at risk were she to continue with her normal duties, she will be provided with suitable alternative work for which she will receive her normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee will be suspended on full pay.

These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from successfully breastfeeding.

5 Compulsory Period Of Maternity Leave

The legal minimum period of Maternity Leave which an employee is required to take is 2 weeks. This will commence on the day that the baby is born.

6 Childcare Voucher Scheme

Information on the childcare voucher scheme and provisions available locally, will be contained within the Maternity Information pack which will be sent to you on receipt of your Application. If you would like to access this information prior to this, it can be obtained from the HR Team.

7 Keeping In Touch (KIT)

Before going on Maternity Leave employees should discuss and agree with their Line Manager any voluntary arrangements for keeping in touch during their leave. It should be noted that staff absent on Maternity Leave should receive details of vacancies and other pertinent business information; this is normally done via the post to the employee's home address, or by another form of agreed method.

Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the Maternity Pay Period without loss of SMP for the week. They are intended to facilitate a smooth return to work for women returning from Maternity Leave and can include training, team meetings or other activities which enable the employee to keep in touch with the workplace.

An employee may work a maximum of 10 KIT days without bringing her Maternity Leave to an end. Any days of work will not extend the maternity period.

An employee may not work during the two weeks of compulsory Maternity Leave immediately after the birth of her baby.

Working for part of any day will count as a whole KIT day.

The employee will be paid at their basic daily rate for the hours worked less appropriate Maternity Leave payment for KIT days worked. The KIT day record form should be sent to Payroll with a copy sent to HR.

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

Employees who are breastfeeding will be risk assessed in accordance with Section 4 and facilities will be provided, where possible, in accordance with Section 8.

In certain circumstances, the Organisation may consider the reimbursement of reasonable childcare costs in order to enable the employee to take up the opportunity to work KIT days.

Please see the Maternity Leave Document Pack for KIT Record form and information.

8 Provision for 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.

An employee who is breastfeeding will be given suitable access to a private room to express and store milk in an appropriate refrigerator. Requests for flexible working arrangements to support breastfeeding mothers at work will be considered; please refer to the Flexible Working Policy.

APPENDIX 2 - MATERNITY SUPPORT (PATERNITY) LEAVE INCLUDING SHARED PARENTAL LEAVE

1 Policy Statement

Maternity Support (Paternity) Leave is provided to allow employees time away from work following the birth, adoption of a child. This policy details the arrangements within the Organisation in relation to Maternity Support (Paternity) Leave and pay.

This policy will apply to biological and adoptive fathers, nominated carers, and same sex partners.

2 Principles

Employees may be entitled to Ordinary Maternity Support (Paternity) leave which can be taken around the time of the birth or placement of the child/children for adoption. Advice and guidance will be provided to all Line Managers on request regarding the implementation and application of this policies.

2.1 Ordinary Maternity Support (Paternity) Leave

To qualify for up to two weeks ordinary Maternity Support (Paternity) Leave, with Occupational Paternity Pay, an employee must:

- have, or expect to have, responsibility for the child's upbringing;
- be the biological father of the child, or be the mother's spouse, partner or civil partner but not the father of the child, or be the adopter's spouse or partner;
- have worked continuously for 12 months for one or more NHS employers by the beginning of the week in which the baby is due or the adopted child is due to be placed.

Where an employee satisfies all of the conditions in 22.3 above, payment will be made at full salary, including regular payments and bonus, less any Statutory Maternity Support (Paternity) Pay (SMSP), for up to two weeks.

An employee who satisfies the conditions in 22.3 above, except 22.3.3, will be entitled to SMSP and leave provided that they:

- have 26 weeks continuous service with one or more NHS employers, ending with the 15th week before the baby is due or the week in which notification of the adoptive match occurs;
- will continue to be employed up to the date of birth or placement of a child;
- have average weekly earnings at or above the Lower Earnings Limit.

SMSP is the same as the standard rate for Statutory Maternity Pay or 90% of average weekly earnings if this is less than SMSP.

If the baby is born earlier than the fourteenth week before it is due and, but for the birth occurring early, the employee would have been employed continuously for 26 weeks, then the employee will be deemed to have the necessary length of service.

Employees can choose to take either one week's, or two separate or continuous weeks, leave (i.e. not odd days). Only two weeks leave is available irrespective of whether more than one child is born as a result of the same pregnancy or more than one child placed together for adoption.

Leave can start from:

- the date of the child's birth or placement (whether this is earlier or later than expected), or
- a chosen number of days or weeks after the date of the child's birth or placement (whether this is earlier or later than expected), or
- a chosen date.

Leave can start on any day of the week on or following the child's date of birth or placement but must be completed:

- within 56 days of the actual date of birth or placement of the child, or
- if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Employees will be entitled to reasonable paid time off to attend ante-natal classes or official meetings in the adoption process.

Annual leave will accrue during ordinary Maternity Support (Paternity) Leave.

Paid Special/Other leave may be granted where there are difficulties at the time of birth; please refer to the Special Leave Policy and the Flexible Working Policy.

2.2 Shared Parental Leave (SPL)

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take SPL and also may have an entitlement to Statutory Shared Parental Pay.

You may be entitled to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if:

- Your baby is due on or after 5 April 2015
- You adopt a child on or after 5 April 2015

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

You can start SPL if you're eligible and you or your partner end maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will be available as SPL. The remaining weeks of pay will be available as ShPP.

You can share the leave with your partner if they are also eligible for SPL, and choose how much of the leave each of you will take.

Example A mother and her partner are both eligible for SPL. The mother ends her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. She takes 30 weeks and her partner takes the other 10 weeks.

Employees who take SPL are protected from less favorable treatment

2.3 Entitlement to Shared Parental Leave

Sometimes only one parent in a couple is eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave between them. 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/partner has decided to curtail their maternity/adoption leave.

A mother/partner, subject to certain criteria, will be entitled to statutory pay/adoption pay/ maternity allowance for up to 39 weeks. If the mother/partner gives notice to reduce their entitlement before they will have received it for 39 weeks then the remaining weeks could become available as ShPP.

All notices for continuous periods of leave, from eligible employees will be accepted and all requests for discontinuous leave will be considered.

2.4 Shared Parental Leave Eligibility Criteria

To qualify for Shared Parental Leave (SPL), you must share care of the child with either:

- Your husband, wife, civil partner or partner (joint adopter)
- The child's other parent
- Your partner (if they live with you and the child)
- Have curtailed, or given notice, to reduce, their maternity/adoption leave, or their pay, allowance (if not eligible for maternity/adoption leave)
- Have properly notified NHS Scarborough and Ryedale CCG of their entitlement and have provided the necessary declarations and evidence.

You or your partner must be eligible for maternity pay or leave or Maternity Allowance or adoption pay or leave.

You must also meet the - Continuity of employment test:

- Have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child)
- Be employed by the same employer while you take SPL

In addition your partner's eligibility - Employment and earnings test

During the 66 weeks before the baby is due your partner must:

- Have been working for at least 26 weeks (which can be discontinuous) - they can be employed, self-employed or an agency worker
- Have earned at least £30 a week on average in 13 of the 66 weeks

2.5 Statutory Shared Parental Leave Pay (ShPP)

In order to qualify for statutory shared parental pay, you must:

- Meet the qualifying requirements for shared parental leave and have a partner who meets the employment and earnings test;
- Have earned not less than the lower earnings limit (currently £111 per week) in the relevant period. This is usually the 8 weeks leading up to the qualifying week (as with shared parental leave, the qualifying week is the end of the 15th week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with a child).

You will also qualify for ShPP if one of the following applies:

- You qualify for Statutory Maternity Pay

If you're eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- Take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- Take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

The mother must take a minimum of 2 weeks' maternity leave following the birth

ShPP is paid at the rate of £138.18 a week or 90% of your average weekly earnings, whichever is lower

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then shared parental pay can be claimed for any remaining weeks.

2.6 Starting Shared Parental Leave

You or your partner can only start (SPL) once the child has been born or adopted. The mother or adopter must have either:

- Ended any maternity or adoption leave by returning to work
- Given 'binding notice' (a decision that can't normally be changed) to their employer of the date when they plan to end any maternity or adoption leave

- Ended maternity pay or Maternity Allowance (if they're not entitled to maternity leave, e.g. they're an agency worker or self-employed)

The mother or adopter must give notice to their employer (at least 8 weeks) to end maternity or adoption pay, or to the Job Centre Plus to end Maternity Allowance.

You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.

A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

Where a mother or adopter takes 38 weeks or more of statutory maternity or adoption pay or maternity allowance, then no statutory shared parental pay can be created.

Example A: Mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

3 Procedure

3.1 Ordinary Maternity Support (Paternity) Leave

An employee must, wherever possible, give at least 28 days' notice of their intention to take ordinary Maternity Support (Paternity) Leave by completing form P1 (included in the Maternity Support Leave Document Pack and available on the CCG website) and submitting it to their manager.

Form P1 is evidence that the employee meets the eligibility conditions and includes the following information:

- the week the baby is due or the child is expected to be placed;
- whether one week or two consecutive weeks is requested;
- the date ordinary Maternity Support (Paternity) Leave is to start;
- the employee's confirmation of eligibility.

In the event of a still birth, if the birth takes place after the 24th week of pregnancy the employee will be entitled to the same amount of ordinary Maternity Support (Paternity) Leave and pay as if the baby had been born alive.

3.2 Shared Parental Leave (SPL)

This guide gives a general overview of SPL. For more detailed information on the SPL regulations see the BIS guidance www.gov.uk/sharedparentalleave

3.3 How to Claim Shared Parental Leave

You must complete the Notice of Entitlement and Intention to Take Shared Parental Leave form (SPARM1, for SPL resulting from Maternity. SPARA1 , for SPL resulting from Adoption included in the Maternity Support (Paternity) Leave Document Pack) giving your employer written notice of your entitlement to SPL and ShPP, including:

- Your partner's name
- Start and end dates for maternity or adoption leave and pay
- The total amount of SPL and ShPP available and how much you and your partner intend to take
- Confirmation that you're sharing childcare responsibility with your partner

You must also complete the signed declaration from your partner stating:

- Their name, address and National Insurance number
- That they satisfy the qualifying requirements for SPL and ShPP
- That they agree to you taking SPL and ShPP

After receiving this notice, your employer has 14 days if they want to ask for:

- A copy of the child's birth certificate
- The name and address of your partner's employer

You must provide this information within 14 days.

Once a request for leave is made the employee and employer will have a 14 day discussion period to talk about the request. An employee considering/taking SPL is encouraged to contact their line manager to arrange a discussion as early as possible.

You must give at least 8 weeks' notice of any leave you wish to take.

If the child is born more than 8 weeks early, this notice period can be shorter.

If parents don't choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, with notice, a mother may choose to reduce their maternity leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks' notice to their employer and take the SPL within a year of the birth/adoption). You must complete the notice to take a period of Shared Parental Leave form (Maternity Support (Paternity) Leave Document Pack).

SPL 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 by the partner, while the mother is still on maternity/adoption leave if the mother reduces their entitlement to maternity/adoption leave

3.4 Varying Leave

Qualifying parents can vary their allocation of leave between them at any stage. To vary this you must complete the Application of Variation or Cancellation of Shared Parental Leave form (in the Maternity Support (Paternity) Leave Document Pack) both parents must notify each employer in writing of the following:

- Details of their original division of leave
- Advising of the fact they are changing it
- Advising how they now intend to take the available SPL.

Both parents must sign the notice to confirm that they are in agreement with the variation.

3.5 Cancelling the Decision to End Maternity or Adoption Leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date hasn't passed
- They haven't already returned to work

One of the following must also apply:

- You find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- The mother or adopter's partner has died
- The mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

To cancel this you must complete the Application of Variation or Cancellation of Shared Parental Leave form (in the Maternity Support (Paternity) Leave Document Pack) both parents must notify each employer in writing of the points detailed at 54.1.

3.6 Shared Parental Leave in Touch (SPLIT) Days

You and your partner can both work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days and will be paid. (in the Maternity Support (Paternity) Leave Document Pack)

These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Shared Parental Leave in Touch days are optional - both you and your employer must agree to them.

3.7 Blocks of Leave

You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you aren't sharing the leave with your partner.

If your partner is eligible for SPL, you can take leave at different times - or both at the same time. Therefore, each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks.

You must give your employer at least 8 weeks' notice before you want to begin a block of leave.

Each eligible employee can give their employer up to 3 separate notices. Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave. If a parent asks for discontinuous blocks of leave in a notification the employer can refuse and require that the total weeks of leave in the notice to be taken in a single continuous block. However, where the employee's notification is for a continuous block of leave the employer is required to agree. It is therefore beneficial for the employee and employer to discuss and attempt to agree the way in which the different blocks of leave can be taken.

Notifying the CCG 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. Eligible employees have a statutory right to take SPL in this way and an employer cannot refuse it.

3.8 Splitting Blocks

If your employer agrees, you can split blocks into shorter periods of at least a week.

Example mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December to cover the busy Christmas period. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of 2 weeks on, 2 weeks off during the block.

If a request for a discontinuous leave block is not agreed then the total amount of leave in the request must be taken as one continuous block unless the employee withdraws the notice and submits a new request.

3.9 Employment Comes to an End

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 somebody else.

3.10 Keeping in Touch (KIT)

Arrangements for keeping in touch during the period of Shared Parental Leave will be agreed between the individual and their manager prior to the start of leave.

It should be noted that staff absent on Shared Parental Leave should receive details of vacancies and other pertinent business information; this is normally done via the post to the employee's home address, or by another form of agreed method.

Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the SPL Pay Period without the loss of SPP for the week. They are intended to facilitate a smooth return to work for parents returning from SPL and can

include training, team meetings or other activities which enable the employee to keep in touch with the workplace.

An employee may work a maximum of 10 KIT days without bringing their SPL to an end. Any days of work will not extend the SPL period.

Working for part of any day will count as a whole KIT day.

The employee will be paid at their basic daily rate for the hours worked less appropriate SPL payment for KIT days worked. The KIT days Record form should be sent to Payroll, with a copy sent to Workforce InformationHR.

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

In certain circumstances, NHS Scarborough and Ryedale CCG may consider the reimbursement of reasonable childcare costs in order to enable the employee to take up the opportunity to work KIT days.

KIT Record form and information available in the Maternity Support (Paternity) Leave Document Pack.

3.11 Annual Leave

SPL is granted in addition to annual leave which will continue to accrue throughout SPL.

3.12 Terms and Conditions

During the period of SPL, the employee's contract of employment remains in force and entitlement to receive all contractual benefits, except for salary.

Pension contributions will continue to be made during paid SPL. During a period of unpaid SPL, if an employee is part of the NHS Pension Scheme, then these deductions can be either made during the leave or upon return to work.

3.13 Returning to Work After Shared Parental Leave

On returning to work after SPL, the employee will have the right to return to the same job on no less favourable terms and conditions. If this is not reasonably practicable the employee will have the right to return to a job of the same pay band and to work of a similar responsibilities and status.

APPENDIX 3 – ADOPTION LEAVE

1 Policy Statement

The Adoption Leave policy is designed to implement the statutory rights to leave following the placement of a child for adoption. Adoption Leave and pay entitles eligible employees to take paid leave when a child is newly placed for adoption. It is available to individuals who adopt and to one member of a couple where a couple adopt jointly (the couple may choose which partner takes Adoption Leave).

Where the CCG employs both parents, one parent will be identified as the primary carer and will be entitled to leave under this policy. The other parent will be entitled to leave under the Maternity Support (Paternity) Leave policy.

2 Principles

Advice and guidance will be provided to all Line Managers on request regarding the implementation and application of this policy

3 Entitlement to Adoption Leave

All employees will be entitled to 52 weeks Adoption Leave.

Entitlement to Occupational Adoption Pay under the NHS Scheme

An employee working full or part-time is entitled to Adoption pay under the NHS scheme provided they:

- have completed at that time 12 months continuous service with one or more NHS employing authorities ending with the week in which they are notified of being matched with a child for adoption; and
- notify the CCG on Form A1 (in the Adoption Leave Document Pack) within seven days of being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable and intends to return to work for a minimum period of three months with the same or another NHS employer; and
- submit documentary evidence in the form of a 'matching certificate' from their adoption agency, as proof of entitlement to leave.

Where an employee has stated they will be returning to work, and fails to do so, please refer to Section 7.2

4 Entitlements under the Scheme

An employee who qualifies for full benefits and intends to return to work with the same or another employing organisation will be entitled to 52 weeks Adoption Leave, paid as follows:

- 8 weeks at full pay including any Statutory Adoption Pay (SAP) or equivalent benefits payable;
- 18 weeks at half pay reduced only where half pay plus any SAP, Adoption Allowance (AA) or equivalent benefits payable exceeds full pay;
- 13 weeks at SAP, if payable;
- 13 weeks unpaid leave.

An employee who qualifies for full benefits and does not intend to return to work for the same or another employing authority will be entitled to 52 weeks Adoption Leave, paid as follows:

- 6 weeks SMP, paid as 90% of full pay (average weekly earnings);
- 33 weeks paid at the lesser of standard rate SAP or 90% of average weekly earnings, if payable;
- 13 weeks unpaid leave.

An employee who does not qualify for full benefits but who has at least 26 weeks service leading into the week in which they are notified of having been matched with a child and meets the earnings rule, whether or not they intend to return to work, will be entitled to 52 weeks Adoption Leave which will be paid as follows:

- 39 weeks paid at the lesser of standard rate SAP or 90% of average weekly earnings;
- 13 weeks unpaid leave.

An employee who does not qualify for SAP whether or not they intend to return to work will be entitled to 52 weeks Adoption Leave. No payments will be made during the Adoption Leave period.

5 Timing of Leave

Leave can start from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement. Leave can start on any day of the week.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the date of a placement changes, the employee should give 28 days' notice to change the start date of their Adoption Leave, where this is reasonably practicable. In any event, as much notice as possible should be given and the employee's manager must be kept informed.

If there is an established relationship with the child, e.g. fostering prior to adoption or when a step-parent is adopting a partner's child/children, there may be scope for local arrangements to be agreed on the amount of leave and pay in addition to time off for official meetings.

6 Other Provisions

6.1 Calculation of Pay

Adoption Pay is calculated on average earnings paid for two months prior to the start of the week after that in which the adopter is notified of having been matched with a child for adoption.

6.2 Implementation of a Pay Award or Annual Increment

Absence on Adoption Leave, whether paid or unpaid, counts as service towards the normal annual increment.

Where a pay award and/or annual increment are implemented from a date prior to the paid Adoption Leave period, the Adoption Pay will be calculated as though the pay award had effect throughout the entire SAP calculation period. If a pay award is agreed retrospectively, the Adoption Pay will be recalculated on the same basis.

Where a pay award and/or annual increment is implemented from a date during the paid Adoption Leave period, the Adoption Pay due from the operative date of the pay award will be calculated as though the pay award had effect throughout the SAP calculation period. Again, if such a pay award were agreed retrospectively, the Adoption Pay should be recalculated on the same basis.

6.3 Pay Progression Framework

The expectation is that an employee on Adoption Leave will progress through a pay progression gateway on the due date if concerns have not been raised about the employee's capability prior to Adoption Leave. Please refer to the Objective Setting and Review Policy

6.4 Employees on a Fixed-Term Contract

An employee on a fixed-term contract which expires after the week in which the adopter is notified of a match with a child for adoption will, subject to satisfying the conditions in 27.3, have their contract extended to enable them to receive 52 weeks Adoption Leave which includes occupational and statutory adoption pay and 13 weeks unpaid leave. Under these circumstances, there will be no right of return to be exercised because the contract would have ended if the adoption had not occurred.

An employee not satisfying the conditions in 27.3 but who is entitled to SAP will, have their contract extended to allow them to receive SAP. The contract will not be extended to cover a period of unpaid leave.

6.5 Contractual Rights

All contractual rights, apart from remuneration, will continue to accrue during the whole Adoption Leave period.

6.6 Annual Leave and Bank Holidays

Annual leave will continue to accrue during both paid and unpaid Adoption Leave.

Where the amount of accrued leave would exceed the normal carry over provisions, the manager and employee should agree arrangements for the leave to be taken either prior to or immediately following the Adoption Leave period.

In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.

All Adoption Leave including unpaid Adoption Leave will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.

Bank Holidays are also accrued whilst on paid or unpaid Adoption Leave.

6.7 Pension

Contributions will be deducted from salary as normal during paid Adoption Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be recovered and deducted from salary, over an agreed period of time. It is the employee's responsibility to arrange this (where necessary.)

<http://www.nhsbsa.nhs.uk/pensions>

6.8 Maternity Support (Paternity) Leave

The partner of an individual who adopts, the other member of a couple who are adopting jointly, may be entitled to Maternity Support (Paternity) Leave and pay. Please refer to the Maternity Support (Paternity) Leave procedure.

6.9 Entitlement to Time off For Pre-Adoption Arrangements

An employee who is the Adopter or an employee who is the partner of the adopter may take reasonable time off with pay for adoption related meetings, as long as reasonable notice is given and proof of all appointments is provided. This must be agreed by the employee's line manager, prior to the date of the appointment.

7 Procedure

Employees must inform their manager of their intention to take Adoption Leave within seven days of them being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. Form A1 (in the Adoption Leave Document Pack) should be completed for this purpose and the original sent to HR Team, who will send a copy to Payroll.

Adoption Leave can start on any day of the week. Any Annual Leave to be taken before the commencement of Adoption Leave should be taken into account

Employees need to inform their manager of the date that the child is likely to be placed with them and the date they would like their Adoption Leave to start. The start date of leave may be changed provided that 28 days' notice is given, unless this is not reasonably practicable.

Employees also need to provide a matching certificate from their adoption agency as evidence of their entitlement to Statutory Adoption Pay and leave that includes basic matching and expected placement details. The original should be sent to the HR Team, who will send a copy on to Payroll.

The employee will receive written confirmation within 28 days of receipt of Form A1 of:

- their adoption leave entitlements, both paid and unpaid
- their expected return date based on 52 weeks paid and unpaid leave unless an earlier return date has been given
- details of any accrued annual leave that is to be taken at the end of the Adoption Leave period
- the need to give at least 28 days' notice in writing if they wish to return to work before the expected return date.

7.1 Return to Work

If an employee wishes to take full entitlement to leave, then no further notification of return to work need be given.

An employee wishing to return to work before the end of their full entitlement to leave must give at least 28 days' notice of their date of return. The employee and manager must complete a HR7 payroll form as Notification of Return from Maternity.

7.2 Failure to Return to Work

An employee who has notified the Organisation of their intention to return to work for a minimum of three months for the same or another NHS employer, and fails to do so within 15 months of the beginning of their Adoption Leave will be liable to refund the whole of their adoption pay, less any Statutory Adoption Pay received.

In cases where the Organisation considers that to enforce this provision would cause undue hardship or distress, the organisation has the discretion to waive the right of recovery,

8 Childcare Voucher Scheme

Information on the childcare voucher scheme and provisions available locally, will be contained within the Maternity Information pack which will be sent to you on receipt of your Application. If you would like to access this information prior to this, it can be obtained from the HR Team.

9 Keeping in Touch (KIT)

Before going on Adoption Leave employees should discuss and agree with their Line Manager any voluntary arrangements for keeping in touch during their leave. It should be noted that staff absent on Adoption Leave should receive details of vacancies and other pertinent business information; this is normally done via the post to the employee's home address, or by another form of agreed method.

Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the Adoption Pay Period without the loss of SAP for the week. They are intended to facilitate a smooth return to work for an employee returning from Adoption Leave and can include training, team meetings or other activities which enable the employee to keep in touch with the workplace.

An employee may work a maximum of 10 KIT days without bringing his/her Adoption Leave to an end. Any days of work will not extend the adoption period.

Working for part of any day will count as a whole KIT day.

The employee will be paid at their basic daily rate for the hours worked less appropriate Adoption Leave payment for KIT days worked. The KIT day record form should be sent to Payroll, with a copy sent to HR.

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

In certain circumstances, the Organisation may consider the reimbursement of reasonable childcare costs in order to enable the employee to take up the opportunity to work KIT days.

APPENDIX 4 – PARENTAL LEAVE

1 Policy Statement

Parental Leave is provided to enable employees to take time off work to look after a child or make arrangements for a child's welfare. Parents or those who have formal parental responsibility can use it to spend more time with children and strike a better balance between their work and family commitments.

This Policy should also be seen as operating with the provisions on flexible working arrangements and employment breaks (see appropriate policies for more information). It should be noted that Parental Leave is unpaid.

2 Principles

Employees who have nominated caring responsibility for a child under the age of 18 are eligible for Parental Leave

Training and support will be provided to all Line Managers in the implementation and application of this policy

3 Entitlement to Leave

The right to parental leave entitles all employees who have completed 12 months continuous NHS service to take a period of unpaid leave to care for any child under 18.

The entitlement is 18 weeks unpaid leave per child, or adopted child, to be taken in periods of at least one week at a time. In the case of twins, each parent will be entitled to 18 weeks for each child.

A maximum of four weeks can be taken in any one year. Both parents are entitled to take parental leave.

4 Timescales for Taking Parental Leave

Up to 18 weeks leave up until the child's 18th birthday.

Parents can start taking parental leave as soon as a child is born or placed for adoption, or as soon as they have completed one year's continuous NHS service, whichever is later.

4.1 Requests for Parental Leave

All requests for parental leave must be made on form PAR 1 (in the Parental Leave Document Pack), be signed by a departmental manager and copied to HR and Payroll for monitoring and recording and payment purposes

5 Procedure

5.1 Applying For Parental Leave

When applying for parental leave the employee must, where possible, complete and hand in the form PAR 1 (in the Parental Leave Document Pack) and:

- specify the length of leave required;
- give at least 21 days' notice before the beginning of the period of leave.

5.2 Postponing Parental Leave

Parental Leave may be postponed in exceptional circumstances where the timing would cause significant operational problems.

If a request for leave is postponed:

- it will only be deferred once and alternative dates will be offered;
- postponement will be for no longer than three months;
- deferred leave offered will be for the same length of time as that requested, and the start and end dates of deferred leave will be mutually agreed;
- an employee will be given reasonable written notice of a deferral together with the reasons. The minimum notice will be:
 - two weeks before the start of the requested leave where the leave is for two weeks or less;
 - where the leave is more than two weeks, the same length as the parental leave requested;

An employee who considers that his/her request for leave has been unreasonably postponed, may appeal through the CCG's Grievance Procedure.

5.3 Arrangements during Parental Leave

Whilst taking parental leave, employees are on unpaid leave.

During the period of parental leave, the employee will retain all contractual rights except remuneration, including entitlement to annual leave, eligibility for an annual incremental payment, and pension rights. Pension contributions will continue to be payable during periods of parental leave. Arrears of contributions will be deducted by the Salaries department over an agreed period of time. Bank Holidays will also accrue whilst on Parental Leave.

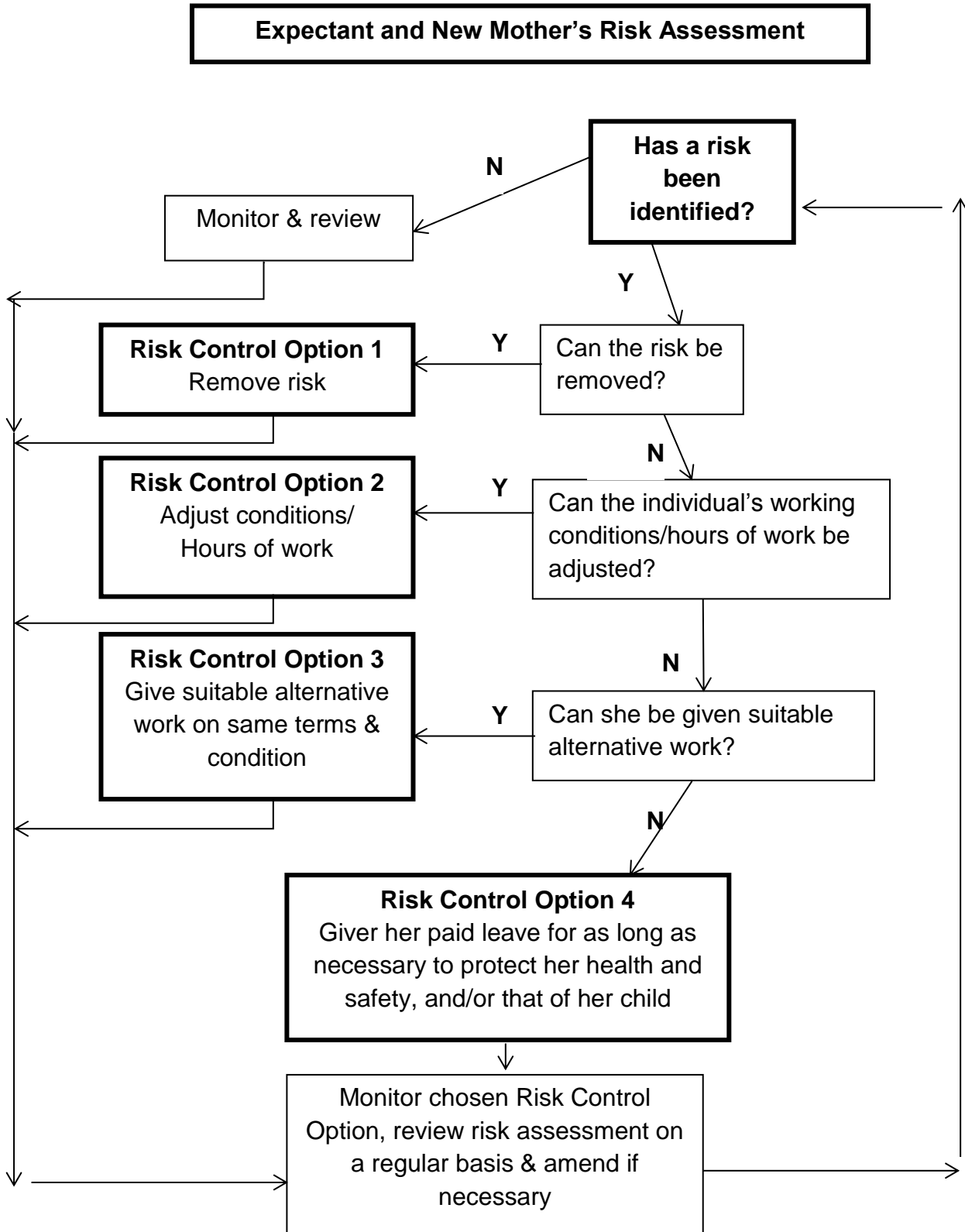
5.4 Returning from Parental Leave

On resuming work after a period of parental leave, employees will return to their job on remuneration and other terms and conditions no less favourable than if they had not taken parental leave.

Where the employee's job has been changed in his/her absence, the employee must be notified in writing of this change prior to their return and allocated a similar job with no less favourable remuneration and terms and conditions.

APPENDIX 5 – EXPECTANT AND NEW MOTHERS RISK ASSESSMENT FLOW CHART.

To be completed alongside the risk assessment form. This is available on the CCG website and in the Health and Safety Control Book.



APPENDIX 6 – SUPPORTING DOCUMENTATION

The following documents are available separately on the CCG website:

- Maternity Leave Document Pack
 - Maternity Leave Options/Entitlements
 - M1 - Application for Maternity Leave
 - Initial Letter (Maternity Leave)
 - Letter to employee (Maternity Leave)
 - KIT Record
 - Maternity Risk Assessment
- Maternity Support (Paternity) Leave Document Pack
 - Ordinary Maternity Support (Paternity) Leave Options/Entitlements
 - P1 - Notice of Intention to take Ordinary Maternity Support (Paternity) Leave
 - Initial Letter (Maternity Support (Paternity) Leave)
 - Letter to Employee (Ordinary Maternity Support (Paternity) Leave)
 - KIT Record
 - SPARM 1 – Application for Shared Parental Leave (Maternity)
 - SPARA 1 – Application for Shared Parental Leave (Adoption)
 - Application for Variation or Cancellation of SPL
 - Shared Parental Leave in Touch (SPLIT) Days Record
- Adoption Leave Document Pack
 - Adoption Leave Options/Entitlements
 - A1 - Application for Adoption Leave
 - Initial Letter (Adoption Leave)
 - Letter to employee (Adoption Leave)
 - KIT Record
- Parental Leave Document Pack
 - PAR1 - Application for Parental Leave
 - Letter to employee

Equality Impact Assessment Policies

General Information	
Policy:	Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy
Date of Analysis:	Reviewed January 2018
Policy Lead: (Name, job title and department)	eMBED HR Team
What are the aims and intended effects of this policy?	The purpose of this policy and procedure is to give guidance on the maternity, maternity support (paternity), adoption, and parental leave and pay entitlements within the organisation
Are there any significant changes to previous policy likely to have an impact on staff, patients or other stakeholder groups?	
Please list any other policies that are related to or referred to as part of this analysis	<ul style="list-style-type: none"> • Absence Management Policy • Special / Other Leave Policy • Flexible Working Policy • Grievance Policy • Disciplinary Procedure • Pay Progression Policy
Who is likely to be affected by this policy?	General Public
	Service Users
	Staff
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	Consultation has taken place with local Trade Unions representatives
Promoting Inclusivity and NHS Scarborough and Ryedale CCG's Equality Objectives. How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation? How does the policy promote our equality objectives	The policy provides a framework for the provision of maternity, adoption, paternity and parental leave and pay entitlements within the organisation. The application of the policy should contribute towards eliminating discrimination

Employee Equality Data

General	Total number of employees in the CCG is 87
Age	11.5% of staff are under 30 54.02% of staff aged 30 - 55 34.48 of staff are over 55
Gender	81.61% of staff employed are female 18.39% of staff employed are male
Race / Nationality	87.36% of staff employed in the CCG declared themselves White 10.34% of staff are not stated/undefined 2.30% of staff declared themselves Mixed
Disability	75.86% of staff employed declared themselves as having no disability 22.99% of staff did not declare /undefined 1.15% of staff declared a disability
Sexual Orientation	63.22% of staff described themselves as heterosexual 1.15% of staff described themselves as gay 35.63% did not wish to respond /undefined
Gender Reassignment	No information available
Religion / Belief	Christianity is the largest religious group declared by staff in the CCG 42.53% 35.63% were undefined or did not wish to declare 21.84% of staff declared other faith or religious beliefs
Pregnancy and Maternity	No information yet as the CCG has not been established long enough to build meaningful data
Marriage and civil partnership	58.61% of employees are married. 24.14% of employees are single 6.90% of employees are divorced 9.20% of employees were undefined or did not wish to declare 1.15% of employees are in a civil partnership

Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?

(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
Gender		X		Paternity/Maternity Support leave can be taken by either male or female staff. This policy also has a potential positive impact on the males who wish adopt
Age		X		Younger people are more likely to use the policy. If an older employee is eligible to adopt a child then they will qualify for the leave. There is no age limit to Maternity/Paternity/Adoption Leave
Race / ethnicity / nationality	X			
Disability	X			
Religion or Belief	X			
Sexual Orientation		X		The policy is explicit in applying to same sex couples.
Pregnancy and Maternity		X		This Policy provides a framework to ensure that those who meet the qualification criteria will receive their legal rights and entitlements – positive impact pregnant women
Transgender / Gender reassignment	X			
Marriage or civil partnership		X		Marriage & Civil Partnership The policy has the potential to benefit partners and couples with the shared responsibility of taking adoption or Maternity Support (Paternity) Leave.

What measures have been put in place to mitigate any potential impact?

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

Sign-off

All EIAs must be signed off by a member of SMT

I agree with this assessment / action plan

Signed off by Associate Director of Corporate Services

Signed: Sally Brown

Date: January 2018

SUSTAINABILITY IMPACT ASSESSMENT

Instructions

Sustainability is one of the CCG's key priorities and consequently the CCG has made a corporate commitment to address the environmental effects of its activities across all service areas. The purpose of the Sustainability Impact Assessment is to record any positive or negative impacts that a Policy / Board Report / Committee Report / Service Plan / Project is likely to have on each of the CCG's sustainability themes. The Sustainability Impact Assessment enables any relevant impacts to be identified and potentially managed.

The Sustainability Impact Assessment is based on assessing the impact of the activity against a series of criteria covering environmental sustainability issues. It would be most desirable for activities to score positively in as many areas as possible, although it is likely that some areas will score positively against some themes, and negatively against others.

Using the Sustainability Impact Assessment template

To complete the Sustainability Impact Assessment template, you should consider whether the Policy / Board Report / Committee Report / Service Plan / Project will have a positive or negative impact on each of the themes by placing a mark in the appropriate column. When you think there is likely to be an impact, please provide some annotations regarding the nature of the impact, and any actions that will be taken to address that impact. Users should note that not every theme will be relevant. Where this is the case the 'No Specific Impact' column should be marked. Users should also consider the following tips:

1. Make relative not absolute judgements (e.g. a new energy efficient service would score positively even if it consumes more energy than if no service were provided).
2. Be aware that small positive changes could be outweighed by negative ones (e.g. new energy efficient lighting in the short term may outweigh the benefits of maintaining current lighting).
3. If there are both positive and negative impacts, these need to be recorded in order to give a balanced view. Be objective and unbiased.
4. Concentrate on the most key significant issues - there is the potential to consider the appraisal in a very detailed way. This should be avoided at this stage.
5. Judge a proposal over its whole lifespan and remember that some impacts may change over different timescales.

If you require assistance in completing the Sustainability Impact Assessment please contact the Corporate Services Team

Domain	Review questions	Assessment of Impact Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = n/a	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Models of Care	<p>Will it minimise 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?</p> <p>Will it create incentives to promote prevention, healthy behaviours, mental wellbeing, living independently and self-management?</p> <p>Will it provide evidence-based, personalised care that achieves the best possible health and well-being outcomes with the resources available?</p> <p>Will it reduce avoidable hospital admissions or permanent admissions to residential care or nursing homes?</p> <p>Will it pay for services based on health outcomes rather than activity for example through personal budgets?</p> <p>Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/clinical-and-care-models.aspx</p>	n/a		
Travel	<p>Will it reduce 'care miles' (telecare, care closer) to home?</p> <p>Will it reduce repeat appointments?</p> <p>Will it provide / improve / promote alternatives to car based transport (e.g. public transport, walking and cycling)?</p> <p>Will it support more efficient use of cars (car sharing, low emission vehicles, community transport, environmentally friendly fuels and technologies)?</p> <p>Will it improve access to services and facilities for vulnerable or disadvantaged groups or individuals?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/carbon-hotspots/travel.aspx</p>	n/a		
Facilities Management	<p>Will it reduce the amount of waste produced or increase the amount of waste recycled?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/carbon-hotspots/waste.aspx</p> <p>Will it reduce water consumption?</p> <p>Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?</p> <p>Will it improve green space and access to green space?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/carbon-hotspots/energy.aspx</p>	n/a		

Adaptation to Climate Change	<p>Will it support mitigation of the likely effects of climate change (e.g. identifying proactive and community support for vulnerable groups; contingency planning for flood, heatwave and other weather extremes)?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/community-resilience/community-resilience-copy.aspx</p>	n/a		
Procurement	<p>Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery in line with the Public Services (Social Value) Act 2012?</p> <p>Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?</p> <p>Will it reduce waste, environmental hazards and toxic materials for example by reducing PVC, antibiotic use, air pollution, noise, mining and deforestation?</p> <p>Will it reduce use of natural resources such as raw materials, embedded water, and energy to promote a circular economy?</p> <p>Will it support the local economy through local suppliers, SMEs or engage with third sector or community groups?</p> <p>Will it promote ethical purchasing of goods or services e.g. increasing transparency of modern slavery in the supply chain globally?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/commissioning-and-procurement/procurement.aspx</p>	n/a		
Workforce	<p>Will it provide employment opportunities for local people?</p> <p>Will it promote or support equal employment opportunities?</p> <p>Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?</p> <p>Will it offer employment opportunities to disadvantaged groups and pay above living wage?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/social-value.aspx</p>	n/a		
Community Engagement	<p>Will it promote health, increase community resilience, social cohesion, reduce social isolation and support sustainable development?</p> <p>Will it reduce inequalities in health and access to services?</p> <p>Will it increase participation including patients, the public, health professionals and elected officials to contribute to decision making?</p> <p>Have you sought the views of our communities in relation to the impact on sustainable development for this activity?</p> <p>Will it increase peer-support mechanisms?</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/community-resilience.aspx</p>	n/a		
Estimated carbon benefit	<p>What is the estimated carbon benefit (in terms of tCO₂e) from the implementation of this project? As opposed to the current business as usual position. Speak with your sustainability manager and see the following guidance:</p> <p>More info: http://www.sduhealth.org.uk/areas-of-focus/carbon-hotspots/pharmaceuticals/cspm/sustainable-care-pathways-guidance.aspx</p>	n/a		

