

**Reference Number:** FOI202223/120  
**From:** Private Individual  
**Date:** 14 June 2022  
**Subject:** Terminology of individuals giving birth, introduction of such terminology, number of births to individuals who do not identify as women and number of births to individuals who identify as men or as trans-men

Q1 In the Trust's written material, either external or internal, how are individuals who are pregnant referred to? e.g. As 'women', as 'pregnant people', as 'women and pregnant people' etc. Please provide this material or link(s) to it.

A1 The Trust uses a mixture of phrasing include *pregnant women, pregnant staff, workers or employees.*

Please see attached documents as an example:

- [Maternity, Paternity, Adoption and Shared Parental Leave Policy - E22\\_Redacted](#)
- [Maternity, Paternity, Adoption and Shared Parental Leave Toolkit\\_Redacted](#)

Staff names exempted under Section 40: Personal Information. Although the information relates to their public role and accountability for managing budgets, disclosure of names of all individuals may potentially have adverse consequences to the employees. Any names of staff that are available in the public domain are accessible via our website

- <https://alderhey.nhs.uk/>

Q2 If using any wording other than solely 'women', 'women and girls' or 'females', when and why was such terminology introduced?

A2 The above terminology as referenced in A1, is as per policy date. This was deemed to be the appropriate phrasing at the time of writing.

Q3 Since April 2020 (i.e. the start of the 2020-2021 financial year), how many births in total have taken place at the Trust (including home births if relevant)? Please stipulate by financial year, i.e. 2020-21, 2021-22, financial year 2022-23 to date this FOI request was received.

A3 Information not held - Alder Hey Children's NHS Foundation Trust is a specialist children's hospital and does not have a maternity ward or provide any maternity related services.

Q4 Since April 2020 (i.e. the start of the 2020-2021 financial year), how many births at the Trust (including home births if relevant) have been to individuals who do not identify as women? Please stipulate by financial year, i.e. 2020-21, 2021-22, and financial year 2022-23 to date this FOI request was received.

A4 Information not held - Alder Hey Children's NHS Foundation Trust is a specialist children's hospital and does not have a maternity ward or provide any maternity related services.

Q5 Since April 2020 (i.e. the start of the 2020-2021 financial year), how many births at the Trust (including home births if relevant) have been to individuals who identify as men or as trans-men? Please stipulate by financial year, i.e. 2020-21, 2021-22, financial year 2022-23 to date this FOI request was received.

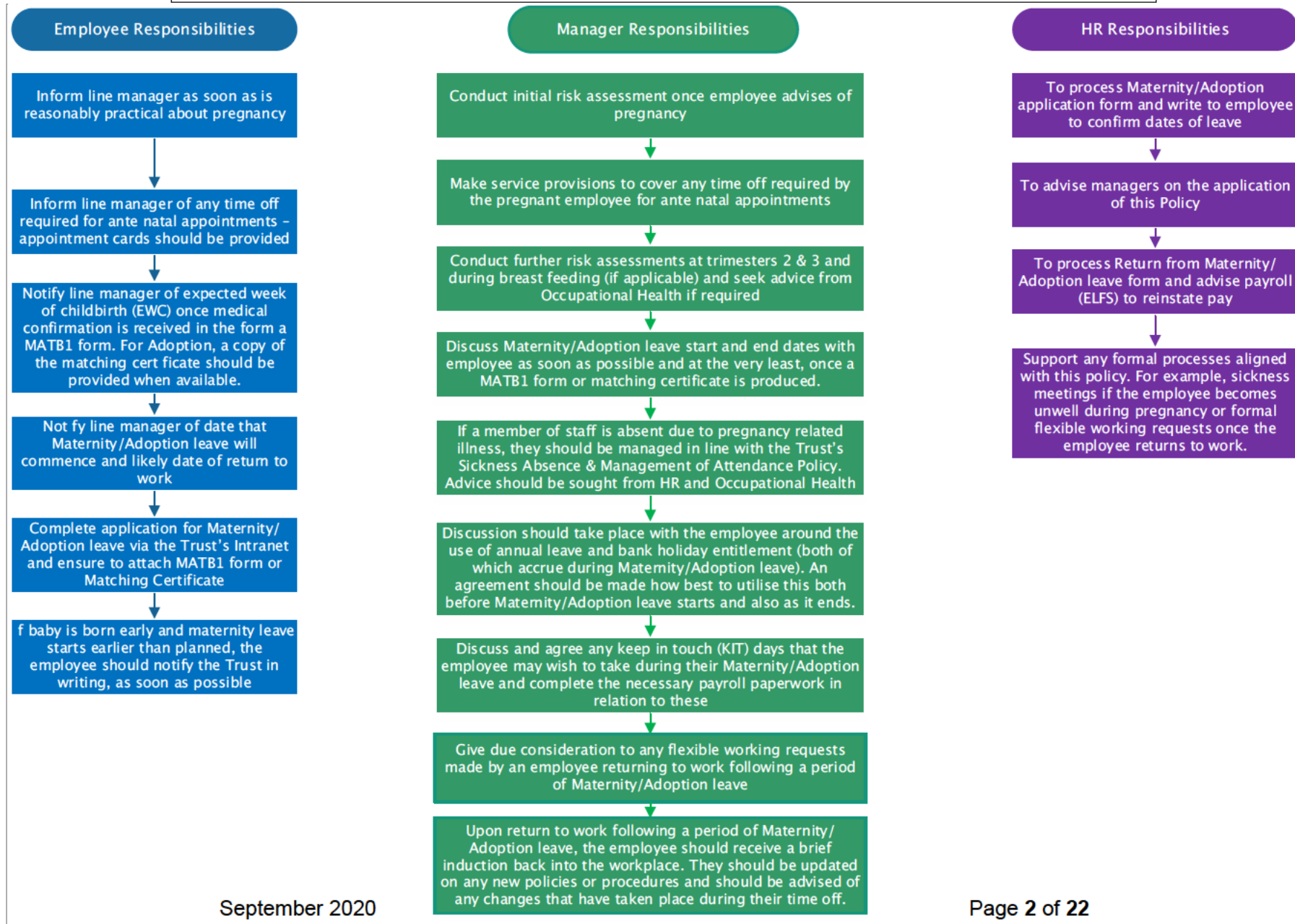
A5 Information not held - Alder Hey Children's NHS Foundation Trust is a specialist children's hospital and does not have a maternity ward or provide any maternity related services.

## **E22 - MATERNITY, PATERNITY, ADOPTION & SHARED PARENTAL LEAVE POLICY**

Version:	5
Name of ratifying committee:	People and Wellbeing Committee
Date ratified:	14/09/2020
Name of originator/author:	<span style="background-color: black; color: black;">[REDACTED]</span> HR Advisor Head of Human Resources
Name of approval committee:	Employment Policy Consultation Group
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**Quick Reference Guide – Maternity, Paternity & Adoption Leave Responsibilities**



**Version Control, Review and Amendment Logs**

<b>Version Control Table</b>				
<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
5	September 2020		Current	
4.1	April 2020		Archived	Extension due to COVID-19 pressures
4	July 2017		Archived	Re-write of out of date Policy
3	July 2015		Archived	Shared parental leave added
2	February 2013		Archived	Ratified in old template, updated to include paternity and adoption leave
1	April 2010		Archived	

<b>Record of changes made to Maternity Policy – Version 5</b>			
<b>Section Number</b>	<b>Page Number</b>	<b>Change/s made</b>	<b>Reason for change</b>
Various	Various	Review and update of policy and appropriate legislative changes added for 2020. Information moved from Toolkit to policy i.e. premature birth	Out of date  Clarity
6, 7, 12	6, 9, 11	Further clarification around accrual of annual leave and bank holiday entitlement and clarification of leave for adoption leave purposes.	Clarity
13	11	Pensions – clear advice on deductions i.e. tax and NI, instructions on how to cease contributions, clarity on deductions when on maternity pay and contact details for pensions advice.	Clarity
18	15	Further section on shared parental leave	Updated information

## Contents

Section	Page
1. <a href="#"><u>Introduction</u></a>	5
2. <a href="#"><u>Definitions</u></a>	5
3. <a href="#"><u>Duties</u></a>	5
4. <a href="#"><u>Antenatal Care &amp; Appointments</u></a>	5
5. <a href="#"><u>Health &amp; Safety</u></a>	5
6. <a href="#"><u>Maternity, Adoption Leave &amp; Pay</u></a>	6
7. <a href="#"><u>Maternity, Adoption Leave on a Fixed Term or Temporary Contract</u></a>	9
8. <a href="#"><u>Premature, Stillbirth &amp; Miscarriage</u></a>	9
9. <a href="#"><u>Surrogacy</u></a>	10
10. <a href="#"><u>Employees Undergoing Fertility Treatment</u></a>	10
11. <a href="#"><u>General Conditions for Maternity, Adoption Leave &amp; Pay</u></a>	10
12. <a href="#"><u>Annual Leave &amp; Bank Holidays</u></a>	11
13. <a href="#"><u>Pension &amp; Deductions</u></a>	11
14. <a href="#"><u>Working &amp; Keeping In Touch Days</u></a>	12
15. <a href="#"><u>Return to Work</u></a>	13
16. <a href="#"><u>Breast Feeding at Work</u></a>	14
17. <a href="#"><u>Paternity Leave</u></a>	15
18. <a href="#"><u>Shared Parental Leave</u></a>	15
19. <a href="#"><u>Parental Bereavement Leave</u></a>	21
20. <a href="#"><u>Staff Advice &amp; Liaison Services (SALs)</u></a>	21
21. <a href="#"><u>Fraudulent Claims</u></a>	22
22. <a href="#"><u>Grievance Policy</u></a>	22
23. <a href="#"><u>Further Information</u></a>	22

## 1 Introduction

Alder Hey Children's NHS Foundation Trust is committed to the principles of Maternity, Paternity & Adoption Leave and aims to provide employees with the opportunity to take the relevant leave and time off in accordance with this Policy. This policy applies to all staff employed by the Trust.

**This Policy should not be used in isolation and should be used in conjunction with the [Maternity, Paternity, Adoption and Shared Parental Leave Toolkit](#) which is available on the Trust's Intranet.**

## 2 Definitions

See [Maternity, Paternity, Adoption and Shared Parental Leave Toolkit](#) for definitions contained within this Policy.

## 3 Duties

See '[Quick Reference Guide](#)' on page 2 of this Policy for duties and responsibilities

## 4 Antenatal Care & Appointments

4.1 Antenatal Care - all pregnant women have a statutory right to paid time off for antenatal care, regardless of length of service or the number of hours worked. Antenatal care may include relaxation and parent craft classes recommended by the employee's doctor, midwife or health visitor.

4.2 After the employee's first antenatal appointment, the employee should show the employees manager their appointment card and discuss their need for time off, so that the employee's manager has time to make any necessary arrangements to cover the employees absence. In exceptional circumstances where service delivery may be adversely affected, the employee's manager may request the employee to change the time of their appointment. Where possible the employee should try to arrange appointments at the beginning or the end of the working day as so to minimise disruption to service delivery.

4.3 An expectant father or the partner of a pregnant woman will be entitled to take time off work to accompany the woman to antenatal appointments. The statutory entitlement is for unpaid leave to attend up to two appointments. There is no qualifying period of employment for this entitlement. Requests should be made in writing by the employee to their line manager.

## 5 Health & Safety

### 5.1 Risk Assessment

Employees should inform their Line Manager as soon as they think that they are pregnant and discuss with their Line Manager whether there are any work related precautions which they need to take whilst working as soon as possible, including the following suggested timeframe:-

- During their pregnancy
- For the 6 months following the birth
- Whilst breast feeding

The Line Manager will undertake a risk assessment as soon as possible (please see [Maternity, Paternity & Adoption Toolkit, Appendix A](#)) after they have been informed of the pregnancy and at each trimester. Once the assessment has taken place the manager will decide what appropriate measures to take. If there are any risks which cannot be mitigated the manager will seek advice from the Occupational Health Department. This will be communicated to the employee, who will also receive a copy of the risk assessment.

## **6 Maternity / Adoption Leave and Pay**

When the employee receives medical confirmation that the employee is pregnant, they should notify their manager of their expected week of childbirth (EWC) and the date on which they want to commence Maternity / Adoption leave - which must not be a date earlier than the 11th week before the EWC or more than 14 days before the child is placed with the family.

Employees returning to work during or at the end of the first 26 weeks (ordinary maternity / adoption leave) are entitled to return to the same job on the same terms and conditions. Employees taking more than 26 weeks (additional maternity / adoption leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably practicable, the employee is entitled to return to a suitable job on terms and conditions, which are no less favourable.

### **6.1 Leave Entitlements**

6.2 The employee is entitled to take up to a maximum of 52 weeks Maternity / Adoption Leave. This is made up of three parts;

- Ordinary Maternity and Adoption Leave (OML) - the first 26 weeks of Leave is referred to as Ordinary Maternity / Adoption Leave. Employees are entitled to take 26 weeks ordinary Maternity or Adoption leave irrespective of their length of service or the number of hours worked each week, provided they comply with certain notification requirements.
- Additional Maternity and Adoption Leave (AML) - employees who qualify for ordinary Maternity or Adoption leave will also qualify for Additional Maternity / Adoption Leave (AML). This is a further 26 week period that starts the day after the OML ends.

6.3 Compulsory Maternity Leave - legislation prohibits mothers from returning to work during the two week period immediately after the birth of their child.

6.4 Commencement of Maternity Leave - The employee may commence maternity leave at any time from 11th week before EWC up to the date of birth, provided that the notification procedures have been complied with. Maternity leave will automatically commence in the event of absence from work for any pregnancy related illness during the four weeks prior to the commencement of the EWC,



regardless of when maternity leave was actually planned to begin. Maternity leave will begin automatically on the day after the first day of the employee's absence from work in such cases.

- 6.4.1 If an employee gives birth before the employee's maternity leave period was due to commence, they must notify the Trust in writing, as soon as is reasonably practicable, of the date on which they gave birth. In this instance, the maternity leave period will commence automatically on the day after the date of birth.
- 6.4.1 Once the Trust has been notified of the date on which the Maternity or Adoption leave is due to commence, it is still possible to vary this date, provided notification of the variation is given to their manager at least 28 working days before the new date, (unless this is not reasonably practicable).

## 6.2 Notification Requirements

To qualify for maternity / adoption leave, an employee should notify the Trust by completing the Application Form for Maternity / Adoption Leave (which can be accessed via the Trust's Intranet) no later than the end of the 15th week before the expected week of childbirth (EWC) or more than 28 days before the child is placed with the family in cases of adoption. The notice must state;

- Whether they intend to take ordinary Maternity / Adoption leave and/or additional Maternity / Adoption leave.
- When they want the Maternity / Adoption leave to start; this date cannot be earlier than the 11th week before the EWC or more than 14 days before the child is placed with the family in cases of adoption. If the child is coming from abroad, adoption leave may begin on the date the child enters the UK or a date up to 28 days later.
- The week in which the child is due / or due to be placed (note that for these purposes a week begins on a Sunday).
- An original copy of the MAT B1 form signed by the GP or midwife should be attached with the application which confirms the EWC. For Adoption, proof of adoption should be attached in the form of a matching certificate (please note that Maternity and Adoption pay cannot be processed without the MAT B1 or proof of adoption).

Once the manager has been notified of the intended start date or that the ordinary Maternity / Adoption leave period has been triggered due to sickness absence or premature childbirth, written notification will be given to the employee by the Human Resources Team:

- Of the date on which the ordinary Maternity and Adoption leave period will begin
- Of the date the additional Maternity and Adoption leave period will end.
- Pay entitlements

## 6.3 Maternity and Adoption Pay

- 6.3.1 Rates of pay for Maternity / Adoption Leave will be dependent upon the employee's individual situation.
- 6.3.2 Statutory Pay - if an employee has at least 26 weeks' continuous service at the start of the 15th week before their child is born, they will normally be entitled to receive Statutory Maternity and Adoption Pay (SMP & SAP) whether or not they intend to return to work.
- 6.3.3 Statutory Maternity and Adoption pay is payable at two rates for a maximum of 39 weeks. For the first six weeks the higher rate of either Statutory Maternity pay or 90% of salary will be paid.
- 6.3.4 After this time employees will be paid at the rate of Statutory Maternity / Adoption Pay or 90% of their earnings, whichever is less. Statutory pay rates can be found on the Department for Work and Pensions website at: <https://www.gov.uk/maternity-pay-leave/pay>
- 6.3.5 Occupational Pay - Those staff that have 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth and intend to return to work for a minimum of 3 months after their leave, are also entitled to Occupational Maternity / Adoption Pay. This is paid at 8 weeks full pay inclusive of Maternity / Adoption Allowance or Statutory Maternity / Adoption Pay, 18 weeks half pay plus Maternity / Adoption Allowance or Statutory Maternity / Adoption Pay.
- 6.3.6 Full pay is calculated by taking the average over the eight week period prior to the qualifying week. For monthly paid staff this will include all the pay the employee received in the 2 months up to and including the last normal pay day before the end of the qualifying week. The qualifying week is 15 weeks before the expected week of childbirth.
- 6.3.7 Should the employee opt to receive Occupational Maternity / Adoption pay and then not return to undertake the 3 months of work required within this policy, they may be liable to repay the difference between Statutory Pay and the Occupational Pay received.
- 6.3.8 Maternity and Adoption pay will be paid into the employee's bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, National Insurance (NI) and pension contributions. Employees have the option for their maternity entitlement to be paid in a different way for example a combination of full pay and half pay or a fixed amount spread over the maternity leave period.
- 6.3.9 Employees can request a maternity / adoption leave forecast from ELFs (payroll), once the maternity / adoption leave application has been processed by the HR Team.
- 6.3.10 Maternity / Adoption Allowance - those who have less than 26 weeks continuous service at the start of the 15th week before their child is born/adopted will need to contact the Department for Work and Pensions to apply for payment of Maternity / Adoption Allowance. Further information can be found on the pensions website at [www.dwp.gov.uk](http://www.dwp.gov.uk)

6.3.11 If an employee is not eligible for Maternity or Adoption pay they may be entitled to claim Maternity Allowance direct from the Department for Work and Pensions by completing an SMP1 form, which, the payroll department (ELFS) can provide if the employee is not eligible for any maternity pay scheme.

6.3.12 If an employee is unsure as to what maternity / adoption leave they are entitled to, it is their responsibility to contact the Department for Work and Pensions.

## **7 Maternity / Adoption Leave Whilst on a Fixed Term or Temporary Contract**

7.1 If the employee's contract expires more than 15 weeks before the baby is due, the employee is not entitled to maternity / adoption leave or pay and their contract will terminate on the existing date of termination.

7.2 If the employee's contract expires less than 11 weeks before the baby is due, or during the employees maternity / adoption leave, the employee will be entitled to the same maternity / adoption pay as if the employee had a permanent contract. In this situation, and where the employee has the required service to entitle them to SMP and OMP, the employees fixed term contract will be extended to allow them to take 52 weeks of Maternity / Adoption leave.

Where, as a result of their length of service, the employee is only entitled to SMP, their contract will be extended until the date that SMP ceases. For employees on a fixed term contract who are in receipt of OMP and are not expected to return to the Trust, therefore they are not expected to pay back any OMP received.

7.3 If the employee's contract expires between the 11th and 15th week before the baby is due, then the employee will not be entitled to OMP, but may be entitled to SMP. Where the employee has 26 weeks service with the Trust at 15 weeks, SMP will be paid and the fixed term contract extended until the date that SMP ceases. Where the employee does not have 26 weeks service with the Trust at 15 weeks prior to when the baby is due then the employee will not be entitled to SMP or OMP and the contract will terminate on the existing date of termination.

Where the employee's contract expires during the employees maternity / adoption leave, the employee will not be entitled to return to work.

## **8 Premature, Stillbirth & Miscarriage**

### **8.1 Premature Birth**

When an employee's baby is born alive prematurely they are entitled to the same amount of maternity leave and pay as if her baby was born at full term. When an employee's baby is born before the 11<sup>th</sup> week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the employee's first day of absence.

When an employee's baby is born before the 11<sup>th</sup> week before the expected week of childbirth 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 birth.

## 8.2 Still Birth

When an employee's baby is still born after the 24<sup>th</sup> week of pregnancy the colleague will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

## 8.3 Miscarriage

When an employee has a miscarriage before the 25<sup>th</sup> week of pregnancy normal sick leave provisions will apply as necessary.

## 9 Surrogacy

9.1 If an employee becomes pregnant as part of a surrogacy agreement they will be managed under this Policy.

9.2 If a member of staff is the intended parent and primary carer of a child born through a surrogacy arrangement, eligibility to leave will be the same as Maternity / Adoption Leave. Pay will depend on the circumstances of each case however there are currently no provisions for Statutory Surrogacy Pay.

## 10 Employees Undergoing Fertility Treatment

10.1 The Trust's Sickness Absence and Management of Attendance Policy shall apply for staff who are absent on sick leave due to undergoing IVF or other fertility treatment. Staff should discuss the situation with their manager who may seek advice from the Human Resources Department

## 11 General Conditions for Maternity / Adoption Leave and Pay

11.1 There is no requirement for the employee to produce any documentation to demonstrate that the employee is fit to work past the employee's 29th week of pregnancy, although the employee should still discuss their fitness to work with their Doctor or Midwife, and only work for as long as he/she recommends. The employee's manager may ask the employee to see an Occupational Health Adviser to ensure that the work the employee does will not cause any harm to either the employee or the employee's baby.

If the employee is sick for a pregnancy related reason at any time during the four weeks before the expected week of childbirth, the employee's maternity leave will automatically begin on the day after the first day of the absence, even if that day is before the date the employee has notified as the date on which the employee intends the employee's maternity leave to begin. If the employee is sick earlier than this, or as a result of a reason other than the employee's pregnancy, the absence will be recorded in the normal manner

11.2 Special consideration will be given to managing the health and attendance of pregnant women. Pregnancy related absences will be disregarded for the purposes of setting targets under the Trust's Sickness Absence and

Management of Attendance Policy in relation to short-term sickness absence. Meetings within the Policy may continue to take place as a support to the member of staff and ensure their welfare continues to be considered.

## 12 Annual Leave and Bank Holidays

- 12.1 Annual leave will continue to accrue during maternity leave, whether paid or unpaid which will also include bank holiday entitlement.

When the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period.

The amount of annual leave to be taken in this way or carried over should be discussed and agreed between the employee and their manager. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

If the employee declares their intention not to return to work at all, any outstanding annual leave for the entire period of maternity leave will ideally need to be taken prior to the employees maternity leave start. Where possible, the same will apply for employees who are on a fixed term contract.

- 12.2 The employee cannot take annual leave directly after paid maternity / adoption leave, if it is the employee's intention to take unpaid maternity / adoption leave, as it would amount to the employees returning to work. If the employee does so, the unpaid maternity / adoption leave would be treated as normal unpaid leave, which the employee's manager is under no obligation to grant. However, the employee may make an application for a period of unpaid leave in line with the Trust's [Special Leave Policy](#) or for a period of statutory unpaid parental leave.

- 12.1 If an employee adopt or foster to adopt 2 or more children on the same placement, they are entitled to one period of adoption leave. If it is a separate placement the employee is entitled to a second period of adoption leave. The adoption leave restarts when the second placement begins.

## 13 Pension and Deductions

Your maternity pay is subject to the following deductions:

- Income Tax: Payments of Statutory Maternity Pay and Occupational Maternity Pay are subject to income tax in the same way as normal earnings.
- National Insurance: Payments of Statutory Maternity Pay and Occupational Maternity Pay are subject to National Insurance in the same way as normal earnings.

It is now optional as to whether you carry on paying into the NHS Pension Scheme whilst receiving your maternity pay. However should you no longer decide to contribute then you will need to complete an SD502 form which is located on the NHS Pensions website <https://www.nhsbsa.nhs.uk/member-hub>.

and send to ELFs at [elfs\\_helpdesk@elht.nhs.uk](mailto:elfs_helpdesk@elht.nhs.uk) in order to cease contributions. This would then be classed as a break in service with regards to your pension calculations.

If you pay into the NHS Pension Scheme then Statutory Maternity Pay and Occupational Maternity Pay will be subject to pension deductions as long as you have decided to return to work after your baby is born. The deductions are made even if you are on reduced or no pay and are based on the remuneration you receive during your maternity leave. There may therefore be an impact on your pension and therefore the employee should contact NHS Pensions for further advice.

The arrears of contributions which occur during any period of unpaid leave are recoverable immediately upon your return to work over an equivalent to the period of unpaid leave. If you are not returning to work, no deductions for pension will be made from any maternity payments allocated. For advice on pension issues or queries please contact NHS Pensions on 0300 330 1346.

Pay Awards, Incremental dates and Continuous Service - taking a period of maternity / adoption leave will not affect the employee's incremental date; this includes increments where the employee is at a gateway point, pay awards or the employees continuous NHS and Trust service.

Salary sacrifice deduction payments may be effected whilst an employee is on Maternity / Adoption Leave. Therefore employees may wish to seek further advice with the provider.

#### **14 Working and Keeping in Touch (KIT) Days during Maternity / Adoption Leave**

- 14.1 Before starting maternity / adoption leave, the employee's manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee may also agree to receive occasional work-related updates. The employee is under no obligation to keep in touch or to maintain any contact discussed before the maternity / adoption leave begins.
- 14.2 The employee may not work by law during the two weeks immediately following the birth of a child.
- 14.3 The law allows women to attend work for a maximum of 10 'Keeping in Touch' (KIT) days during their maternity / adoption leave to facilitate a smooth return to work. These days can be consecutive, can be shorter than a normal working day and can include training sessions etc. Working for a part of any day counts as one of the 10 KIT days. Any such KIT days and the arrangements for them must be agreed by both the employee and their manager and neither can insist on KIT days being used.
- 14.4 KIT days will be paid at the normal hourly rate as if the employee were at work if taken during the unpaid part of the employees maternity / adoption leave. If a KIT day is taken during paid maternity / adoption leave the employee will be paid at the normal hourly rate with an adjustment made to the SMP and OMP calculation for that week. Payment of KIT days will be given on the return from

maternity / adoption leave. The employee's manager should add the KIT days to the ETAD on the employees return stating the number of KIT days and the dates. Alternatively, the employee may take the KIT day back as a day in lieu and tag it onto the end of their Maternity / Adoption leave period.

- 14.5 Professional Registration must be maintained or renewed if this has expired whilst an employee is on maternity / adoption leave, if the employee wishes to work and be paid for KIT days.
- 14.6 Normally, KIT days would include for example:
- Training updates
  - Away or development days with the team
  - To communicate significant changes within a department, i.e. if a formal consultation is happening in line with organisational change.

## **15 Return to Work**

- 15.1 To qualify for the higher maternity benefits provided by the NHS maternity scheme, the employee must return to work for a period of at least three months after maternity leave, unless prevented from doing so by sickness or expiry of a fixed term contract.
- 15.2 The employee will be asked on their Maternity / Adoption Leave Application Form whether they intend to return to work for Occupational Maternity / Adoption Leave purposes.
- 15.3 If the employee wants to return to work before the end of the stated maternity / adoption leave period, the employee must ideally give their manager 28 working days' notice of the date they wish to return to work. This notification does not have to be in writing and may be given before the period of maternity / adoption leave begins. It would be beneficial for the employee to discuss their return to work date with their manager at the earliest opportunity, so that suitable arrangements are put in place.
- 15.4 If the employee wishes to return to work earlier than a previously confirmed return date, this should be mutually agreed between the employee and their line manager.
- 15.5 If the employee is unable to return to work on the date notified because of sickness, the Trust's normal procedures for managing sickness absence will apply and the employee should notify their manager in the usual way.
- 15.6 If the employee wishes to resign during or after a period of maternity / adoption leave, the employee should give written notice to their manager.
- 15.7 If the employee wishes to apply for a period of unpaid parental leave or a flexible working arrangement after a period of maternity / adoption leave, the employee should refer to Trust's [Flexible Working Policy](#).
- 15.8 There is no automatic right for the employee to reduce their hours or return to work on different conditions, but the employee's manager will consider the

employee's request in line with the Trust's [Flexible Working Policy](#) and give the employee objective reasons in writing, if it cannot be granted.

- 15.9 On the employees return to work after a period of maternity / adoption leave, subject to any organisational change, the employee has the right to return to the same job, on no less favourable terms and conditions.
- 15.10 When the employee returns to work, the employee's manager will update the employee on developments in their absence, including new and amended policies and arrange an induction appropriate for the length of the employee's absence from work.
- 15.11 Managers should complete a Maternity / Adoption Leave Return Form as soon as they are informed of a return to work date. The form can be accessed via the Trust's intranet. Once this has been submitted, the employee's pay will be reinstated.

## **16 Breast Feeding at Work**

- Staff returning to work and continuing to breastfeed will be given the opportunity to express their milk and store until the end of their shift
- Staff should use their own pump and expressing packs and label with name, ward, date and time.
- All staff whether on or off site can access breastfeeding rooms available within the Trust. A private breastfeeding room is available in the Atrium outside 1B (for 1B use only), outside 3C and 4C, Outpatients 1.2 and 2.1, Medical Day case Corridor and in the Emergency Department. Pumps and packs are only provided in the room outside 1B. Breastfeeding mothers of inpatients on 3rd and 4th floor are advised to take pump and expressing kits from the ward they are on, and return once finished. Inpatients should remain on the ward.
- Expressed Breast Milk (EBM) should be stored in EBM freezer in the Special Feeds Unit located within Dietetics. It should be logged in and out of the EBM record book and should be placed in a separate container (provided by staff member) to keep separate from patient milk.

Please refer to the Trust [Breast Feeding Policy](#) for general information about breast feeding.

## **17 Paternity Leave**

- 17.1 Paternity / Partner leave – Birth / Adoption of a child - paternity leave applies to biological and adoptive fathers (or adoptive mothers if the Father is the primary care giver), nominated carers and same sex partners.
- 17.2 Ordinary Paternity Leave - employees who meet the eligibility criteria are entitled to two weeks paid leave and reasonable paid time off to attend ante-natal classes (the line manager may request sight of the appointment card). The



contract of employment continues throughout Paternity Leave and an employee is entitled to return to the same job.

- 17.3 Ordinary Paternity leave should be taken within 56 days of the date of the child's birth, Adoption placement, or start of the expected week of childbirth. This can be taken as one week or two consecutive weeks. Managers should ensure that requests for paternity leave are dealt with as quickly as possible and that all requests are honoured where possible. All requests must be considered in line with individual needs and service requirements.
- 17.4 A request for ordinary Paternity Leave and Paternity Pay should be made by completing a Maternity / Adoption Leave Application form which can be accessed via the Trusts' Intranet.
- 17.5 Employees must also complete a SC3 form or SC4 form if adopting, 'Becoming a Parent' at least 28 days before the date they expect the leave to start. The SC3 / SC4 forms can be obtained from the following website: <http://www.hmrc.gov.uk/forms/sc3.pdf>
- 17.6 Paternity Leave cannot start until after the birth or placement of the child.

### **17.7 Ordinary Paternity Pay**

Rates of pay for Ordinary Paternity Leave will be dependent upon the employee's individual situation.

Occupational Paternity Pay during Ordinary Paternity Leave - an employee is entitled to 2 weeks paid Paternity leave on full pay if they;

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner
- Have worked continuously for the Trust for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

If the employee does not have the above continuous employment with the Trust, they will be able to take Statutory Paternity leave and pay, which is paid at the rate of statutory pay or 90% of their earnings, whichever is less.

## **18 Shared Parental Leave**

Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5th April 2015. This replaces additional paternity leave, which applied in respect of a baby due on or after 3rd April 2011. Ordinary paternity leave still applies and this is separate from the right to parental leave (see [Special Leave Policy](#)) and does not replace maternity and adoption leave and pay regimes. Parents are not obliged to take SPL and the default position on the birth of the child will be that both the compulsory maternity leave of 2 weeks and the further 50 weeks maternity leave will remain in place for the mother.

SPL provides eligible parents with the opportunity to consider the best arrangement to care for their child during the child's first year in their family. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. The weeks taken would be added together and taken from the total available. The amount of SPL to which an individual is entitled will depend on when the mother / adopter brings their maternity / adoption leave period to an end and the amount of leave the other parent takes in relation to the child. The untaken weeks of maternity / adoption leave can be taken as shared parental leave if the mother / adopter or their partner is eligible for this. For example, if a mother ends their maternity leave after the 12 weeks following their child's birth then there are 40 weeks remaining. The mother may choose to take 30 weeks' leave and their partner 10 weeks' leave, or the couple could 'double up', taking 20 weeks of leave at the same time or 20 weeks leave consecutively. Any SPL not taken by the first birthday of the child or the first anniversary of placement for adoption is lost.

The earliest that SPL can commence is two weeks after the date on which the child is born, or two weeks after the date of placement of the child for adoption. The maximum amount of leave that can be shared is 50 weeks. SPL is in addition to the statutory right to two weeks' paternity leave for fathers or partners. Paternity leave must therefore be taken before employees taking any SPL.

### **18.1 Contact During Shared Parental Leave**

Before a member of staff's SPL begins, their manager will discuss the arrangements for them to keep in touch during their leave. The Trust reserves the right in any event to maintain reasonable contact with staff from time to time during their SPL. This may be to discuss the member of staff's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **18.2 Eligibility Criteria**

To trigger the right to SPL for one or both parents, the mother must:

- Have a partner
- Be entitled to maternity / adoption leave; or to statutory maternity / adoption pay or maternity allowance (if not eligible for maternity / adoption leave)
- Have curtailed, or given notice to curtail, their maternity / adoption leave, or their pay / allowance (if not eligible for maternity / adoption leave)

A parent who intends to take SPL must:

- Be an employee
- Share the primary responsibility for the child with the other parent/partner 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'.

- Continuity of employment test – the employee has worked for the Trust for at least 26 weeks at the 15<sup>th</sup> week before the child's expected due date / matching date and is still working for the Trust at the start of each period of leave.
- It is the member of staff's responsibility to check that they are eligible for SPL and ShPP. Staff can assess their entitlement at:  
<https://www.gov.uk/pay-leave-for-parents>

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.

The mother can share their leave with only one other person.

### **18.3 Shared Parental Pay (ShPP)**

In addition to meeting the eligibility criteria above, both the member of staff and their partner must have earned not less than the lower earnings limit in the relevant period. This is usually the 8 weeks leading to the 15<sup>th</sup> week before the week in which the baby is due to be born or matched.

Up to 37 weeks of statutory ShPP will be available to be shared between the parents depending on the amount by which the mother / adopter reduces their maternity / adoption pay period or maternity allowance period, and the member of staff must intend to care for the child during the week in which ShPP is payable.

ShPP is paid up to 37 weeks at the lower of the statutory prescribed rate (see DWP for current rates). The remaining weeks of SPL after ShPP finishes is on an unpaid basis. ShPP is paid at the lower level throughout the leave period.

From 1st April 2019, for those staff that have 12 months continuous service with one or more NHS employers at the beginning of the 11<sup>th</sup> week before the expected week of childbirth, and intend to return to work for a minimum of 3 months after their leave, are also entitled to Occupational Shared Parental Pay. This will be paid as follows:

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

#### **18.4 Procedure for Shared Parental Leave and Pay for the Mother/Prime Adopter**

The mother must complete a Maternity Leave Curtailment Form 8 weeks before the expected start date of SPL, which can be given before or after the birth. If notice is given after the birth, the notice is binding (please see Appendix C of the [Toolkit](#)). However, if notice is given before the birth, the mother is able to revoke the notice up to six weeks after the birth, in case an unplanned situation arises following the birth of the child.

Staff considering taking SPL are encouraged to discuss this with their manager as early as possible, and ask their partners to do the same with their employer to agree a pattern before the formal notice of intention is submitted. All forms relating to SPL can be found in the [Toolkit](#).

It is recommended that the Notice of Entitlement and Intention Form is completed at the same time and no later than 8 weeks before the expected start date of SPL (please see [Toolkit](#) for all SPL forms). SPL can start on any day of the week. Each notice must be given at least 8 weeks before the start of a period of leave using the Notice of Entitlement and Intention Form.

#### **18.5 Procedure for Shared Parental Leave and Pay for the Partner**

The Notice of Entitlement and Intention (Partner) Form (Appendices E&F of the [Toolkit](#)) must be completed 8 weeks before the expected start date of SPL.

#### **18.6 Blocks of Shared Parental Leave**

The mother can return to work after maternity leave and take SPL at a later date, or dates. The father also can take SPL at any time after ordinary paternity leave, and it does not need to start as soon as the mother has given notice to curtail her entitlement to maternity leave or returned to work. Each notification may contain either a single period of weeks of leave or two or at least one week of discontinuous leave, where the member of staff intends to return to work between periods of leave.

SPL must be taken in blocks of at least one week and within a one year period beginning with the date of the baby's birth or the child's placement for adoption. Each eligible parent can request up to three periods of leave where the request is for discontinuous blocks, and parents can be on leave at the same time. Staff need to have their line manager's agreement to take discontinuous periods of leave.

The manager will discuss the request with the member of staff to determine if it can be accommodated although this request cannot be guaranteed (please see Appendix G of the [Toolkit](#) for a template letter). At the meeting the member of staff may, if they wish, be accompanied by a workplace colleague or trade union representative. A representative from HR may also attend the meeting. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the member of staff is away from work. Where there is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable

to the member of staff and the Trust, and what the outcome may be if no agreement is reached.

The manager will then notify the member of staff in writing of the decision either to allow the leave requested, confirm an alternative pattern of leave which can be agreed, or refuse to allow the leave (please see Appendices H&I of the [Toolkit](#)). All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the member of staff and to the operational needs of the Trust. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another member of staff to be granted a similar pattern of SPL.

The written response will be provided no later than the 14th day after the leave request was made.

If no agreement is reached within 2 weeks of the period of leave notice being submitted staff can:

- Take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- Take the continuous block starting on a new date, as long as this date is later than the original date, and staff notify the manager of the new date within 5 days of the 2 week period referred to above
- Withdraw the request at any time up to the 15<sup>th</sup> day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of the three requests.

The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

If a request for discontinuous leave is refused then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

Eligible parents can request to take one continuous block of SPL, and are entitled to take SPL on these dates as long as the notice requirements are adhered to. Staff will receive notification in writing of the Trust's acceptance of the request for a single block of SPL (Appendix H of the [Toolkit](#)).

### **18.7 Requesting Further Evidence of Eligibility**

The Trust may, within 14 days of the SPL entitlement notification being given, request:

The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)

In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).

In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the Trust's request.

### **18.8 Withdrawing Notice to End Maternity or Adoption Leave and Pay**

Once the mother has given notice to end maternity / adoption leave and either parent has informed their manager of their entitlement to take SPL, then the notice to end maternity / adoption leave is binding and cannot be withdrawn unless:

- It transpires that neither the mother / adopter or their partner qualifies for SPL or ShPP
- If the notice was given before birth and the mother changes her mind up to 6 weeks after the birth (but she can opt back into SPL with the same partner at a later date if she wishes)
- In the event of the partner's death

### **18.9 Variations to arranged Shared Parental Leave**

The parents may vary the amount of SPL they intend to take by giving written notice to the Trust. There is no limit on the number of times the parents may make a variation to a notice of entitlement, provided that they advise their manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the member of staff, including notice to return to work early, will usually count as a new notification, reducing the staff's right to book / vary leave by one. However, a change as a result of a child being born early, or as a result of the Trust requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing.

Please speak to a member of the HR team if there are any queries about changes in staff circumstances in relation to SPL.

### **18.10 Keeping in Touch – SPLIT days**

SPLIT days are voluntary and can be taken to carry out normal work, attend any training or other activities which enable staff to keep in touch with the workplace, or to assist with a return to work without losing out on ShPP. Staff will be paid at their normal salary for the hours worked on SPLIT days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

A maximum of 20 Shared Parental Leave in Touch (SPLIT) days are available without bringing SPL to an end, which can be shared between the mother / adopter and the partner. SPLIT days will not extend the SPL period. The 20 SPLIT days available during SPL are in addition to the 10 KIT days available during maternity and adoption leave.

The manager must inform Payroll of the dates of any SPLIT days undertaken.

### **18.11 Continuous Service**

A period of unpaid parental or shared parental leave will count as continuous employment with the Trust, and staff will continue to receive their usual contractual benefits apart from pay.

### **18.12 Annual Leave Entitlement**

An employee's entitlement to paid annual leave accrues during a period of unpaid parental or shared parental leave.

### **18.13 Pension Contributions**

When an employee is on a period of unpaid shared parental leave, occupational pension rights are preserved until the employee returns to work. If the employee wishes the period to be counted for pensionable service, the employee will need to make up the necessary employee's contributions via the Trust's pensions provider. It is the responsibility of the employee to make any necessary arrangements.

## **19 Parental Bereavement Leave**

All employed parents will have the right to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. Parents will also be able to claim pay for this period, subject to meeting eligibility criteria. Further information can be found in the [Special Leave Policy](#).

## **20 Staff Advice and Liaison Services (SALs)**

SALs is a support service for staff and has a easy access hub to offer advice guidance and support and can be contacted on x4511 or e-mail [staffadvice@alderhey.nhs.uk](mailto:staffadvice@alderhey.nhs.uk)

## **21 Fraudulent Claims**

The Trust may, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim has been made, investigate the matter further in relation to with the [Disciplinary Policy & Procedure](#). The Trust has an obligation to notify Mersey Internal Audit Authority (MIAA) of any fraudulent claims.

It is the responsibility of the member of staff to check if they are eligible for SPL and ShPP. If it is found that staff do not meet the eligibility criteria after a declaration has been made, disciplinary action may be taken including dismissal. Staff can assess their entitlement at <https://www.gov.uk/pay-leave-for-parents>

## **22 Grievance Policy**

An employee who feels aggrieved by the interpretation or application of the Trust's Maternity, Paternity and Adoption Leave Policy is entitled to use the Trust's [Grievance Policy](#).

## **23 Further Information**

**Equality Analysis** ([hyperlink](#))

### **References**

Employment Rights Act 1996

Employment Relations Act 1999

Employment Act 2002

Work and Families Act 2006

Children and Families Act 2014

The Shared Parental Leave Regulations 2014

The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014

Equality Act 2010

The Parental Leave and Pay Act 2018

ACAS Guidance on Shared Parental Leave and Pay

NHS Agenda for Change Terms & Conditions of Service





**Alder Hey Children's**  
NHS Foundation Trust

# MATERNITY, PATERNITY, ADOPTION & SHARED PARENTAL LEAVE TOOLKIT



respect



excellence



innovation



together



openness

**Contents**

<b>Section</b>		<b>Page</b>
<b>A</b>	<b>Examples of hazards that present a higher risk to new and expectant mothers</b>	<b>3</b>
<b>B</b>	<b>Definition of Terms</b>	<b>6</b>
<b>C</b>	<b>Curtailed Maternity Leave and Pay</b>	<b>7</b>
<b>D</b>	<b>Notification that the mother is intending to take SPL</b>	<b>9</b>
<b>E</b>	<b>Notice confirming that partner is taking SPL but mother is not</b>	<b>14</b>
<b>F</b>	<b>Notification that partner is intending to take SPL</b>	<b>15</b>
<b>G</b>	<b>SPL request to discuss from Manager</b>	<b>20</b>
<b>H</b>	<b>Confirmation of SPL from Manager</b>	<b>21</b>
<b>I</b>	<b>SPL Refusal of discontinuous booking from Manager</b>	<b>22</b>
<b>J</b>	<b>Duties</b>	<b>23</b>
<b>K</b>	<b>Agenda for Change Terms and Conditions of Service</b>	<b>24</b>

## Section A

Examples of Hazards that present a higher risk to new and expectant mothers:

Physical Agents	Biological Agents	Chemical Agents	Working Conditions
<b>Manual Handling</b>	Infectious Diseases	Toxic chemicals	<b>Facilities (including rest rooms)</b>
<b>Movements and Postures</b>	Blood borne Viruses	Cytotoxic drugs	<b>Extremes of heat and cold (Temperature)</b>
<b>Shocks and Vibrations</b>	Varicella	Sterilizing Agents	<b>Fatigue – working hours (Mental and physical fatigue)</b> <b>Night Work/shift patterns</b>
<b>Noise</b>	Rubella	Anaesthetic Gases	<b>Stress (including post-natal depression)</b>
<b>Radiation (Ionising and non-ionising)</b>	Parvovirus	Solvents	<b>Working with Visual Display Units (DSE)</b>
			<b>Ergonomics: Standing, sitting</b>
	Mumps		<b>Working alone</b>
	Measles		<b>Working from height (use of step ladders etc)</b>
			<b>Travelling</b>
			<b>Violence and Aggression</b>
			<b>Personal Protective Equipment (uniform etc)</b>
<b>Other:</b>			

Additionally pregnant staff may be affected by:

<b>Morning sickness</b>	<b>Early/night shift work patterns</b>
<b>Backache</b>	<b>Standing/sitting for long periods</b>
<b>Varicose veins</b>	<b>Prolonged standing/sitting for long periods</b>
<b>Haemorrhoids</b>	<b>Due to working in hot working conditions</b>
<b>Urinary urgency/frequency</b>	<b>Difficulty accessing the toilets</b>
<b>Increase size</b>	<b>Uniform/protective equipment</b> <b>Working in confined spaces</b> <b>Postural problems</b>
<b>Fatigue</b>	<b>Overtime, working long shift/night shifts</b>

The above lists are not exhaustive; varying aspects may apply at different stages of pregnancy.

Further advice and information can be sought from Occupational Health Department, Infection Control Team, and Risk Management Department.

**New & Expectant Mothers at Work Risk Assessment**

*This form should be completed by the manager for a staff member who is pregnant (at each trimester) or a nursing mother*

**\*\*Reasonable adjustments\*\*** May include working conditions and/or hours of work being temporarily adjusted or the employee being offered suitable alternative work on no less favourable terms and conditions. For as long as the employee remains an expectant or new mother within the workplace, the situation will be kept under review.

Further Risk Assessments may be carried out if circumstances change at the request of either the employee or the manager.

Name		Hours of Work		Pregnant – E.D.C			
DOB		Department					
Occupation		Delivery Date (for newly delivered staff)					
Existing workplace hazards	yes	no	Existing Controls	Remaining Risk			Recommendations/ Action
				High	Med	Low	
Physical Ionising Radiation							
Manual Handling							<i>Manual handling of heavy loads is considered to pose a risk to pregnancy</i>
Noise							
Other							
Biological Blood Borne Viruses			Damage to the unborn baby – Avoid Exposure				<i>Has Immunisation status been checked?</i>
Chemical Cytotoxic Drugs							
Sterilizing Agents							<i>COSHH data hazard sheet. Ensure risk assessment undertaken, and control measures implemented</i>
Anaesthetic Gases							

Solvents							
Other							
Working Conditions: Standing /sitting							
D.S.E.							<i>Ensure risk assessment undertaken, and control measures implemented</i>
Temperature							
Fatigue							
Stress (including post-natal depression)							
Shift work/ Night work							
Working Alone							
Existing workplace hazards							

***NB: This list is not exhaustive. Please add any other occupational hazards that apply to the individual.***

Risk Assessors Name:					
Signature		Date		Review Date	
Managers Name					
Signature		Date		Review Date	

## Section B- Definitions of Terms

**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

**Curtail** - where an eligible mother brings their maternity/adoption leave and if appropriate, pay or allowance entitlement to an end early.

**SPL** - Shared Parental Leave

**ShPP** - Statutory Shared Parental Pay

**The relevant week** - the 15<sup>th</sup> week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child

**Continuous Leave** - a period of leave that is taken in one block e.g. Four weeks' leave

**Discontinuous Leave** - a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months

**SPLIT day** - Shared Parental Leave in Touch day

**Statutory** – those provisions defined in law.

**Occupational** – those additional provisions defined by the employer.

**Expected Week of Childbirth (EWC)** – official due date as confirmed by the doctor/midwife on the MATB1 certificate.

**Proof of Adoption** - the proof must be in writing and show the:

Name and address of the agency and employee

Date the child was matched, e.g. the matching certificate

The expected or actual date of placement, e.g. a letter from the agency

The relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)

The date the child arrived in the UK, e.g. plane ticket (overseas adoptions only)

**Matb1**- Maternity Certificate, is a form from the Government providing medical evidence of pregnancy

**KIT**- Keeping in Touch day

**Section C- Curtailment of Maternity Leave and Pay**

**SECTION A: General (must be completed)**

Please accept this as my notice to curtail my maternity leave and/or SMP.

This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP.

I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C.

I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B.

I understand that I can only reinstate any SMP that I am eligible for if I revoke this notice before the end date given in Section C.

Mother's surname	
------------------	--

Mother's first name(s)	
------------------------	--

Child's expected date of birth	
--------------------------------	--

Actual date of child's birth (if born)	
--	--

**SECTION B: Curtailing maternity leave (must be completed)**

Date statutory maternity leave started/is intended to start	
---	--

Date statutory maternity leave will come to an end	
--	--

Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
--	--

<b>SECTION C: Curtailing maternity pay (only complete if claiming ShPP)</b>	
Date SMP started/is intended to start	
Date SMP will come to an end	
Total number of weeks of SMP that will have been paid at the date that SMP ends	
<b>SECTION D: Signature (must be completed)</b>	
Signature of mother	
Date signed	



**Section D- Notification that Mother is intending to take SPL**

<b>SECTION A: General (must be completed)</b>	
Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Mother's surname	
Mother's first name(s)	
Partner's surname	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>	
Date mother started (or intends to start) statutory maternity leave	
Date mother's statutory maternity leave ended (or will end)	

Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA	
Date mother's SMP or MA ended (or will end)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
<b>SECTION C: Amount of SPL available (must be completed)</b>	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I (the mother) intend to take	
Total number of weeks of SPL my partner intends to take	
<b>SECTION D: Indication of Mother's leave intentions (must be completed but is not binding)</b>	
I (the mother) currently expect to take SPL as follows:	
<p>Note: It will usually be helpful to answer this in a "From... To..." format</p>	



I will give my employer a copy of my child’s birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice

I will give my employer the name and address of my partner’s employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice

The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

I am giving notice that I am entitled to and intend to take ShPP

I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth

I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP

I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)

I intend to care for my child in the weeks I receive ShPP

I will remain employed with this employer until before the date of my first period of ShPP

I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA

The information provided in this declaration is accurate

Signature of mother	
Date mother signed	

**SECTION G: Partner's declaration (must be completed)**

I am the father of the child, or at the date of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship

I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)

I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth

I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth

I consent to the amount of SPL which the mother intends to take, as set out in Section D above.

I consent to the mother's employer processing the information I have provided

I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.

The information provided in this declaration is accurate

Signature of partner	
Date partner signed	

**Section E- Notice confirming that Partner is taking SPL but Mother is not**

**SECTION A: General (must be completed)**

Please accept this as notification that I (the mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.

Mother's surname	
------------------	--

Mother's first name(s)	
------------------------	--

**SECTION B: Confirmation**

I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant)

I declare that my partner has given notice to their employer to take SPL and/or ShPP.

I consent to my partner's intended claim for SPL and/or ShPP.

**SECTION C: Signature (must be completed)**

Signature of mother	
---------------------	--

Date signed	
-------------	--

**Section F- Notification that the Partner is intending to take SPL**

<b>SECTION A: General (must be completed)</b>
Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).
Partner's surname
Partner's first name(s)
Mother's surname
Mother's first name(s)
Mother's address
Mother's National Insurance number (State 'none' if no number is held)
Child's expected date of birth
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)
<b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>
Date mother started (or intends to start) maternity leave (if applicable)
Date mother's maternity leave ended (or will end) (if applicable)
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends
Date mother started (or intends to start) SMP or MA (if applicable)
Date mother's SMP or MA ended (or will end) (if applicable)
<b>SECTION C: Amount of SPL available (must be completed)</b>
The total number of weeks of SPL created depends on the mothers leave and pay entitlements:  If the mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken  If the mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken





<b>SECTION E: Amount of ShPP available (only complete if claiming ShPP)</b>	
Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the partner) intend to take:	
Total number of weeks of ShPP mother intends to take:	
I (the partner) currently expect to take ShPP as follows:	
<p>Note: It will usually be helpful to answer this in a "From... To..." format</p>	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
<b>SECTION F: Partner's declaration (must be completed)</b>	
<p><b>The following points apply in all circumstances:</b></p> <p>I am giving notice that I am entitled to and intend to take SPL</p> <p>I am the father of the child, or at the time of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship</p> <p>I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due</p> <p>I will remain employed with this employer until any period of SPL that I intend to take</p> <p>I had (or will have) the main responsibility for the care of our child at the time of the child's birth (along with the child's mother who has made the declaration below)</p> <p>I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice</p>	

I will give my employer the name and address of the mother's employer or a declaration that she does not have an employer if my employer asks for this within 14 days of the date of this notice

I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/maternity allowance period

The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

I am giving notice that I am entitled to and intend to take ShPP

I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth

I intend to care for my child in the weeks I receive ShPP

I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)

I will remain employed with this employer until before the date of my first period of ShPP

The information provided in this declaration is correct

Signature of partner	
Date partner signed	

**SECTION G: Mother's declaration (must be completed)**

**The following points apply in all circumstances:**

I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)

I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.

I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth

I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth

I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement

I consent to my partner's intended SPL as set out in Section D above

I consent to my partner's employer processing the information I have provided

The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP

I consent to my partner's intended ShPP as set out in Section E above

I will immediately inform my partner if I revoke the reduction of my SMP or MA

I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided

The information provided in this declaration is correct

Signature of mother	
Date mother signed	

**Section G- Shared Parental Leave request to discuss from Manager**

Date

Name

Address

Dear .....,

Thank you for your notice to book a period of Shared Parental Leave that was given on **DATE**. I would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **location** on **date** at **time**. You may, if you wish, be accompanied by a workplace colleague or a trade union representative; however I must remind you that it is an individual's own responsibility to make the necessary arrangements for this.

Please could you contact **INSERT CONTACT INFORMATION** to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date, within five working days of receipt of this letter.

Yours sincerely

.....

**Section H- Confirmation of SPL booking from Manager**

Date

Name

Address

Dear .....

Thank you for your notice to take Shared Parental Leave commencing on **DATE**.

I can confirm that you are entitled to take Shared Parental Leave as set out in your notification.

I can confirm that you will be away from work on Shared Parental Leave from ..... to ..... **(If leave is discontinuous then please amend as needed)** You are expected to return to work on the first working day after your leave period ends.

During your leave period you will receive Statutory Shared Parental Pay from..... to..... **(If leave is discontinuous, or where no pay is applicable then please amend as needed)**

If you wish to vary or reduce the leave that you have booked, you must give at least eight weeks' notice before any amended dates occur. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to **INSERT CONTACT DETAILS**

Yours sincerely

.....

**Section I- SPL: Refusal of a discontinuous leave booking from Manager**

Date

Name

Address

Dear .....

Thank you for your notice booking Shared Parental Leave that was given on **DATE**

Having given the proposal thorough consideration, I regret that the organisation is unable to agree to the pattern of discontinuous leave that you requested.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to ..... weeks, will automatically become a continuous block. Unless the organisation is informed otherwise this will begin on the date you originally requested your leave period to start **DATE**.

If you would like the period to begin on a different date please confirm this to **INSERT CONTACT DETAILS** on or before **DATE**. Please remember that the start date cannot be sooner than eight weeks from the date your original notice was given.

Alternatively you may withdraw your notification on or before **DATE**. This would then not count as one of your notifications.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to **INSERT CONTACT DETAILS**

Yours sincerely

.....

Section J- Duties

<b>Board of Directors</b>	The Board of Directors are responsible for ensuring that the policy is being adhered to by the management and employees in their area of responsibility.
<b>Director of Human Resources &amp; Organisational Development</b>	The Director of Human Resources & Organisational Development has a responsibility for ensuring that the Trust's HR related policies and procedures comply with all legal, statutory and good practice guidance requirements
<b>HR Department</b>	The HR Department is responsible for providing accurate and timely advice to managers and employees to ensure the policy is appropriately utilised across the Trust. The HR Department is also responsible for monitoring compliance and reporting processes with this policy.
<b>Senior Managers</b>	Senior managers are responsible for considering the impact this policy may have within their service/departments. They are also responsible for overseeing the dissemination of implementation of this policy across their service/departments at any time.
<b>Line Managers/Team Leaders</b>	Line Managers and Team Leaders are responsible for the dissemination and implementation of this policy within their teams at any time. Line Managers also have a responsibility to provide good physical and emotional working conditions and maintain health and safety standards for pregnant workers. Line Managers should accurately record and monitor maternity/ paternity/adoption leave.
<b>Employees</b>	Employees are responsible for taking due consideration of this policy. Staff who work in the community should notify and make individual arrangements with their manager according to individual circumstances.
<b>Occupational Health Department</b>	The Occupational Health department will advise managers on all aspects of Health & Safety in relation to complying with this policy and will advise human resources of any relevant issues

**Section K- Agenda for Change Terms and Conditions**

For full details of Maternity leave and pay please visit [click here](#), you will be redirected to NHS Employers and the NHS Terms and Conditions of Service Handbook.



**Document Control Sheet**

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Review & Amendment Log			
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