

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

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The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as ‘uncontrolled’ and as such may not necessarily contain the latest updates and amendments.

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 and 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.

The Policy also incorporates the Parental Leave Policy and information.

2 ENGAGEMENT

The policy has been developed by Yorkshire and Humber Commissioning Support (Y&HCS) Workforce team in consultation with the CCG's senior management team, CCG employees' and the Joint Trades Union Partnership Forum.

3 IMPACT ANALYSES

3.1 Equality

In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. Information is attached at Appendix 1.

3.2 Sustainability

This policy has been assessed against the Harrogate and Rural District CCG's sustainability themes. Please see Appendix 2.

3.3 Bribery Act 2010

The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery. Due consideration has been given to the Bribery Act 2010 in the development (or review, as appropriate) of this policy document and no specific risks were identified.

4 SCOPE

This policy has been compiled to provide information regarding the options and entitlements available to all employees taking Maternity, Maternity Support (Paternity), Adoption or Parental Leave whilst employed by the CCG.

The policy provides the employee the opportunity to choose the option which best suits their circumstances and the policy applies to all employees of the Harrogate and Rural District 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 the CCG.

6 DEFINITIONS

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 NHS. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity allowance.

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 Trust.

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 this Trust by the 15th week before their EWC and paid sufficient National Insurance (NI) Contributions.

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.

OCCUPATIONAL MATERNITY/ADOPTION PAY (OMP/OMA)

This is based on eligibility. Maternity / Adoption Pay, which is payable by your employer.

EXPECTED WEEK OF CHILDBIRTH (EWC)

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

QUALIFYING WEEK (QW)

Qualifying week : 15th week before the EWC.

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.

KIT DAYS

The employee's entitlement to 'Keep in Touch' days.

ORDINARY MATERNITY SUPPORT (PATERNITY) LEAVE (OMSL)

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

ADDITIONAL MATERNITY SUPPORT (PATERNITY) LEAVE (AMSL)

The entitlement of a father, or mother's partner, to take a further period of between two to 26 weeks leave, provided the mother has returned to work with maternity leave remaining.

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 the eligibility criteria.

7 ROLES / RESPONSIBILITIES / DUTIES

Employee

- Employees 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.
- Employees are responsible for arranging their own trade union representation or support throughout the Maternity, Maternity Support (Paternity), Adoption and Parental leave procedures.

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.
- Where it is decided that a refusal to grant a Maternity, Maternity Support (Paternity), Adoption and Parental leave application is to be referred to a grievance hearing the manager must prepare a thorough management case outlining their decision making rationale for consideration by the grievance panel.

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 Trust 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 through agreed forums within the Trust.

Trade Unions

- To represent employees through the Maternity, Maternity Support (Paternity), Adoption and Parental leave procedure where they are fully paid up members of that trade union or professional body.
- To ensure that all representatives have attended mandatory Maternity, Maternity Support (Paternity), Adoption and Parental leave and Grievance training with their relevant trade union or professional body.
- 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.

Please see relevant Associated Documents (listed in Section 13 – page 10) detailing the roles, responsibilities and duties surrounding Maternity Leave, Maternity (Paternity) Leave, Adoption Leave and Parental Leave.

8 IMPLEMENTATION

All employees will receive notification that the policy has been approved and will receive confirmation of where the policy is located.

This policy should be incorporated as part of the employee induction process for all new employees joining the CCG.

9 TRAINING AND AWARENESS

Training and support will be available to all line managers in the implementation and application of this policy.

10 MONITORING AND AUDIT

The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

11 POLICY REVIEW

The policy and procedure will be reviewed every three years by the Y&HCS Workforce Team in conjunction with operational managers and trade union representatives. Where review is necessary due to legislative change, this will happen immediately.

12 REFERENCES

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

13 ASSOCIATED DOCUMENTATION

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Please also refer to the Maternity Appendices document

MATERNITY LEAVE

14 POLICY STATEMENT

- 14.1 This policy is designed to provide a framework across the Organisation for a consistent and timely approach to the new and expectant mother.
- 14.2 The policy is intended to promote an employee's awareness of their rights and entitlements during, and following pregnancy and conforms to the NHS Staff Council Conditions of Service, the Employment Act 2002 and other current legislation.

15 PRINCIPLES

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

Entitlement to Maternity Leave

- 15.2 All employees will be entitled to 52 weeks Maternity Leave.

Entitlement to Occupational Maternity Pay under the NHS Scheme

- 15.3 An employee working full or part-time is entitled to Maternity pay under the NHS scheme provided that she :
- Has 12 months continuous service with one or more NHS employers and continues to be employed by the Organisation until at least the beginning of the 11th week before the expected week of childbirth (EWC); and
 - Notifies the Organisation, on form M1 (Additional Maternity Leave Appendices Document - Appendix 2) 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 commencement of Maternity Leave, indicating the expected date of childbirth.

Entitlements under the Scheme

- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 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.
- 15.8 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.
- 15.9 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 Workforce Team.

Timing of Leave

- 15.10 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:

Early Childbirth

- 15.11 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.
- 15.12 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.

- 15.13 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 Workforce, who can advise Payroll accordingly.
- 15.14 Where an employee has a miscarriage before the 25th week of pregnancy then normal sick leave provisions will apply.
- 15.15 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.
- 15.16 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.

Surrogacy

- 15.17 Every pregnant employee who gives birth after the 24th week of pregnancy has the right to maternity leave and pay, as detailed above. What a birth mother does after the child is born has no impact on her right to maternity leave and pay.

If you and your partner use a surrogate to become parents, you may be entitled to adoption leave and pay/maternity support (paternity) leave and pay. Please refer to these sections for further guidance.

Sickness Absence during Pregnancy and Leave

- 15.18 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.
- 15.19 Odd days of pregnancy related illness during the 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 a self-certification for short term absence, as according to the Absence Management Policy.

In accordance with the Absence Management Policy, trigger points are used to monitor short term sickness and long term sickness. The triggers for short term absence are :

- Four occasions of absence in any 12 month period, or
- 12 days absence in any 12 month period

- 15.19 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.

Other Provisions

Ante-natal and Post-natal Care

- 15.20 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.
- 15.21 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.

Calculation of Pay

- 15.22 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.

Implementation of a Pay Award or Annual Increment

- 15.23 Absence on Maternity Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 15.24 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
- 15.25 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.

Pay Progression Framework

- 15.26 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.

Employees on a Fixed-Term or Training Contract

- 15.27 An employee who is entitled to full benefits under the NHS Scheme, i.e. who satisfies the conditions under section 15.3 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 15.3 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.

Contractual Rights

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

Annual Leave

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

15.30 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.

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

15.32 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.

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

Pension

15.34 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>.

16 PROCEDURE

How to Claim Maternity Leave and Pay

16.1 Form M1 (Additional Maternity Leave Appendices Document - Appendix 2) 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 Workforce Team, who will then forward a copy to Payroll.

16.2 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.

16.3 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 Workforce, 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.

- 16.4 The employee will receive written confirmation within 28 days of receipt of Form M1 of :
- 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.
- 16.5 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.

Return to Work

- 16.6 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.
- 16.7 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 which can be obtained from HR.
- 16.8 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 and will be given fair and objective consideration.

Sickness Following the End of Maternity Leave

- 16.9 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.

Failure to return to Work

- 16.10 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.
- 16.11 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.

17 HEALTH AND SAFETY

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

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

18 COMPULSORY PERIOD OF MATERNITY LEAVE

- 18.1 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.

19 CHILDCARE VOUCHER SCHEME

- 19.1 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 Workforce Team.

20 KEEPING IN TOUCH

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 An employee may not work during the two weeks of compulsory Maternity Leave immediately after the birth of her baby.
- 20.5 Working for part of any day will count as a whole KIT day.
- 20.6 The employee will be paid at their basic daily rate for the hours worked less appropriate Maternity Leave payment for KIT days worked.
- 20.7 Any work must be by agreement and neither the employer nor the employee can insist upon it.
- 20.8 Employees who are breastfeeding will be risk assessed in accordance with Section 17.1 and facilities will be provided, where possible, in accordance with Section 21.2.
- 20.9 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 Additional Maternity Leave Appendices Document - Appendix 5 for KIT Record form and information.

21 PROVISION FOR NURSING MOTHERS

- 21.1 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.
- 21.2 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.

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Please also refer to the Maternity Support (Paternity) Appendices Document

MATERNITY SUPPORT (PATERNITY) LEAVE

22 POLICY STATEMENT

- 22.1 Maternity Support (Paternity) Leave is provided to allow employees time away from work following the birth, adoption of a child or once parental responsibility has been confirmed through a surrogacy arrangement. This policy details the arrangements within the Organisation in relation to Paternity Leave and pay.
- 22.2 This policy will apply to biological and adoptive fathers, nominated carers, those with parental responsibility by way of a parental order and same sex partners.

23 PRINCIPLES

- 23.1 Two types of leave are available, Ordinary Maternity Support (Paternity) Leave and Additional Maternity Support (Paternity) Leave.
- 23.2 Training and support will be provided to all Line Managers in the implementation and application of this policy

Ordinary Maternity Support (Paternity) Leave

- 23.3 To qualify for up to two weeks Ordinary Maternity Support (Paternity) Leave, with Occupational Maternity Support (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. *
- 23.4 Where an employee satisfies all of the conditions in 23.3 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.
- 23.5 An employee who satisfies the conditions in 23.3 above, except *, 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.
- 23.6 SMSP is the same as the standard rate for Statutory Maternity Pay or 90% of average weekly earnings if this is less than SMSP.
- 23.7 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.

- 23.8 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.
- 23.9 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.
- 23.10 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.
- 23.11 Employees will be entitled to reasonable time off to attend ante-natal classes or official meetings in the adoption process.
- 23.12 Annual leave will accrue during ordinary Maternity Support (Paternity) Leave.
- 23.13 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.

Additional Maternity Support (Paternity) Leave

- 23.14 To be eligible for additional Maternity Support (Paternity) Leave the child's mother or the adopter who elected to take Adoption Leave must have returned to work and have stopped receiving SMP, MA or SAP.
- 23.15 To qualify for up to 26 weeks additional Maternity Support (Paternity) Leave an employee must satisfy each of the following criteria :
- He / she must have, or expect to have, responsibility for the child's upbringing and intend to care for the child during the leave period;
 - He / she must 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, partner or civil partner;
 - He / she must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth or the week in which notification of the adoptive match occurs;
 - He / she must remain in continuous employment until the week before the first week of additional Maternity Support (Paternity) Leave;
 - The main carer of the child must be entitled to receive one or more of Maternity Leave, Statutory Maternity Pay (SMP) or Maternity Allowance (MA). In the case of adoption, the primary adopter must be entitled to one or both of Adoption Leave or Statutory Adoption Pay (SAP).

- 23.16 Qualifying employees may take up to 26 weeks additional Maternity Support (Paternity) Leave within the first year of the child's life or after the child's placement for adoption providing the child's mother or the adopter who elected to take Adoption Leave has returned to work and has stopped receiving SMP, MA or SAP.
- 23.17 The earliest that additional Maternity Support (Paternity) Leave can start is 20 weeks after the date the child is born or 20 weeks after the date of placement of the child for adoption. Leave must end no later than 12 months after the date of birth/placement of the child.
- 23.18 Leave must be taken as a single block in multiples of complete weeks. The minimum period of leave is 2 consecutive weeks and the maximum period is 26 weeks.
- 23.19 Additional Statutory Maternity Support (Paternity) Pay (ASMSP) is only payable during the mother's/adopter's maternity/adoption pay period which is the 39 consecutive weeks in which SMP/MA/SAP would be payable if the mother/adopter had not returned to work. Any leave taken after this period ends will be unpaid, to take them up to 52 weeks in total (including the 39 paid weeks of SMP etc.)
- 23.20 In order for the employee to be eligible for ASMSP, the mother/primary adopter must have at least 2 weeks of his or her maternity or adoption pay period which remains unexpired.
- 23.21 An employee may take only one period of additional Maternity Support (Paternity) Leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.
- 23.22 Annual leave will accrue during additional Maternity Support (Paternity) Leave. If the leave year is due to end during additional Maternity Support (Paternity) Leave, the outstanding annual leave entitlement less any agreed carryover, must be taken before Maternity Support (Paternity) Leave starts.
- 23.23 Pension contributions will be deducted from salary as normal during paid Maternity Support (Paternity) Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be deducted by Salaries over an agreed period of time.
- 23.24 The employee is entitled to return to the same job, on the same terms and conditions of employment, after ordinary and additional Maternity Support (Paternity) Leave.
- 23.25 Absence on Maternity Support (Paternity) Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 23.26 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 and will be given fair and objective consideration. Please refer to the Flexible Working Policy.

24 PROCEDURE

Ordinary Maternity Support (Paternity) Leave

- 24.1 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 (Additional Maternity Support (Paternity) Leave Appendices Document - Appendix 2) and submitting it to their manager.
- 24.2 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.
- 24.3 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.

Additional Maternity Support (Paternity) Leave

- 24.4 An employee must ensure that form P2 (Additional Maternity Support (Paternity) Leave Appendices - Appendix 3) is fully completed, including the sections to be completed by the mother / adopter of the child, and submitted to the employee's line manager at least 56 days before the date they wish their leave to start.
- 24.5 Form P2 is evidence that the employee meets the eligibility conditions and includes the following information :
- The week the baby was due or the week in which notification of the adoptive match occurred;
 - The actual date of birth or placement of a child;
 - the intended start and end dates of Additional Maternity Support (Paternity) Leave;
 - The employee's confirmation of eligibility;
 - The mother's / adopter's declaration.
- 24.6 The employee will receive written confirmation within 28 days of receipt of Form P2 of:
- Their entitlements, both paid and unpaid
 - Their expected return date
 - Details of any annual leave that must be taken before Maternity Support (Paternity) Leave starts
 - The need for them to give at least 28 days' notice if they wish to return to work before the given date

- 24.7 Within 28 days of receipt of form P2, the employee may be requested to provide the name and business address of the mother's employer and/or a copy of the child's birth certificate. This must be provided within 28 days of the request being made. In the case of an adopted child, evidence of the name and address of the adoption agency, the date on which he/she was notified of being matched with a child and the date on which the agency expects to place the child for adoption may be requested.
- 24.8 An employee wishing to return to work earlier than the date previously notified must give at least 28 days' notice of the new return date.

25 KEEPING IN TOUCH

- 25.1 Arrangements for keeping in touch during the period of additional Maternity Support (Paternity) Leave will be agreed between the individual and their manager prior to the start of leave.
- 25.2 It should be noted that staff absent on Maternity Support (Paternity) 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.
- 25.3 Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the Maternity Support (Paternity) Pay Period without the loss of SMSP for the week. They are intended to facilitate a smooth return to work for parents returning from Maternity Support (Paternity) Leave and can include training, team meetings or other activities which enable the employee to keep in touch with the workplace.
- 25.4 An employee may work a maximum of 10 KIT days without bringing their Maternity Support (Paternity) Leave to an end. Any days of work will not extend the Maternity Support (Paternity) period.
- 25.5 Working for part of any day will count as a whole KIT day.
- 25.6 The employee will be paid at their basic daily rate for the hours worked less appropriate Maternity Support (Paternity) Leave payment for KIT days worked.
- 25.7 Any work must be by agreement and neither the employer nor the employee can insist upon it.
- 25.8 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 Additional Maternity Support (Paternity) Appendices Document - Appendix 7 for KIT Record form and information.

SECTION 3 : ADOPTION

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Please also refer to the Adoption Appendices Document

ADOPTION LEAVE

26 POLICY STATEMENT

26.1 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).

Adoption leave is also available where a couple is granted parental responsibility through a 'parental order' in the case of a surrogacy arrangement (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.

27 PRINCIPLES

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

Entitlement to Adoption Leave

27.2 All employees will be entitled to 52 weeks Adoption Leave.

Entitlement to Occupational Adoption Pay under the NHS Scheme

27.3 An employee working full or part-time is entitled to Adoption pay under the NHS scheme provided that 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/gain parental responsibility of a child through a surrogacy arrangement; and
- Notify the Organisation on Form A1 (Additional Adoption Appendices Document - Appendix 2) within seven days of being notified by their adoption agency that they have been matched with a child/gain parental responsibility of a child through a surrogacy arrangement, 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; or
- Submit documentary evidence in the form of a 'parental order' in any cases where a surrogate has been used, as proof of entitlement to leave

Entitlements under the Scheme

27.4 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.

27.5 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.

27.6 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.

27.7 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.

Timing of Leave

27.8 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.

27.9 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.

27.10 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 adopter's manager must be kept informed.

- 27.11 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.

Other Provisions

Calculation of Pay

- 27.12 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.

Implementation of a Pay Award or Annual Increment

- 27.13 Absence on Adoption Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 27.14 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
- 27.15 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.

Pay Progression Framework

- 27.16 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.

Employees on a Fixed-Term Contract

- 27.17 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.

- 27.18 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.

Contractual Rights

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

Annual Leave

- 27.20 Annual leave will continue to accrue during both paid and unpaid Adoption Leave.
- 27.21 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.
- 27.22 In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.
- 27.23 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.
- 27.24 Bank Holidays are not accrued whilst on paid or unpaid Adoption Leave.

Pension

- 27.25 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>

Maternity Support (Paternity) Leave

- 27.26 The partner of an individual who adopts, or 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 (Section 2 of this policy – Page 23)

Entitlement to Time off For Pre-Adoption Arrangements

- 27.27 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.

28 PROCEDURE

- 28.1 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 (Additional Adoption Appendices Document - Appendix 2) should be completed for this purpose and the original sent to Workforce Team, who will send a copy to Payroll.
- 28.2 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
- 28.2 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.
- 28.3 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. Alternatively, in the case of a surrogacy arrangement employees will need to provide a copy of their parental order. The original should be sent to the Workforce Team, who will send a copy on to Payroll.
- 28.4 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.

Return to Work

- 28.5 If an employee wishes to take full entitlement to leave, then no further notification of return to work need be given.
- 28.6 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 which can be found on the CCG intranet.

Failure to Return to Work

- 28.7 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.
- 28.8 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,

29 CHILDCARE VOUCHER SCHEME

- 29.1 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 Workforce Team.

30 KEEPING IN TOUCH

- 30.1 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.
- 30.2 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.
- 30.3 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.
- 30.4 Working for part of any day will count as a whole KIT day.
- 30.5 The employee will be paid at their basic daily rate for the hours worked less appropriate Adoption Leave payment for KIT days worked.
- 30.6 Any work must be by agreement and neither the employer nor the employee can insist upon it.
- 30.7 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 Additional Adoption Appendices Document - Appendix 5 for KIT Record form and information.

SECTION 4 : PARENTAL LEAVE

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31 POLICY STATEMENT

- 31.1 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.
- 31.2 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.

32 PRINCIPLES

- 32.1 Employees who have nominated caring responsibility for a child *under the age of 14, or under the age of 18 in cases of adoption or a disabled child* are eligible for Parental Leave
- 32.2 Training and support will be provided to all Line Managers in the implementation and application of this policy

Entitlement to Leave

- 32.3 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 each child under 14, or 18 in cases of adoption or a disabled child.
- 32.4 The entitlement is 18 weeks unpaid leave per child to be taken in periods of at least one week at a time and 18 weeks for each adopted child or child entitled to a disability living allowance. In the case of twins, each parent will be entitled to 18 weeks for each child (18 weeks for parents of each adopted or disabled child)
- 32.5 A maximum of four weeks can be taken in any one year. Both parents are entitled to take parental leave.

Timescales for Taking Parental Leave

- 32.6 Up to 18 weeks leave up until the child's 14th birthday; or if the child is disabled (defined as being eligible to receive Disability Living Allowance) or adopted, up to 18 weeks leave up until the child's 18th birthday.
- 32.7 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.

Requests for Parental Leave

- 32.8 All requests for parental leave must be made on form PAR 1 (Additional Parental Leave Appendices Document - Appendix 1), be signed by a departmental manager and copied to Workforce and Payroll for monitoring and recording and payment purposes.

33 PROCEDURE

Applying For Parental Leave

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

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

Postponing Parental Leave

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

33.3 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 Organisations Grievance Procedure.

Arrangements during Parental Leave

33.4 Whilst taking parental leave, employees are on unpaid leave.

33.5 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 not accrue whilst on Parental Leave.

Returning from Parental Leave

33.6 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.

33.7 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.

1. Equality Impact Analysis									
Policy / Project / Function:	Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy								
Date of Analysis:	February 2015								
This Equality Impact Analysis was completed by: (Name and Department)	Workforce Service								
What are the aims and intended effects of this policy, project or function ?	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								
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 • Other Leave Policy • Flexible Working Policy • Grievance Policy • Disciplinary Procedure • Pay Progression Policy 								
Who does the policy, project or function affect ?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Employees</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Service Users</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Members of the Public</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other (List Below)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/>								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								
Please Tick ✓									

2. Equality Impact Analysis: Screening

	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
Race		✓		✓	The policy applies to all staff regardless of their race and should be applied equally. Assessed with no potential positive or negative impact
Age	✓			✓	See assessment test
Sexual Orientation	✓			✓	See assessment test
Disabled People		✓		✓	The policy applies to all staff regardless of disability and should be applied equally. Assesses with no potential positive or negative impact
Gender	✓			✓	See assessment test
Transgender People		✓		✓	The policy applies to all staff regardless of being Transgender and should be applied equally. Assesses with no potential positive or negative impact
Pregnancy and Maternity	✓			✓	See assessment test
Marital Status	✓				See assessment test
Religion and Belief		✓		✓	The policy applies to all staff regardless of religion or belief and should be applied equally. Assesses with no potential positive or negative impact
Reasoning					

If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7

3. Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected as at July 2014	
General	Total number of employees in the CCG is 22
Age	72.73% are aged 30-55 29.27% of staff are over 55 No employees are under 30
Race	90.9% staff employed in the CCG are White 4.55% staff are Black 4.55% of staff have are not stated/undefined their ethnicity
Sex	54.55% staff employed are male 45.45% staff employed are female
Gender reassignment	No information at this stage
Disability	86.36% of staff employed declared themselves as having no disability 13.64% did not declare /undefined No staff have declared a disability
Sexual Orientation	77.27% of staff described themselves as heterosexual 22.73% did not wish to respond /undefined
Religion, faith and belief	Christianity is the largest religious group declared by staff in the CCG (40.91%) 27.27% declared themselves Atheist 27.27% were undefined or did not wish to declare 4.55% of staff have other beliefs/religious beliefs
Marriage and civil partnership	81.81% of employees are married. No employees are in a civil partnership. The remainder (18.19%) are single/divorced/legally separated or widowed
Pregnancy and maternity	No information yet as the CCG has not been established long enough to build meaningful data

4. Equality Impact Analysis: Equality Data Available

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	<p>Yes <input checked="" type="checkbox"/> employee data</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	<p>Consultation has taken place with local Trade Unions representatives</p>
<p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	<p>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</p>

5. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)		✓		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
Race (All Racial Groups)	✓			
Disability (Mental and Physical)	✓			
Religion or Belief	✓			
Sexual Orientation (Heterosexual, Homosexual and Bisexual)		✓		The policy is explicit in applying to same sex couples.

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Pregnancy and Maternity		✓		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	✓			
Marital Status		✓		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.
Age		✓		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

6. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

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

7. Equality Impact Analysis Findings

Analysis Rating:	<input type="checkbox"/> Red	<input type="checkbox"/> Red/Amber	<input type="checkbox"/> Amber	<input checked="" type="checkbox"/> Green
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		Actions	Wording for Policy / Project / Function
<p>Red</p> <p>Stop and remove the policy</p>	<p>Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is recommended that the use of the policy be suspended until further work or analysis is performed.</p>	<p>Remove the policy</p> <p>Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.</p>	<p>No wording needed as policy is being removed</p>
<p>Red Amber</p> <p>Continue the policy</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.</p>	<p>The policy can be published with the EIA</p> <p>List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE).</p> <p>Consider if there are any potential actions which would reduce the risk of discrimination.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason exists which justifies the use of this policy and further professional advice.</p> <p><i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i></p>

Equality Impact Findings (continued):

		Actions	Wording for Policy / Project / Function
<p>Amber</p> <p>Adjust the Policy</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p>The policy can be published with the EIA</p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></p>
<p>Green</p> <p>No major change</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p>The policy can be published with the EIA</p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

Brief Summary/Further comments	
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Approved By		
Job Title:	Name:	Date:

SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

Title of the document	Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy
What is the main purpose of the document	To provide guidance to employees on their entitlements and rights under each type of leave
Date completed	February 2015
Completed by	Y&HCS Workforce Team

Domain	Objectives	Impact of activity 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?
Travel	Will it provide / improve / promote alternatives to car based transport? Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)? Will it reduce 'care miles' (telecare, care closer) to home? Will it promote active travel (cycling, walking)? Will it improve access to opportunities and facilities for all groups?	n/a		
Procurement	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery? Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?	n/a		

	<p>Will it promote ethical purchasing of goods or services?</p> <p>Will it promote greater efficiency of resource use?</p> <p>Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?</p> <p>Will it support local or regional supply chains?</p> <p>Will it promote access to local services (care closer to home)?</p> <p>Will it make current activities more efficient or alter service delivery models</p>			
Facilities Management	<p>Will it reduce the amount of waste produced or increase the amount of waste recycled?</p> <p>Will it reduce water consumption?</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?</p>	1	This policy will promote a healthy work / life balance for those staff who gain or have parental responsibility for a child/children	
Community Engagement	<p>Will it promote health and sustainable development?</p> <p>Have you sought the views of our communities in relation to the impact on sustainable development for this activity?</p>	n/a		
Buildings	<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 increase safety and security in new buildings and developments?</p> <p>Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?</p> <p>Will it provide sympathetic and appropriate landscaping around new development?</p> <p>Will it improve access to the built environment?</p>	n/a		

Adaptation to Climate Change	Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?	n/a		
Models of Care	Will it minimising 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes? Will it promote prevention and self-management? Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available? Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?	n/a		

BRIBERY ACT 2010 GUIDANCE

Introduction

On July 2011 the Bribery Act 2010 came into force, making it a criminal offence to give, promise, or offer a bribe and to request, agree or receive a bribe. It increased the maximum penalty for bribery to 10 years' imprisonment, with an unlimited fine. Furthermore the act introduces a 'corporate offence' of failing to prevent bribery by the organisation not having adequate preventative procedures in place. An organisation may avoid conviction if it can show that it had such procedures and protocols in place to prevent bribery.

The Ministry of Justice in its consultation and guidance set out six broad management principles whereby an organisation can demonstrate an effective defence by showing that it had effective bribery prevention measures in place.

Risk Assessment – this is about knowing and keeping up to date with the bribery risks you face in your sector and market;

Top level commitment – this concerns establishing a culture across the organisation in which bribery is unacceptable. If your business is small or medium sized this may not require much sophistication but the theme is making the message clear, unambiguous and regularly made to all staff and business partners;

Due diligence – this is about knowing who you do business with; knowing why, when and to whom you are releasing funds and seeking reciprocal anti-bribery agreements ; and being in a position to feel confident that business relationships are transparent and ethical;

Clear, Practical and Accessible Policies and Procedures – this concerns applying them to everyone you employ and business partners under your effective control and covering all relevant risks such as political and charitable contributions, gifts and hospitality, promotional expenses, and responding to demands for facilitation demands or when an allegation of bribery comes to light.

Effective implementation – this is about going beyond 'paper compliance' to embedding anti-bribery in your organisation's internal controls, recruitment and remuneration policies, operations, communications and training on practical business issues.

Monitoring and review – this relates to auditing and financial controls that are sensitive to bribery and are transparent, considering how regularly you need to review your policies and procedures, and whether external verification would help.

Relevance to the NHS

NHS organisations are included in the Bribery Act's definition of a "relevant commercial organisation". Any senior manager or executive who consents to or connives in any active or passive bribery offence will, together with the organisation, be liable for the corporate offence under the act.

Any individual associated with an organisation who commits acts or omissions forming part of a bribery offence may be liable for a primary bribery offence under the act or for conspiracy to commit the offence with others – including, for example, their employer.

Risks in breaching the Bribery Act

There are a number of risks entailed in breaching the Bribery Act. These include:

- Criminal sanctions against directors, board members and other senior staff as a corporate offence – Section 7 of the Act.
- Convictions of bribery or corruption may also lead to the organisation being precluded from future public sector procurement contracts.
- Damage to the organisation's reputation and negative impact on patient/stakeholder perceptions.
- Potential diversion and/or loss of resources.

What do NHS organisation's need to do ?

There are a number of steps NHS organisations can take:

- The Board needs to understand its responsibility in respect of the act.
- Be clear that, as NHS organisations, you are covered by corporate liability for bribery on the part of their employees, contractors and agents.
- Take steps to make your employees, contractors and agents aware of the standards of behaviour that are expected of them: this may include training for employees who might be affected – for example, employees with responsibility for procurement.
- Review existing governance, procedures, decisions-making processes and financial controls, introduce them if not already in place and, where necessary, provide appropriate training for staff.
- Record the fact that these steps have been taken, as they provide the defence against corporate liability under the act.

Areas for Action

- Once risks have been assessed the organisation must put in place procedures that are *proportionate* to bribery risks that are identified.
- The checklist below provides details of areas for actions to assist in ensuring proportionate steps to ensure prevention and defence against corporate liability under the act. The checklist is based on best practice guidance documents issued by NHS Protect in May 2011, Ministry of Justice and other anti-bribery and corruption NGOs.
- Internal Audit and Counter Fraud Teams will provide support to the organisation to help ensure that assurance can be given against the points in the following checklist during 2012/13.