

# **Maternity, Maternity Support (Paternity), Adoption/Parental Leave Policy (MMAP)**

**DOCUMENT CONTROL SHEET**

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**Change History:**

| Version | Date       | Reviewer(s)    | Revision Description   |
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| V1.0    | April 2017 | Tina Ryan      | Adapted for use as the Shared Service Policy.  |
| V1.1    | April 2018 | Policy Forum   | Policy reviewed by the Policy Forum. Title of policy updated to remove references to 'Fostering'.  |
| V1.2    | Oct 2018   | Hannah Preston | Updated to incorporate reference to West Essex CCG and reflect new date for next review.<br>Refresh of the Statutory Adoption Leave/Pay provisions to align with current statute<br>Clarification in section 6.3 that KIT days are available for those on adoption leave |

**Implementation Plan:**

|                                     |  |
|-------------------------------------|--|
| <b>Development and Consultation</b> | Adapted from the existing relevant CCG policies developed in conjunction with, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire and Luton CCGs.                                     |
| <b>Dissemination</b>                | This policy will communicate to staff representatives. It will be communicated electronically to all staff and managers and will be published on the CCG's intranet.   |
| <b>Training</b>                     | There are no specific training requirements in order to implement this policy. However, managers will be able to access advice from the HR Department on the implementation and interpretation of this policy. |
| <b>Monitoring and Review</b>        | The data identified from monitoring will be used to update the policy and ensure best practice as necessary.   |
| <b>Equality and Diversity</b>       | 17/05/2017 - Equality Impact Assessment  |

|                             |   |
|-----------------------------|---|
| <b>Associated Documents</b> | <ul style="list-style-type: none"><li>▪ Agenda for Change Part 5, Section 35.</li><li>▪ Attendance Management and Wellbeing Policy</li><li>▪ Annual Leave Policy</li><li>▪ Flexible Working Policy</li><li>▪ Health &amp; Safety Policy</li></ul> |
| <b>References</b>           | <ul style="list-style-type: none"><li>▪</li><li>▪</li><li>▪</li></ul>   |

**Document Status:**

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## 1.0 Introduction

This document provides guidance and information in relation to the types of maternity, maternity support (paternity), adoption, parental and shared parental leave and associated pay arrangements provided by NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys and NHS Luton Clinical Commissioning Groups (respectively referred to as 'the CCG') and by statute. This document will be updated as necessary to reflect developments within the CCG, and to incorporate any changes in legislation.

This policy applies to all CCG staff and establishes a framework for the effective implementation of all parental rights in relation to leave and pay.

The CCG aims to provide a fair, consistent and effective application of its parental provisions by ensuring that staff have the opportunity to integrate the development of a career with family responsibilities and are informed of their rights regarding maternity, maternity support (paternity), adoption, parental and pay.

It outlines the procedures to be followed when a member of staff is pregnant or requires time away from work for parental reasons, informing them of how and when to apply, together with their rights to return to work.

## 2.0 Scope

This policy applies, as appropriate, to all employees of the CCG.

It is important to note that throughout this policy, pregnancy is calculated on the basis of 40 weeks duration.

## 3.0 Definitions

**Statutory Maternity Leave (SML):** All pregnant employees, regardless of their length of service in the NHS or hours of work, are entitled to a period of 52 weeks maternity leave, of which:

- The first 26 weeks is known as 'Ordinary Maternity Leave' (OML); and
- The last 26 weeks is known as 'Additional Maternity Leave' (AML).

This is the amount of time that a woman is legally allowed to be absent from work in the weeks before and after she has had a baby.

**Occupational Maternity Pay (OMP):** Employees with 12 months' continuous service with the NHS by the eleventh week before the EWC and intend to return to work in the NHS for a minimum of 3 months will qualify for OMP. This is made up as follows:

- 8 weeks – full pay
- 18 weeks – half pay

- Remaining 26 week – unpaid leave

**Statutory Maternity Pay (SMP):** The amount of maternity pay that a woman may be entitled to during SML providing she is eligible to do so. This can be up to 39 weeks (subject to tax and national insurance deductions).

**Expected Week of Childbirth/Expected Week of Confinement (EWC):** The week, beginning on the Sunday in which it is expected that the baby will be born. To work out the 15th week before the EWC, find the Sunday before the due date (unless your baby is due on a Sunday, in which case use the due date), and count back 15 weeks.

**MATB1:** A medical certificate provided by the doctor or midwife which gives the expected week of childbirth. This cannot be issued until 20 weeks before the EWC.

**Shared Parental Leave (SPL):** Allows employed parents to share leave and pay with their partner to care for children from birth until their first birthday.

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

If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then Statutory Shared Parental Pay can be claimed for any remaining weeks

**Statutory Adoption Leave (SAL)** Time off to adopt a child or have a child through a surrogacy arrangement they will be eligible is known as Statutory Adoption Leave.

**Statutory Adoption Pay :** When an employee takes time off to adopt a child or have a child through a surrogacy arrangement they might be eligible for Statutory Adoption Pay. .

#### **Keeping in Touch (KIT) Days or Shared Parental Leave in Touch (SPLIT) Days:**

Employees can work a certain number of days during their maternity, adoption, additional paternity and shared parental leave. These days are called 'keeping in touch days'. Keeping in touch days are optional - both the employee and employer need to agree to them. It can be up to 10 days or 20 split days.

The type of work and pay employees get should be agreed before they come into work. The employee's right to maternity, adoption or additional paternity leave and pay isn't affected by taking keeping in touch days.

#### **Maternity Allowance (MA)**

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by Jobcentre Plus, for up to 39 weeks.

#### **4.0 Policy Statement**

This policy is designed to provide a framework across the CCG for a consistent and timely approach to the new and expectant mother, and employees with parental rights in relation to leave and pay.

The policy is intended to promote an employees' 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.

#### **5.0 Roles and Responsibilities**

##### **5.1 Chief Executive/Accountable Officer**

The Chief Executive/Accountable Officer has overall responsibility for this policy.

##### **5.2 Line Managers**

Line Managers are required to:

- Ensure a pregnant employee is aware of her rights and obligations under this policy and is afforded the necessary time off for antenatal and postnatal healthcare appointments.
- Treat the matter with sensitivity and the appropriate level of confidentiality at all times.
- Ensure Human Resources are informed of the date of birth if this differs from the application form.
- Carry out a risk assessment within two weeks of notification of pregnancy, and periodically thereafter as required; seek Health & Safety or Occupational Health advice as appropriate.
- Ensure an employee who is intending to breastfeed on their return to work, has an agreed plan for doing so with reasonable time allowed.
- Agree with the employee the method for keeping in touch during maternity leave, discuss the option of the 10 KIT days and confirm them in writing to the employee.
- Agree with the employee the method for keeping in touch during Shared Parental Leave, discuss the option of the 20 SPLIT days (see Definitions) and confirm them in writing.
- Complete the necessary change forms at the start and end of any leave and if necessary, a Leavers form, if the employee is not returning to work.
- Respond to requests for Shared Parental Leave accordingly.
- Seek advice from Human Resources for clarification of the policy if appropriate.
- Discuss with the employee arrangements for taking any accrued annual leave.
- Ensure that the CCG's Equality and Diversity Policy is adhered to at all times.

### 5.3 Employees

All employees are required to:

- Comply with health and safety and risk assessment requirements throughout their pregnancy and on return to work if breastfeeding.
- Familiarise themselves with the content of this document.
- Notify their manager they are pregnant as soon as possible, but no later than 15 weeks before the baby is due.
- Complete the applicable application form and other required documentation.
- Meet with their line manager to discuss options available for leave.
- Discuss with their line manager when they would like to commence leave giving at least 28 days' notice of this date.
- Inform their line manager of the date they gave birth.
- Utilise Keep in Touch (KIT) and Shared Parental Leave in Touch (SPLIT) days as appropriately.
- Inform the line manager of their intention to return to work giving at least **four weeks' notice**.
- If planning to return to work prior to the end of the maternity leave, inform their line manager giving at least **eight weeks' notice**.
- Fully co-operate with the requirements of this policy.

### 5.4 Human Resources

Human Resources have a responsibility to:

- Support and advise line managers in the application of this procedure, ensuring consistency is applied.
- Support employees in understanding the various Parental Leave options available and which are applicable to them.
- Write to the employee, after application has been submitted to confirm employee of their leave and pay entitlements

## 6.0 Procedure

### 6.1 Maternity Leave

All pregnant employees are entitled to maternity leave. Paid entitlements are dependent upon length of continuous service with this CCG, and within the National Health Service (NHS).

Statutory Maternity Pay (SMP) is subject to the level of National Insurance contributions paid by the employee.

A brief explanation is below however for authoritative guidance refer directly to the Agenda for Change Terms and Conditions of Service Handbook (Section 15) Agenda for Change - Maternity Leave and Pay which can be found on the CCG's intranet.

### Statutory Maternity Pay (SMP)

To qualify for SMP, employees must have continuous employment with the CCG for a minimum of 26 weeks by the end of the 14th week before the expected week of confinement (EWC) i.e. in the 15th week before the baby is due. The 15th week is known as the 'qualifying week'.

In order to receive SMP an employee's average weekly earnings must not be less than the lower earnings limit. If National Insurance contributions are insufficient to qualify for SMP, they may be eligible for Maternity Allowance (MA), which is payable by the Department for Work and Pensions or Job Centre Plus.

Payroll will assess the average weekly earnings upon receipt of the CCG's Maternity Application Form and will provide an SMP1 form to staff who do not qualify to receive SMP from the CCG. Entitlement to pay is set out as follows:

|   | Service Requirement  | Leave          | Pay  |
|---|--|----------------|--|
| <b>Statutory Maternity Leave</b>          | From day 1   | Up to 52 weeks | Unpaid   |
| <b>Statutory Maternity Leave with Pay</b> | 26 weeks<br>(26 weeks at the end of the 14 <sup>th</sup> week before the expected week of confinement) | Up to 52 weeks | 6 weeks SMP @ 90% of average earnings<br>33 weeks lower rate SMP @ current rate per week (or 90% of earnings if average weekly earnings are less than the current rate)<br>13 weeks unpaid |

### NHS Occupational Maternity Leave (Agenda for Change Terms and Conditions)

An employee will be entitled to both paid and unpaid maternity leave under the NHS contractual maternity pay scheme if she has twelve months continuous service with one or more NHS employers at the beginning of the eleventh week before the expected week of confinement.

Section 15 of the Agenda for Change Handbook details the conditions of continuous service for the purpose of NHS maternity leave.

|  | <b>Service Requirement</b>  | <b>Leave</b>   | <b>Pay</b>  |
|--|---|----------------|---|
| <b>NHS Maternity Leave without Statutory Service</b> | 1 year NHS service at the 29 <sup>th</sup> week of pregnancy<br><br>(but does not have 26 weeks service with the CCG at the qualifying week)  | Up to 52 weeks | 8 weeks at full pay less SMP (SMP element to be claimed from DWP).<br><br>18 weeks at 1/2 pay (providing total amount received from the CCG and the lower rate SMP element to be claimed from the DWP does not exceed full pay).<br><br>13 weeks lower rate SMP to be claimed from DWP<br><br>13 weeks unpaid       |
| <b>NHS Maternity Leave with Statutory Service</b>    | 1 year NHS service at the 29 <sup>th</sup> week of pregnancy<br><br>inclusive of 26 weeks service with the CCG (26 weeks at the end of the 14 <sup>th</sup> week before the expected week of confinement) | Up to 52 weeks | 8 weeks at full pay (inclusive of SMP)<br><br>18 weeks at 1/2 pay + lower rate current SMP rate per week (providing total amount received does not exceed full pay)<br><br>13 weeks current SMP rate per week (or 90% of earnings if average weekly earnings are less than the current rate)<br><br>13 weeks unpaid |

To receive the SMP element of the NHS Maternity Leave scheme from the CCG, an employee must have 26 weeks service with the CCG at the end of the 14th week before the expected week of confinement.

To qualify for the SMP element the employee's average weekly earnings must not be less than the lower earnings limit. Further information can be found at <https://www.nidirect.gov.uk/articles/statutory-maternity-pay-how-it-worked-out>. If National Insurance contributions are insufficient to qualify for statutory Maternity Pay, the employee may be eligible for Maternity Allowance, which is payable by Job Centre Plus or Department for Work and Pensions Office.- a form can be obtained from payroll (please request from HR).

The employee's average weekly earnings and service criteria will be assessed upon receipt of the CCG's maternity application form. An SMP1 form will be sent to the employee if they do not meet the criteria to receive SMP from the CCG.

If SMP is due in a week for which NHS pay is also payable, then NHS maternity pay will be treated as a payment towards SMP. In other words SMP is offset against NHS maternity pay.

### **Notice to Take Maternity Leave**

Maternity leave can commence any time from the 11th week before the expected week of confinement, up until the actual date of birth.

Notice must be given, by submitting the Application to Take Maternity Leave form (appendix 1), by the 15th week before the expected week of confinement, (or as soon as is reasonably practicable). Employees must include the expected date of childbirth and the date they would like their maternity leave to start. A MATB1 certificate, which is issued by the GP or Midwife from week 20 of pregnancy, must be attached to the application form.

Employees wishing to change the commencement date of maternity leave must notify their manager and Human Resources in writing, giving at least 28 days' notice (unless this is not reasonably practicable).

In accordance with Agenda for Change Terms and Conditions of Employment (Section 15) if an employee is off work due to pregnancy related sickness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is later. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work or a self-certificate shall be treated as sickness absence in accordance with normal leave provisions. (see section 6.14 Medical Certification of Absence in the Attendance Management policy)

### **How to Apply To Take Maternity Leave**

The employee must complete and sign the "Application to take Maternity Leave" form (appendix 1).

The employee must ensure that they have attached the original MATB1 certificate, which is issued by the GP or midwife from the 20th week of pregnancy. It verifies the pregnancy and confirms the expected date of confinement. The CCG will be unable to action the application without this.

Applications are required 15 weeks before the expected week of confinement (i.e. the 25th week of pregnancy)

The completed application form along with the MATB1 must be submitted to Human Resources who will verify the employee's entitlement and confirm their expected return to work date in writing. Copies will be sent to the line manager and Payroll.

### **Sickness and Maternity Leave**

Any absence because of sickness will be treated as sick leave in accordance with sickness absence provisions. However, the CCG would disregard any maternity related sickness absence occurring during a period of sickness monitoring.

If an employee continues to be absent due to sickness absence because of a pregnancy related illness at the beginning of the fourth week before the EWC, their maternity leave will commence from the beginning of that week.

If an employee is absent after the fourth week before the EWC with a pregnancy related illness, then their maternity leave will commence from the beginning of the fourth week before the EWC or the beginning of the next week after they last worked, whichever is the later.

If an employee is absent after the fourth week before their EWC and have a certificate which states that the sickness is unrelated to pregnancy, then normal sick leave provisions apply until they return to work or the date previously agreed with their line manager as the start of maternity leave.

If an employee becomes sick at the time they intend to return to work they must produce a medical certificate to be entitled to sick leave in accordance with normal sick leave entitlements.

### **Return to Work following Maternity Leave**

Following maternity leave employees are entitled to return to the job in which they were employed before their absence. If this is not reasonably practicable they will be offered a job that is suitable and appropriate and the same or better Terms and Conditions following a full consultation.

It is a statutory requirement that an employee takes at least two weeks maternity leave from the exact date of birth.

An employee taking maternity leave will be expected to return to work at the end of the maternity leave period, unless at least 8 weeks written notice has been given to their manager advising of an early return to work date.

For employees deciding not to return to work the usual contractual notice must be given.

Employees who have opted for the NHS Maternity Leave Scheme must return to NHS employment for a minimum of three months after the expiry date of maternity leave to

retain the NHS occupational maternity pay received (i.e. employees will be liable to refund the NHS element of pay, but will be able to retain the statutory element).

If the employee wishes to change their working pattern or reduce their hours following return from maternity leave, they should submit a flexible working request in accordance with the CCG's Flexible Working Policy.

### **Breast Feeding**

Line managers and employees should consider using the Flexible Working Policy to accommodate breastfeeding.

Please liaise with your line manager with regards accommodating express breastfeeding.

### **Optional Keeping in Touch Days (KIT)**

While on Maternity Leave employees can, if they so wish, attend work for up to 10 mutually agreed 'Keeping in Touch' (KIT) days without losing their entitlement to SMP.

Employees will be paid at their basic daily rate for the hours worked (less appropriate maternity leave payment for KIT days worked).

All KIT days must be agreed in advance between the employee and manager and must not be taken during the first two weeks following childbirth.

Payment for any work or training undertaken on KIT days will be authorised by the employee's manager via the appropriate change form.

For clarification a day is counted as a KIT day regardless of the number of hours worked on that day.

The CCG is entitled to make reasonable contact with an employee during maternity leave.

**Note: apart from working KIT days within the CCG, employees are not permitted to work for the CCG or elsewhere whilst on paid maternity or adoption leave. This could result in disciplinary action (including dismissal) and a referral to the Local Counter Fraud Service.**

### **Health and Safety / Risk Assessment**

A Health and Safety Risk Assessment should be carried out for pregnant woman as well as for those who wish to express milk for breast feeding.

Pregnancy should not be equated with ill-health; many pregnant women choose to continue working but it is recognised that various hazards in the workplace may have a detrimental effect on either the pregnant worker or on the health of their unborn child.

The normal physiological changes that take place during pregnancy may also predispose to, or increase the risk from, some hazards.

It is important that employees are aware of their working environment and any potential hazards should be addressed.

Managers will arrange to meet with their pregnant employees to undertake a risk assessment. A 'Work Place Risk Assessment for New and Expectant Mothers' (see appendix 8). Employees should co-operate with any adjustments deemed necessary and agree to any changes to their work that are proposed to protect their health and safety.

If an employee's health changes this should be discussed with their manager so an updated risk assessment can be performed, and if appropriate, support should be sought from Occupational Health.

Employees concerned about any aspect of their duties or working environment must alert their line manager immediately of the issue(s) who should then carry out a Workplace Risk Assessment.

### **Time Off to Attend Antenatal Appointments**

Time off will be granted for ante-natal care provided that an appointment has been made and the line manager has agreed the time off in advance. Ante-natal care may include relaxation and parent craft classes as well as appointments for antenatal care. This also applies to an employee who wishes to accompany their pregnant wife or partner to appointments.

Wherever possible, ante-natal appointments should be made at the start or end of your working day in order to minimise disruption to services. Except in the case of your first appointment, you must be prepared to show your manager on request:

- a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that you are pregnant; and
- an appointment card or some other document showing that an appointment has been made.

### **Annual Leave**

Whilst on maternity leave employees will continue to accrue annual leave; all leave will count towards service whether paid or unpaid. All maternity leave will count as service for the purposes of satisfying the qualification for additional annual leave based on years of service.

If annual leave is to be taken immediately before or immediately after maternity, as with all annual leave, it is subject to approval by the line manager who will consider the service needs.

If it is not possible to take leave during a particular year, employees can add all of the annual leave on to the beginning or the end of their maternity period.

Where the amount of accrued annual leave would exceed the normal carry over provision, the amount carried over should be discussed and agreed with the line manager.

Annual leave cannot be taken during maternity leave; for example, an employee cannot take paid maternity leave, then annual leave then go back into maternity leave (whether paid or unpaid).

### **Resignation during maternity leave**

If an employee decides not to return to work after her maternity leave she must give the CCG her contractual notice period as indicated on her Contract of Employment. Payroll will write to the employee to arrange repayment of the OMP received (if applicable). The employee will retain any SMP or MA received. However, if the employee takes up an appointment with another NHS organisation within 15 months of commencing maternity leave repayment will not apply.

Annual leave entitlement will be calculated according to the length of the employee's maternity leave. If an employee submits her resignation before the end of her maternity leave, her annual leave will be calculated up to or until the last day of service (inclusive of contractual notification requirements).

### **Fixed Term or Training Contracts**

If the employee's contract expires after the 11th week before the expected week in which her baby is due, her contract will be extended to allow for 52 weeks maternity leave.

However, to gain the benefit of OMP the employee will need to have worked in the NHS for 12 months continuously, by the 11th week before the week in which the baby is expected. In addition, to qualify for SMP, she will need to have worked in the NHS for 26 weeks continuously by the 15th week before the expected week of childbirth.

If there is no right of return back to work because the employee's contract would have ended if pregnancy had not occurred then re-payment of OMP will not apply.

Employees who do not meet the 12 months' service provision may still be entitled to SMP. Absence on paid or unpaid maternity leave (up to 52 weeks) before a further NHS appointment commences will not constitute a break in service.

If an employee is on an agreed rotational training contract she will have the right to return to work in the same post or next planned post regardless of whether or not the

contract would have ended if pregnancy and maternity leave had not occurred. In some cases contracts may be extended to allow for training to be completed, where applicable.

### Still Births

Should an employee experience a stillbirth after 24 weeks of pregnancy she will be entitled to maternity leave/pay as if the baby had lived. She will need to provide a MATB1 certificate (Agenda for Change 15.32).

The employee should be informed about the free independent and confidential Employee Assistance Programme for support.

Should an employee experience a stillbirth after 24 weeks of pregnancy Maternity Support (Paternity) leave/pay will still apply as if the baby had lived.

### Miscarriage

Should an employee have a miscarriage before the 25 weeks of completed pregnancy, normal sick leave provisions will apply.

The employee should be informed about the free independent and confidential Employee Assistance Programme for support.

## 6.2 Maternity Support (Paternity) Leave

Maternity Support (Paternity) leave is designed to be taken immediately after the birth of a child, when the mother is still on maternity leave.

All employees are entitled to take Maternity Support (Paternity) Leave. The leave falls into two categories and applies to the father of the child (including adoptive fathers), the mother's husband or partner (whether opposite or same sex), or nominated carer and is made up as follows:

| Type of leave                                  | Amount of leave  |
|--|--|
| Ordinary Maternity Support (Paternity) leave   | 2 weeks leave to be taken within 8 weeks of the baby's birth               |
| Additional Maternity Support (Paternity) leave | Between 2 to 26 weeks leave commencing from 2 weeks after the baby is born |

### Eligibility and Entitlement

The table below illustrates the options of both pay and leave available, based upon service requirements:

|  | <b>Service Requirement</b>  | <b>Leave</b>  | <b>Pay</b>  |
|--|---|---------------|---|
| Statutory Maternity Support (Paternity) Leave        | 26 weeks at the 25 <sup>th</sup> week of pregnancy (15 <sup>th</sup> week before the week in which the baby is due) | Up to 2 weeks | 2 weeks Statutory Maternity Support Pay (SMSP) per week (or 90% of earnings if average weekly earnings are less than SMSP rate) |
| NHS Occupational Maternity Support (Paternity) Leave | 12 months continuous NHS Service at the beginning of week that baby is due  | Up to 2 weeks | 2 weeks @ full pay (inclusive of SMSP)  |

To qualify for Maternity Support (Paternity) leave, an employee must inform the CCG that they intend to take Maternity Support (paternity) leave at least 28 days before they want the leave to commence or if this is not possible as soon as is reasonably practicable (application form Appendix 2).

Eligible employees can choose to take either one week or two consecutive weeks' Maternity Support (Paternity) leave. Maternity Support (Paternity) leave cannot be taken as odd days or as two separate weeks.

The earliest date on which the leave can begin is on the birth of the child or any time during the 8 weeks following the birth or date of placement in the case of an adopted child.

Maternity Support (Paternity) Leave can be requested by biological and adoptive fathers as well as nominated carers and same sex partners. In addition, reasonable paid time off to attend ante-natal appointment or official adoption meetings will be given.

### 6.3 Adoption

This policy is designed to implement the statutory rights to Adoption leave and pay following the placement of a child. When an employee takes time off to adopt a child or have a child through a surrogacy arrangement they might be eligible for Statutory Adoption Pay and Leave.

Leave is available to individuals who adopt/foster and to one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).

Where the CCG employs both parents, one parent will be identified as the primary carer however, both parents will be entitled to leave under this policy regardless of gender or sexual orientation.

The table below illustrates the options of both pay and leave available, based upon service requirements, Some employees will not qualify for both leave and pay.

|                                 | <b>Service Requirement</b>  | <b>Leave</b>  | <b>Pay</b>   |
|---------------------------------|---|---|--|
| <b>Statutory Adoption Leave</b> | 26 weeks up to any day in the week they were matched with a child for adoption .                        | Up to 52 weeks<br>Comprised of the first 26 Weeks as Ordinary Adoption Leave and last 26 weeks as Additional Adoption Leave | Statutory Adoption Pay (SAP) for employees is:<br>•90% of their gross average weekly earnings for the first 6 weeks, followed by Current amount of Statutory Adoption Pay or 90% of their gross average weekly earnings (whichever is lower) for the next 33 weeks                                 |
| <b>NHS Adoption Leave</b>       | 1 year NHS service in the week an employee is notified of having been matched with a child for adoption | Up to 52 weeks  | 8 weeks at full pay (inclusive of SAP)<br><br>18 weeks at 1/2 pay + lower rate SAP per week (providing total amount received does not exceed full pay)<br><br>13 weeks lower rate SAP per week (or 90% of earnings if average weekly earnings are less than lower rate SAP)<br><br>13 weeks unpaid |

The right would apply in respect of an adopted child up to the age of 18, and covers both UK and overseas adoption

The right does not apply in situations where employees

- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member or stepchild
- adopt privately, for example without permission from a UK authority or adoption agency

For further information go to : <https://www.gov.uk/employers-adoption-pay-leave>

Statutory Adoption Pay (SAP) and SAL are not usually available to foster carers, but may be available to foster carers who go on to adopt a child if they satisfy the qualifying conditions:

- the adopter must have been matched with the child for adoption by an adoption agency,  
  
and
- the child will be placed with them for adoption.

If the adopters apply directly to the courts for an adoption order, they will not be eligible for SAP or SAL.

Notification of commencement of leave must be made within 7 days of being matched to a child. Leave and pay will commence from the date the child is placed with the parents.

Employees are entitled to attend five official meetings with pay during the adoption process. Thereafter, reasonable unpaid time off may be granted at manager's discretion.

An adoptive parent who is not taking adoption leave will also be entitled to Maternity Support (Paternity) leave.

### **Overseas Adoption**

Special rules apply where additional paternity leave follows adoption leave in relation to a child adopted from overseas – please contact Human Resources for further information.

The Qualifying Period for Additional Statutory Maternity Support (Paternity) Pay when adopting from overseas, is the latter of either:

- The week official notification was received

- The week the employee has 26 weeks' continuous employment with the employer paying Additional Statutory Paternity Pay
- The employee must have the main responsibility (alongside the responsibility of the mother or adopter taking adoption leave) for the upbringing of the child. If an employee is adopting from a UK adoption agency, they must be matched with the child for adoption.

### **Notice of taking Adoption Leave**

- An employee must inform their line manager that they intend to take adoption leave no more than seven days after the day they are notified of having been matched with a child, or earlier if they wish.
- An Adopter can choose to take their adoption leave and pay on:
  - a) The date the child is placed with them for adoption; or
  - b) A predetermined date no more than 14 days before the date on which the child is expected to be placed for adoption (and no later than the expected date of placement).

### **How to Apply for Adoption Leave**

The "Application to take Adoption Leave" (Appendix 3) must be completed, signed and submitted to Human Resources 28 days before the expected date of placement.

The employee must ensure that they have attached the original documents issued by the adoption agency which give information including:

- The name and address of the adoption agency
- The date they were notified of having being matched with a child
- The date on which the child is expected to be placed with the employee for adoption

Once submitted to Human Resources the application will be verified against the employee's entitlement and confirmation will be sent to the employee in writing of their entitlement and expected return to work date.

### **Optional Keeping in Touch Days (KIT)**

While on Adoption Leave employees can, if they so wish, attend work for up to 10 mutually agreed 'Keeping in Touch' (KIT) days without losing their entitlement to Statutory payments.

Employees will be paid at their basic daily rate for the hours worked (less appropriate adoption leave payment for KIT days worked).

All KIT days must be agreed in advance between the employee and manager and must not be taken during the first two weeks following childbirth.

Payment for any work or training undertaken on KIT days will be authorised by the employee's manager via the appropriate change form.

For clarification a day is counted as a KIT day regardless of the number of hours worked on that day.

### **Return to work following Adoption Leave**

Following adoption leave employees are entitled to return to the job in which they were employed before their absence. If this is not reasonably practicable they will be offered a job that is suitable and appropriate on the same or better terms and conditions following a full consultation.

An employee taking adoption leave will be expected to return to work at the end of the adoption leave period, unless at least 8 weeks written notice has been given to their manager advising of an early return to work date.

For employees deciding not to return to work the usual contractual notice must be given to their line manager.

Employees who have opted for the NHS Occupational Adoption Leave Scheme must return to NHS employment for a minimum of three months after the expiry date of adoption leave to retain the NHS occupational adoption pay received (i.e. employees will be liable to refund the NHS element of pay, but will be able to retain the statutory element).

## **6.4 Parental Leave**

Parental leave applies to all employees in the NHS who have nominated caring responsibility for a child under age 18. Employees must have completed one year's service with an NHS employer to qualify for this leave.

Parental leave should not be confused with Shared Parental Leave which is a new entitlement for eligible parents of children due to be born or adopted on or after 5 April 2015.

The purpose of parental leave is to care for a child. This means looking after the welfare of a child and can include making arrangements for the benefit of a child. The leave

might be taken simply to enable parents/legal guardians to spend more time with children and strike an improved balance between their work and family commitments.

Examples of the way leave might be used include:

- To spend more time with the child;
- To accompany a child during a stay in hospital;
- Checking out new schools;
- Settling a child into new childcare arrangements;
- To enable a family to spend more time together.

Parental leave provides for a period of up to 18 weeks unpaid parental leave for each child under the age of 18. Only a maximum of 4 weeks leave, per child, can be taken in any one year. Leave must be taken in blocks of full weeks (except in relation to a child who is disabled).

### **Entitlement to Leave**

Employees must have nominated caring responsibility for either:

- A child under 18 years of age
- An adopted child under 18 years of age only if within 5 years of placement

Caring responsibility is clarified as being:

- The parent named on the child's birth certificate or
- Named on the child's adoption certificate or
- Having legal parental responsibility for the child

The right to parental leave expires once the child exceeds the age limit (i.e. on their 18<sup>th</sup> birthday).

Parental leave applies equally to either parent whether they work full or part time, and is a separate provision from Maternity, Maternity Support (Paternity), Adoption or Shared Parental leave. In the case of employees who work part time, the "week's" leave will be in line with their weekly contracted hours.

The balance of any untaken leave can be transferred between different employers, but not between individual employees.

The CCG is entitled to make reasonable contact with an employee during any period of absence due to parental leave.

### **How Parental Leave is Taken**

The parental leave year runs from the date of eligibility (relevant service/qualifying child). This will be different from an employee's 'normal' leave year.

Parental leave is usually taken in blocks of one week except in relation to a disabled child when it can be taken in days.

Employees may not take more than four weeks leave in respect of any individual child in any one year.

21 days written notice must be given to the employee's manager where possible, clearly stating the dates on which they wish their leave to begin and end. If an employee or their partner are having a baby or adopting, notice must be given 21 days before the week the baby or child is expected. A photocopy of the child's birth certificate, date of placement or MATB1 must be included with the first request for each child. An application form for Parental Leave can be found in appendix 4.

In cases where it may not be possible to give 21 days' notice, employees should give notice to their line manager as soon as possible. For example, if a child is born prematurely or where less than 21 days' notice is given that a child is to be placed for adoption.

Employees who qualify for parental leave can take it immediately after taking Maternity, Maternity Support (Paternity) or Adoption leave.

The CCG will not postpone leave when an employee (in the capacity as the father or partner) gives notice to take parental leave immediately on the birth of a child or placement with the family for adoption. In addition, the CCG will not postpone leave if it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday.

#### Rights on Return to Work

- Employees have the right to return to the same job following parental leave.

#### Rights during Parental Leave

- There is no break of service in employment during parental leave. All contractual rights will continue except for remuneration.
- Under the regulations, employees remain bound by obligations under their terms and conditions of employment relating to the provision of notice, disclosure of confidential information, acceptance of gifts and participation in any other business. Since the main purpose of parental leave is for childcare, permission for other employment will only be granted if the employment will not detract from the main purpose of the leave. Employees must therefore declare any other employment to be

undertaken during parental leave, including bank and locum / agency work.

#### Records of Parental Leave Taken

- Parental Leave will be recorded and the line manager will maintain records of parental leave taken. As parental leave is transferable, the CCG will make this information available to other employers if requested. Similarly, the CCG will make enquiries of a previous employer about how much parental leave an individual has taken.

### 6.5 Shared Parental Leave

The Shared Parental Leave (SPL) Regulations came into force on 1st December 2014. The SPL Regulations will apply to employees who meet the eligibility criteria. Adopters will have the same rights as other parents to Shared Parental Leave and Shared Parental Pay (ShPP).

SPL is a right to enable eligible mothers, fathers/partners and adopters more flexibility as to how to care for their child during the first year of birth or adoption, rather than simply taking maternity, adoption and paternity leave. Assuming the employee and their partner are both eligible, the employee will be able to choose how to split the available leave between the employee and their partner, and can decide to be off work at the same time or at different times. Employees may be able to take leave in more than one block.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she has not been entitled to maternity leave).

If the employee is the child's father or the mother's partner, they should consider using their two weeks' paternity leave before taking SPL. Once the employee starts SPL, they will lose any untaken paternity leave entitlement. SPL entitlement is additional to their paternity leave entitlement.

#### Eligibility to Shared Parental Leave

Employees are entitled to SPL in relation to the birth or adoption of a child if:-

- they are the child's mother, and share the main responsibility of the care of the child with the child's father or with their partner; they are the child's father and share the main responsibility for the care of the child with the client's mother; or
- they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

Additionally to take SPL the employee must satisfy each of the following criteria:

- they must still be working for the CCG at the start of each period of SPL;
- they must have a minimum of 26 weeks' service at the end of the 15<sup>th</sup> week before the child's expected due date/matching date (Continuity of Employment Test);
- the other parent must have worked in at least 26 weeks of the 66 weeks leading up to the expected due date/matching date and have earned above the maternity allowance threshold in 13 of the 66 weeks. This can be employed, self-employed or as an agency worker;
- both the employee and the other parent must correctly provide the necessary statutory notices and declarations by completing Appendix 5. This includes notice to end any maternity leave, statutory maternity pay (SMP), or maternity allowance (MA) periods.

### Opting into Shared Parental Leave

The employee must also provide on request:-

- a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- the name and address of the other parent's employer (or declaration that they have no employer).
- If the employee is the child's mother and wants to opt into the SPL scheme, they must give the CCG at least eight weeks' written notice to end their maternity leave (a curtailment notice) before they can take SPL. The notice must state the date their maternity leave will end. The employee can give the notice before or after they give birth, but they cannot end their maternity leave until at least two weeks after birth.
- The employee must also give the CCG, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the other parent has given their employer an opt in notice and that they have given the necessary declarations in that notice (**Appendix 5**).

The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:-

- If it becomes apparent that neither parent are in fact eligible for SPL or ShPP, the curtailment can be revoked giving notice in writing up to eight weeks after it was given;
- If the curtailment notice was given before giving birth, it can be revoked in writing up to six weeks after birth; or
- If the other parent has died.

If the employee is not the mother but the mother is still on maternity leave or claiming SMP or MA, they will only be able to take SPL once she has either:-

- returned to work;
- given her employer a curtailment notice to end her maternity leave;

- given her employer a curtailment notice to end her SMP;
- given the Benefits Office a curtailment notice to end her MA.

### **Shared Parental Pay**

An employee may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by the employee or their partner) if the employee has at least 26 weeks' continuous employment with the CCG at the end of the Qualifying Week and their average earnings are not less than the lower rate set by the Government each year.

In addition to meeting the eligibility requirements for SPL, in order to claim ShPP an employee must further satisfy each of the following criteria:

- must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- must intend to care for the child during the week in which ShPP is payable;
- must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are that not less than the lower earnings limit in force for national insurance contributions;
- must remain in continuous employment until the first week of ShPP has begun;
- should tell us in the period of leave notice whether you intend to claim ShPP during your leave (and, if applicable, for what period). If it is not in your period of leave notice, you can tell us in writing, at least eight weeks before you want ShPP to start.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year (further information can be found on [www.gov.uk](http://www.gov.uk)) or 90% of average earnings (whichever is lower).

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

### **Entitlement to Shared Parental Leave**

If the employee is eligible they may be entitled to take up to 50 weeks SPL during the child's first year.

The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

If you are the mother, you cannot start SPL until after the compulsory maternity leave period which is two weeks after birth.

You may reduce your entitlement to maternity/adoption leave by returning to work before the full entitlement of 50 weeks has been taken, or you may give notice to curtail your leave at a specified future date.

SPL can commence as follows:

- If you are the mother or adopter, you can take SPL after you have taken the legally required two weeks of maternity leave immediately following the birth or placement of the child
- If you are the mother or adopter, you can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period.

Paid Paternity Leave of two weeks will continue to be available to fathers and a mother's or adopter's partner.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

### **How Shared Parental Leave can be taken**

Having opted into the SPL system, you must book your leave by giving the CCG a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

To request SPL an employee will need to complete all sections on the application for Shared Parental Leave (appendix 5). This must be submitted to the line manager a minimum of 8 weeks prior to the date that the employee wishes for the SPL to begin.

The notice must include the following:

- How much leave is available
- How much leave they are entitled to take
- How much leave the parent is intending to take
- How they expect to take it

The period of leave notice can either give the dates you want to take leave or, if the child has not been born yet, it can state the number of days after birth that you want the leave to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth and wish to take SPL straight afterwards.

Leave must be taken in blocks of at least one week.

An employee is eligible to submit three notifications specifying the leave periods they intend to take. Each notification may contain either:

1. a single period of weeks of leave (continuous leave); or
2. split periods of SPL, with periods of work in between (discontinuous leave).

SPL can only be taken in complete weeks but may begin on any day of the week.

Where the employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

An employee can take SPL at different times to their partner or share the leave between them. If an employee chooses to take their leave at the same time then during the eligible weeks both would receive ShPP.

### **Continuous leave notifications**

If your period of leave notice gives a single continuous block of SPL, you will be entitled to take the leave set out in the notice so long as it does not exceed the total number of weeks of SPL available to them and the employer has been given at least eight weeks' notice.

### **Discontinuous leave notifications**

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where an employee return to work.

Where there is concern over accommodating the request for discontinuous leave, the line manager will arrange a meeting with the employee to discuss the notification with a view to agreeing an arrangement that meets both the business needs of the CCG and also the employee's requirements to care for their child.

If an agreement is reached, the line manager will confirm the arrangement in writing. If agreement has not been reached, the employee will be entitled to take the full amount of requested SPL as one continuous block starting on the date given in their notice (for example, if they requested 2 separate periods of four weeks each, they will be combined into one 8 week period of leave); alternatively, the employee may:-

- choose a new start date (which must be at least eight weeks after their original period of leave notice was given) and inform their line manager within five days of the end of the two week discussion period; or
- withdraw their period of leave notice within two days of the end of the two week discussions period (in which case, the notice will not be counted and you may submit a new one if you choose).

Once the application is agreed a copy of the form should be sent to Human Resources.

The line manager will need to complete the relevant Change form at the start and end of each period of SPL. This will need to be submitted to Human Resources.

Once agreed, any requests to change the start / end date of a block of SPL should be done through the line manager with a minimum of 8 weeks' notice.

### **Starting Shared Parental Leave**

For SPL to start, the employee/ the mother or adopter must do one of the following:

- end the maternity or adoption leave by returning to work or starting SLP
- give notice (a decision that cannot normally be changed) of the date when the maternity or adoption leave will end
- end maternity pay or Maternity Allowance

An employee can start SPL while their partner is still on maternity or adoption leave as long as they have given binding notice to end it.

Where applicable, the employee must notify their line manager and Human Resources of the date that they wish to end their maternity leave and pay by completing section 2 of appendix 5.

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

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their line 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, including notice to return to work early, will usually count as a new notification reducing 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 organisation 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 by the line manager.

### **Shared Parental Leave in Touch (SPLIT) Days**

Contact can be made with the employee during their SPL although this should be kept to a minimum. This may include contacting the employee to discuss arrangements for your return to work.

An employee may be asked or may ask to work (including attending training) up to 20 keeping in touch days. They should discuss and agree with their line manager arrangements for keeping in touch days. By mutual agreement an employee could attend team meetings, training or other specific work event that will be helpful to both the employee and the department/team.

Any work carried out on a SPLIT day, a minimum of half an hour, will be counted as a whole day for SPLIT purposes but the employee will only be paid for the hours they have worked.

An employee can take SPLIT days as single days, in blocks of two or more days or they can be taken consecutively without affecting their ShPP. Details of any SPLIT days worked should be recorded on the relevant change form and submitted to Human Resources.

**Appendix 1 – Application to Take Maternity Leave Form**

**APPLICATION TO TAKE MATERNITY LEAVE**

**NOTE:** Applications required 15 weeks before the Expected week of confinement (25<sup>th</sup> week of pregnancy).

Your MATB1 (Maternity Certificate) **must** be attached (this is available from 20<sup>th</sup> week of pregnancy from your GP or Midwife). Please send your completed application form to Human Resources

| <p><b>Name:</b></p> <p><b>Address:</b></p>   | <p><b>Employee No:</b></p> <p><b>Start Date:</b></p> <p><b>Post Title:</b></p> <p><b>Dept:</b></p> <p><b>Manager:</b></p> |                |  |  |
|--|---|----------------|--|--|
| <p><b>Expected date of confinement (Due date):</b></p>   |   |                |  |  |
| <p><b>Date you wish your maternity leave to commence:</b><br/>(Can commence anytime from week 29 of pregnancy)</p> <p><b>Do you intend to return to work:</b>    Yes / No</p> <p><b>Are you currently in receipt of childcare vouchers? :</b> Yes / No</p> |   |                |  |  |
| <p><b>Please indicate your maternity leave option below (in accordance with service criteria).</b></p>   |   |                |  |  |
| Option   | Service Requirement   | Leave          | Pay  | Required Option<br>(Please indicate ✓) |
| <b>Statutory Maternity Leave</b>   | 1 day   | Up to 52 weeks | Unpaid   |  |
| <b>Statutory Maternity Leave with Pay</b>  | 26 weeks<br><br>(26 weeks at the end of the 14 <sup>th</sup> week before the expected week of confinement)                | Up to 52 weeks | 6 weeks SMP @ 90% of average earnings<br>33 weeks lower rate SMP (or 90% of earnings if average weekly earnings are less than lower rate SMP)<br><br>13 weeks unpaid |  |

|   |   |                       |   |  |
|---|---|-----------------------|---|--|
| <p><b>NHS Maternity Leave without Statutory Service</b></p> | <p>1 year NHS service at the 29<sup>th</sup> week of pregnancy</p> <p>but does not have 26 weeks service with the CCG at the qualifying week</p>  | <p>Up to 52 weeks</p> | <p>8 weeks at full pay less SMP (SMP element to be claimed from Jobcentre Plus).</p> <p>18 weeks at 1/2 pay (providing total amount received from the CCG and the lower rate SMP element to be claimed from the Jobcentre Plus does not exceed full pay).</p> <p>13 weeks lower rate SMP to be claimed from Jobcentre Plus</p> <p>13 weeks unpaid</p> |  |
| <p><b>NHS Maternity Leave with Statutory Service</b></p>    | <p>1 year NHS service at the 29<sup>th</sup> week of pregnancy</p> <p>inclusive of</p> <p>26 weeks service with the CCG (26 weeks at the end of the 14<sup>th</sup> week before the expected week of confinement)</p> | <p>Up to 52 weeks</p> | <p>8 weeks at full pay (inclusive of SMP)</p> <p>18 weeks at 1/2 pay + lower rate SMP per week (providing total amount received does not exceed full pay)</p> <p>13 weeks lower rate SMP (or 90% of earnings if average weekly earnings are less than lower rate SMP)</p> <p>13 weeks unpaid</p>  |  |

**DECLARATION**

I fully understand and accept my rights under the Employment Rights Act 2002. I accept my leave and pay entitlements as indicated above. I have made a choice between the distinct options and realise that I cannot now change my option.

***For individuals taking National Health Service Occupational Maternity Leave***

I hereby declare that I will continue in the employment of my current employer or another Health Authority or NHS Trust, for a minimum period of three months after the expiry of my maternity leave. I understand if I do not return, I am liable to refund the NHS occupational pay received (in excess of Statutory Maternity Pay)

**Employee's Signature:**

**Date:**

**HR Representative to complete details below:**

**Service Dates Confirmed:**

**Option Entitlement Verified and Details Checked:**

**Expected Return to Work Date:**

(Should you wish to return prior to this date 8 weeks written notice is required).

**Authorised Signatory:**

**Date:**

**Appendix 2 – Application to Take Maternity Support (Paternity) Leave Form**

**APPLICATION TO TAKE MATERNITY SUPPORT (PATERNITY) LEAVE**

Applications are required at least 28 days prior to the date the leave is to Commence. Your statutory Paternity Pay/Paternity Leave Form SC3 must also be attached.  
Please send your completed application form to Human Resources.

| Name:   | Employee No:  | Dept.         |  |   |
|---|---|---------------|--|---|
| Address:  | Start Date  | Post Title    |  |   |
| Period of Paternity leave required:<br><br>To commence from:<br><br><b>Please Note:</b><br><i>Leave can be taken at any time during the 8 weeks following the child's date of birth; it is to be taken in a single block of 1 or 2 consecutive weeks unless otherwise agreed.</i> |   |               |  |   |
| OPTION  | Service Requirement   | Leave         | Pay  | Choice<br>Please indicate<br>✓ <input type="checkbox"/> |
| <b><u>State Scheme</u></b>  | 26 weeks at the 25 <sup>th</sup> week of pregnancy (15 <sup>th</sup> week before the week in which the baby is due) | Up to 2 weeks | 2 weeks Statutory Paternity Pay @ current rate per week (or 90% of earnings if average weekly earnings are less) |   |
| <b><u>CCG Scheme</u></b>  | 12 months continuous NHS Service at beginning of week the baby is due   | Up to 2 weeks | 2 weeks @ full pay (inclusive of SPP)  |   |

**DECLARATION**

I fully understand and accept my rights under the Employment Rights Act 2002. I accept my leave and pay entitlements as indicated above.

***For individuals taking the State or CCG Scheme***

I have made a choice between two distinct options and realise that I cannot now change my option.

***For individuals taking the CCG Scheme***

I hereby declare that I will continue in my current employment or another Health Authority or NHS Trust, for a minimum period of three months after my paternity leave. I understand if I do not return, I am liable to refund the CCG pay received (in excess of Statutory Paternity Pay)

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Details Checked:

Authorised Signatory:

Service Dates confirmed:

Post Title:

Option entitlement verified:

Date:

**Appendix 3 – Application to Take Adoption Leave Form**

**APPLICATION TO TAKE ADOPTION LEAVE**

**NOTE:** Applications required 28 days before the expected date of placement.

Your matching certificate or documents from the adoption agency **must** be attached. Please send your completed application form to Human Resources.

| <b>Name:</b>   | <b>Employee No:</b>   |                |   |  |
|--|---|----------------|---|--|
| <b>Address:</b>  | <b>Start Date:</b>  |                |   |  |
|  | <b>Post Title:</b>  |                |   |  |
|  | <b>Dept:</b>  |                |   |  |
| <b>Expected date of placement:</b>   |   |                |   |  |
| <b>Date you wish your adoption leave to commence:</b><br>(Can commence 14 days before date of placement) |   |                |   |  |
| <b>Do you intend to return to work:</b> Yes / No   |   |                |   |  |
| Please indicate your adoption leave option below (in accordance with service criteria).                  |   |                |   |  |
| Option   | Service Requirement   | Leave          | Pay   | Required Option<br>(Please indicate ✓) |
| <b>Statutory Adoption Leave</b>  | 26 weeks in the week an employee is notified of having been matched with a child for adoption | Up to 52 weeks | 39 weeks @ lower rate SAP per week (or 90% of earnings if average weekly earnings are less).<br><br>13 weeks unpaid |  |

|                                  |  |                       |   |  |
|----------------------------------|--|-----------------------|---|--|
| <p><b>NHS Adoption Leave</b></p> | <p>1 year NHS service in the week an employee is notified of having been matched with a child for adoption</p> | <p>Up to 52 weeks</p> | <p>8 weeks at full pay (inclusive of SAP)</p> <p>18 weeks at 1/2 pay + current rate SAP per week (providing total amount received does not exceed full pay)</p> <p>13 weeks current rate SAP per week (or 90% of earnings if average weekly earnings are less)</p> <p>13 weeks unpaid</p> |  |
|----------------------------------|--|-----------------------|---|--|

**DECLARATION**

I accept my leave and pay entitlements as indicated above. I have made a choice between the distinct options and realise that I cannot now change my option.

***For individuals taking National Health Service Occupational Adoption Leave***

I hereby declare that I will continue in my current employment or another Health Authority or NHS Trust, for a minimum period of three months after the expiry of my adoption leave. I understand if I do not return, I am liable to refund the NHS occupational pay received (in excess of Statutory Adoption Pay)

**Employee's Signature:**

**Date:**

**HR Representative to complete details below:**

**Service Dates Confirmed:**

**Option Entitlement Verified and Details Checked:**

**Expected Return to Work Date:**

(Should you wish to return prior to this date 8 weeks written notice is required).

**Authorised Signatory:**

**Date:**

**Appendix 4 – Application to Take Parental Leave Form**

**APPLICATION TO TAKE PARENTAL LEAVE**

**Applications are required at least 28 days prior to the date the leave is to commence. Your statutory Paternity Pay/Paternity Leave Form SC3 must also be attached. Please send your completed application form to Human Resources.**

| Name:  | Employee No:  | Ward/Dept.    |   |   |
|--|---|---------------|---|---|
| Address:   | Start Date  | Post Title    |   |   |
| Period of Paternity leave required:<br><br>To commence from:<br><br><b><i>Please Note:</i></b><br><i>Leave can be taken at any time during the 8 weeks following the child's date of birth; it is to be taken in a single block of 1 or 2 consecutive weeks unless otherwise agreed.</i> |   |               |   |   |
| OPTION   | Service Requirement   | Leave         | Pay   | Choice<br>Please indicate<br>✓ <input type="checkbox"/> |
| <b><u>State Scheme</u></b>   | 26 weeks at the 25 <sup>th</sup> week of pregnancy (15 <sup>th</sup> week before the week in which the baby is due) | Up to 2 weeks | 2 weeks Statutory Paternity Pay @ current rate per week (or 90% of earnings if average weekly earnings is less) |   |
| <b><u>CCG Scheme</u></b>   | 12 months continuous NHS Service at beginning of week the baby is due   | Up to 2 weeks | 2 weeks @ full pay (inclusive of SPP)   |   |

**DECLARATION**

I fully understand and accept my rights under the Employment Rights Act 2002. I accept my leave and pay entitlements as indicated above.

***For individuals taking the State or CCG Scheme***

I have made a choice between two distinct options and realise that I cannot now change my option.

***For individuals taking the CCG Scheme***

I hereby declare that I will continue in my current employment or another Health Authority or NHS Trust, for a minimum period of three months after my paternity leave. I understand if I do not return, I am liable to refund the CCG's pay received (in excess of Statutory Paternity Pay)

Signature

Date: \_\_\_\_\_

Details Checked:

Authorised Signatory:

Service Dates confirmed:

Post Title:

Option entitlement verified:

Date:

**Appendix 5 – Application for Shared Parental Leave Form**

**APPLICATION FOR SHARED PARENTAL LEAVE**

Please note that this form must be submitted to your line manager a minimum of 8 weeks before you can start any period of SPL

**SECTION 1**

**1. Your details:**

|                                     |  |
|-------------------------------------|--|
| <b>Name:</b><br><br><b>Address:</b> | <b>Employee No:</b><br><br><b>Start Date:</b><br><br><b>Post Title:</b><br><br><b>Dept:</b><br><br><b>Manager:</b> |
|-------------------------------------|--|

**I am** (delete as appropriate):

The mother/adopter

The father of the child (in the case of birth) or

The spouse, civil partner or the partner of the child's mother/adopter

**2. Your Partners details:**

|   |  |
|---|--|
| <b>Full Name:</b><br><br><b>Address:</b><br><br><b>National Insurance Number:</b> | <b>Employers Name:</b><br><br><b>Employers Address:</b><br><br><b>Employers contact details:</b> |
|---|--|

**They are** (delete as appropriate):

The mother/adopter

The father of the child (in the case of birth) or

The spouse, civil partner or the partner of the child's mother/adopter

**3. Your Intentions:**

My/my partners maternity leave started/is expected to start on:.....

My/my partners maternity leave ended/is expected to end on:.....

My child's expected week of confinement is/child was born on:.....

The total of shared parental leave weeks my partner and I have available is:....

I intend to take the following number of weeks' shared parental leave:.....

My partner intends to take the following number of weeks' shared parental leave:.....

The total amount of shared parental pay (if applicable) my partner and I have available is:.....

I intend to take the following number of weeks' shared parental pay:.....

My partner intends to take the following number of weeks' shared parental pay:.....

**4. Your requests:**

.....

**Notification 1:**

Date of request:

My request is a continuous block of leave/discontinuous blocks of leave

I am requesting the following date(s) as SPL.....

I am requesting to take theses dates as ShPP: Yes/ No

**Request approved by Line Manager Yes/ No**

**If not approved, reason why:**

Manager's signature:

Date:

.....

**Notification 2:**

Date of request:

My request is a continuous block of leave/discontinuous blocks of leave

I am requesting the following date(s) as SPL.....

I am requesting to take these dates as ShPP: Yes/ No

**Request approved by Line Manager Yes/ No**

**If not approved, reason why:**

Manager's signature:

Date:

.....

**Notification 3:**

Date of request:

My request is a continuous block of leave/discontinuous blocks of leave

I am requesting the following date(s) as SPL.....

I am requesting to take these dates as ShPP: Yes/ No

**Request approved by Line Manager Yes/ No**

**If not approved, reason why:**

Manager's signature:

Date:

.....

**5 . Declaration:**

Declaration to be signed and dated by you:

I can confirm:

- That I meet, or will meet, the eligibility conditions and are entitled to take SPL;

- that the information I have given on this form is accurate;
- that *(if you are not the mother/adopter)* I am either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should I cease to be eligible then I will immediately inform the CCG.

**Signed:**..... **Date:**.....

Declaration to be signed and dated by your partner:

I can confirm:

- that I am the mother/adopter of the child or I am the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that I satisfy the 'employment and earnings test' and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that I consent to the amount of SPL that the employee intends to take;
- that I consent to the organisation processing the information contained in the declaration form;
- that I consent that the organisation processing the information obtain information from my employer; and
- *(If you are the mother/adopter)* that I will immediately inform my partner should they cease to satisfy the eligibility conditions

**Signed:**..... **Date:**.....

**Manager's signature:**..... **Date:**.....

Manager's Name (Block capitals):

Manager's Job Title:

**SECTION 2**

**MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE**

**(To be completed if you are the child's mother):**

**Declaration:** I wish to bring my maternity leave (and statutory maternity pay) to an end to be able to take shared parental leave. I have also completed a [form providing a notice of entitlement and intention to take shared parental leave/declaration that my partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer and that I consent to the amount of leave that he/she intends to take]

I wish to end my [ordinary/additional] maternity leave on:

I wish my statutory maternity pay period (if applicable) to end on:

**Signed:**.....

**Date:**.....

## Appendix 6 – Frequently Asked Questions (Maternity Leave)

### FREQUENTLY ASKED QUESTIONS (MATERNITY LEAVE)

**Q *What should I do if my service does not entitle me to any paid leave?***

**A** Human Resources will alert payroll upon receipt of your application form, along with your MATB1 Certificate. Payroll will send the relevant form (SMP1) to your home address to apply for Maternity Allowance from Job Centre Plus or the Department of Social Security.

**Q *When can my maternity leave start?***

**A** Maternity leave can start 11 weeks before your due date; you can however work up to the actual date of confinement if you wish.

**Q *Can I work on other paid work (eg agency) whilst I am on maternity leave?***

**A** If you wish to remain on maternity pay you can only receive pay for agency work during the unpaid period of maternity leave. Should you wish to work during the 39 week paid period you would forfeit the balance of any maternity leave and pay. You can however work up to 10 KIT days without this affecting your SMP entitlement as long as they have been mutually agreed with your own line manager.

If you decide to do agency work (not KIT days) you must inform your line manager.

**Q *Will my pension be affected?***

**A** Whilst you are in the paid period of maternity leave your pension contributions will continue to be deducted from your pay. Deductions of pension contributions stop whilst you are on unpaid leave as we will be unable to deduct the contributions from your pay. When you return to work, these outstanding pensions contributions will be deducted from your salary over the same period of time during which you were in unpaid leave, eg if you had a period of 3 months unpaid maternity leave, “top up” pension contributions will be deducted from your salary for a period of 3 months following your return to work.

**Q *When I return to work do I have to do the same hours?***

**A** As an employer we are obliged to provide you with either your own job or one similar in nature, grade and pay. The CCG is however happy to consider requests regarding part-time work and job share and if agreed an Amendment to your Terms and Conditions of Contract change will be implemented.

Requests should be made to your line manager. Further information on the ‘The Right to Request Flexible Working’ can be found in the CCG’s Flexible Working Policy.

**Q *Do I accrue annual leave when I am on maternity leave?***

**A** Yes. Annual leave will continue to accrue during paid and unpaid maternity leave, including Bank holidays.

Where the amount of accrued annual leave exceeds normal carry over provisions, it may be beneficial to take annual leave before and/or after the maternity period. Annual leave to be taken or carried over must be discussed and agreed between you and your manager.

**Payment in lieu for any annual leave that exceeds normal carry over provisions is not permitted.**

**Q *How soon after the birth of my baby can I return to work?***

**A** You must take a minimum of 2 weeks compulsory maternity leave from the date of the birth of your baby.

**Q *Do I have to take the full year off?***

**A** No. Apart from the 2 weeks compulsory leave mentioned above, you can return to work at any time as long as you have given 8 weeks written notice. Should you return during the 39 week paid period you would forfeit the balance of any maternity pay due.

**Q *Can I extend my maternity leave?***

**A** You can apply to your manager for a period of unpaid parental leave (please refer to the CCG's Flexible Working Policy on parental leave for further guidance). You may, with your manager's agreement, take the balance of any outstanding annual leave prior to your physical return to work. A copy of the CCG's Flexible Working Policy can be obtained on the intranet, or upon request from Human Resources.

**Q *Am I entitled to paid time off for ante-natal care?***

**A** Yes you have the right to paid time off to attend ante-natal care and parent-craft classes. Your manager may ask to see your appointment card. Please let your manager know about appointments in advance so that appropriate cover can be arranged.

(From 1st October 2014, an expectant father or partner will be entitled to take unpaid time off from work, to attend up to 2 antenatal appointments.)

"Partner" includes the spouse or civil partner of the mother and a person (of either sex) in a long-term relationship with the mother. The partner does not have to be the biological father of the child to request time off.

A maximum of six and a half hours for each antenatal appointment will be allowed.

There is no qualifying period to exercise this right for employees.

**Q *What if my baby is born early?***

**A** If your baby arrives prior to the commencement of your notified maternity leave start date, your Maternity leave will start from the first day of absence. Should this occur please be sure to let your line manager and Human Resources know.

If your baby is born prior to the eleventh week before the EWC, and you have worked during the actual week of childbirth, maternity leave will commence on the first day of absence.

If your baby is born prior to the eleventh week before the EWC, and you have been absent on certificated sick leave during the actual week of childbirth, maternity leave will start the day after the day of birth.

**Q *What if the baby dies?***

**A** Where an employee's baby is born dead 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.

**Q *Will I lose out on increments whilst on maternity leave?***

**A** No. Maternity leave, whether paid or unpaid, will count as service for the annual increments and for the purposes of any service qualification period for additional annual leave.

**Q *What if I change my mind about returning to work, and decide that I want to leave the CCG?***

**A.** You will need to write to your manager to inform him/her of your resignation giving your required contractual notice.

If you opted for the NHS scheme you may be liable to refund the occupational element of the NHS occupational pay unless you are taking up employment with another NHS employer. You will be required to provide evidence to Payroll of any alternative NHS employment in order to retain any NHS money paid to you during your maternity leave.

## Appendix 7 – Frequently Asked Questions (Adoption Leave)

### FREQUENTLY ASKED QUESTIONS (ADOPTION LEAVE)

**Q** *When can my adoption leave start?*

**A** Adoption leave can start up to 14 days before the date of placement (and no later than the expected date of placement).

**Q** *Will my pension be affected?*

**A** Whilst you are in the paid period of adoption leave your pension contributions will continue to be deducted from your pay. Deductions of pension contributions stop whilst you are on unpaid leave as we will be unable to deduct the contributions from your pay. When you return to work, these outstanding pensions contributions will be deducted from your salary over the same period of time during which you were in unpaid leave, eg if you had a period of 3 months unpaid adoption leave, “top up” pension contributions will be deducted from your salary for a period of 3 months following your return to work

**Q** *When I return to work do I have to do the same hours?*

**A** As an employer we are obliged to provide you with either your own job or one similar in nature, grade and pay. The CCG is however happy to consider requests regarding part-time work and job share, and if agreed a contract change will be implemented.

Requests should be made to your line manager. Further information on the ‘The Right to Request Flexible Working’ can be found in the CCG’s Flexible Working Policy.

**Q** *Do I accrue annual leave when I am on adoption leave?*

**A** Yes. Annual leave will continue to accrue during paid and unpaid adoption leave, including Bank holidays.

Where the amount of accrued annual leave exceeds normal carry over provisions, it may be beneficial to take annual leave before and/or after the adoption period. Annual leave to be taken or carried over must be discussed and agreed between you and your manager.

Payment in lieu for any annual leave that exceeds normal carry over provisions is not permitted.

**Q** *Do I have to take the full year off?*

**A** No. You can return to work at any time as long as you have given 8 weeks written notice. Should you return during the 39 week paid period you would forfeit the balance of any adoption pay due.

**Q** *Can I extend my adoption leave?*

**A** You can apply to your manager for a period of unpaid parental leave (please refer to the CCG's Flexible Working Policy on parental leave for further guidance). You may, with your manager's agreement, take the balance of any outstanding annual leave prior to your physical return to work. A copy of the CCG's Flexible Working Policy can be obtained on the intranet or upon request from Human Resources

**Q** *Am I entitled to time off to attend official adoption meetings?*

**A** Yes. You have the right to attend two official adoption meetings. Please let your manager know about appointments in advance so that appropriate cover can be arranged. You may be asked to provide evidence of any meetings.

**Q** *What if my placement date is earlier or later than expected?*

**A** Should this occur please be sure to let your Manager and Human Resources know giving at least 28 days' notice where practicable.

**Q** *What happens if my placement is delayed but adoption leave has already begun?*

**A** If the placement is delayed for whatever reason and you have begun your adoption leave you cannot stop it and start again at a later date.

**Q** *Will I lose out on increments whilst on adoption leave?*

**A** No. Adoption leave, whether paid or unpaid, will count as service for the annual increments and for the purposes of any service qualification period for additional annual leave.

**Q** *What if I change my mind about returning to work and now wish to leave?*

**A** You will need to write to your line manager to inform him/her of your resignation giving your required contractual notice.

If you opted for the NHS scheme you may be liable to refund the occupational element of the NHS occupational pay unless you take up employment with another NHS organisation. You will be required by Payroll to provide evidence of any alternative NHS employment in order to retain any NHS money paid to you during your adoption leave.

**Appendix 8 – Workplace Risk Assessment Form**

**Workplace Risk Assessments for New and Expectant Mothers**

**Definition:**

A 'new or expectant mother' is an employee who is pregnant, has given birth in the previous 6 months or who is breast-feeding. It also includes women who have had a stillbirth after 24 weeks of pregnancy.

**Responsibilities:**

**Employee:**

- The employee has a responsibility to notify her line manager as soon as possible to enable a risk assessment to be carried out as appropriate.
- The employee has a responsibility to co-operate with any risk assessment deemed necessary and agree to any changes to her work that are proposed to protect her health and safety.
- If a pregnant employee's health changes then she should discuss these with her line manager so that an updated risk assessment can be performed.

**Line Manager:**

- On receipt of notification that an employee is pregnant or has given birth within the previous 6 months (including a stillbirth after 24 weeks of pregnancy) or is breast-feeding, the employee's line manager should perform a risk assessment.
- If the results of the risk assessment suggest that a substance or process of work could adversely affect the health of the 'new or expectant mother' then there is a legal requirement to protect her. The steps to follow are as outlined below:
- The line manager should discuss any potential risks with the employee and how the risks can be avoided.
- The line manager will ensure that any potential hazard or risk is removed to avoid/prevent exposure to that risk.

If the risk remains unresolved, the following options should be considered:

**Step 1** – temporarily adjust the employees working conditions and/or hours of work (pay should reflect hours worked). If it is not reasonable to do so or would not avoid the risk then move to step 2,

**Step 2** – offer the employee suitable alternative work if available. The work must be suitable and appropriate for her to do in the circumstances and she must remain on terms or conditions no less favourable than before. If such work is not feasible then move to step 3,

**Step 3** – suspend her from work on paid leave for as long as is necessary to protect her health or the health of her child. (Advice from Occupational Health (OH) and Human Resources should be sought before taking this step)

**Step 4** The completed and signed risk assessment form should kept on employees file.

**General Guidance Notes:**

- For as long as a 'new or expectant mother' remains at work there will be a need to perform a risk assessment at regular intervals (the frequency of assessment will depend on individual circumstances – advice can be sought from OH – see below). This applies equally to those who choose to breastfeed their child.
- The first proposed review date should be written on the risk assessment form. The timing of the first review will depend upon the nature of work undertaken and also the working environment. If the risk assessment suggests there are minimal or no risks to the pregnant employee and that this is unlikely to change then a further assessment could be performed some months later.
- If, on the other hand, the working environment is to change, then a further assessment will have to be performed at an earlier date.
- If the health of the pregnant employee changes, then a further risk assessment must be performed earlier than might have first been envisaged. The pregnant employee should inform her manager or OH of any change in her circumstances.
- If, at the time of review there have been no changes to the outcome of the risk assessment then OH need only be informed of the result (by phone or by letter).

A pregnant employee can, at any time, approach OH to discuss her health and/or concerns about the workplace whether or not a risk assessment has been undertaken.

**OH:**

- OH will provide advice to managers on all matters relating to the health of pregnant workers
- OH will examine the risk assessment form and make any further comments or arrange an appointment with the employee if required.
- The form will be returned to the line manager for their attention.
- OH will advise line managers if the frequency of future risk assessments is satisfactory.

**Action to be taken on receipt of completed risk assessment form:**

On receipt of a completed and signed risk assessment form an Occupational Health Nurse (OHN) will decide whether or not a 'new and expectant mother' needs to be seen. The OHN will advise the manager about any other steps that should be taken to protect the employee by completing the appropriate section on the risk assessment form - irrespective of an appointment having been arranged or not. Occasionally advice may be sought from an Occupational Health Physician.

A copy of the form will be kept in OH records. The original will be returned to the manager for their attention.

**New and Expectant Mothers: Risk Assessment**

Date of assessment: \_\_\_\_\_

Name of employee: \_\_\_\_\_

Directorate: \_\_\_\_\_

Department: \_\_\_\_\_

Location: \_\_\_\_\_

Job title: \_\_\_\_\_

**Assessor(s):**

Name \_\_\_\_\_ Position \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

**Notes for Managers:**

1. The assessment form should be completed in consultation with the employee.
2. If a hazard exists in the workplace, tick the column that best describes the likelihood of the employee encountering that hazard in her work.
3. If necessary, make a comment about this using the column on the right-hand side of the form.
4. On the second page, indicate what (if anything) you will need to do to alter working hours/conditions to safeguard the health of your employee and/or her unborn child.
5. Agree a date for the next assessment.
6. On completing the risk assessment form, and after ensuring it is dated and signed, please send it to OH.
7. Once the form has been returned to you from OH, read and note the comments (if any) and, if reasonably practicable, make further adjustments.
8. The form should be kept in the employee's personal file until the next assessment is due.

| Name of employee:  |             | Level of potential exposure to hazard |            |          |        |            | Please tick appropriate box |  |              |
|--|-------------|---------------------------------------|------------|----------|--------|------------|-----------------------------|--|--------------|
|  |             |                                       |            |          |        |            | Pregnant                    |  | No. of weeks |
| HAZARD TYPE  | Applicable? | Likely/frequent                       | Occasional | Possible | Remote | Improbable | New mother                  |  |              |
|  |             |                                       |            |          |        |            | Breast feeding              |  |              |
|  |             |                                       |            |          |        |            | Give Brief Details          |  |              |
| <b>Physical Agents</b>   | Y/N         |                                       |            |          |        |            |                             |  |              |
| Exposure to shocks, vibration or excessive movement  |             |                                       |            |          |        |            |                             |  |              |
| Exposure to high noise levels  |             |                                       |            |          |        |            |                             |  |              |
| Exposure to ionising radiation   |             |                                       |            |          |        |            |                             |  |              |
| Exposure to non-ionising radiation   |             |                                       |            |          |        |            |                             |  |              |
| Exposure to extremes of hot temperature  |             |                                       |            |          |        |            |                             |  |              |
| Long periods of standing   |             |                                       |            |          |        |            |                             |  |              |
| Necessity for manual handling of loads   |             |                                       |            |          |        |            |                             |  |              |
| Constraints of posture   |             |                                       |            |          |        |            |                             |  |              |
| Exposure to physical violence  |             |                                       |            |          |        |            |                             |  |              |
| Requirement to travel  |             |                                       |            |          |        |            |                             |  |              |
| Long hours/shift work  |             |                                       |            |          |        |            |                             |  |              |
| Night work   |             |                                       |            |          |        |            |                             |  |              |
| <b>Biological Agents</b>   |             |                                       |            |          |        |            |                             |  |              |
| Exposure to Group 2, 3 or 4 agents (see Microbiological Hazards section at end of risk assessment) |             |                                       |            |          |        |            |                             |  |              |
| <b>Chemical Agents</b>   |             |                                       |            |          |        |            |                             |  |              |
| Exposure to known carcinogens  |             |                                       |            |          |        |            |                             |  |              |
| Exposure to mercury or its derivatives   |             |                                       |            |          |        |            |                             |  |              |
| Exposure to cytotoxic drugs  |             |                                       |            |          |        |            |                             |  |              |
| Exposure to carbon monoxide  |             |                                       |            |          |        |            |                             |  |              |
| Exposure to lead or its derivatives  |             |                                       |            |          |        |            |                             |  |              |
| Exposure to substances labelled  |             |                                       |            |          |        |            |                             |  |              |

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
| R40 R45 R46 R61 R63 R64<br>(see Microbiological Hazards section at end of risk assessment) |  |  |  |  |  |  |  |
| Exposure to anaesthetic gases  |  |  |  |  |  |  |  |
| Exposure to substances that can be absorbed through the skin                               |  |  |  |  |  |  |  |
| <b>Working Conditions</b>  |  |  |  |  |  |  |  |
| Work with display screen equipment   |  |  |  |  |  |  |  |
| Very stressful or physically demanding work  |  |  |  |  |  |  |  |

| <b>Proposed Action</b>   |                             |  |
|--|-----------------------------|--|
|  | Please tick appropriate box | Give brief details of action (if any) that is to be taken. |
| None appropriate   |                             |  |
| Temporary adjustment of working conditions   |                             |  |
| Temporary adjustment of working hours  |                             |  |
| Suitable alternative work offered  |                             |  |
| Suspend from work with full pay until further notice   |                             |  |
| Signature of Line Manager  |                             |  |
| Name   |                             | Date   |
| Proposed first review date (if applicable)   |                             |  |
| <b>Occupational Health Comments (if applicable)</b><br><i>Ensure copy of form is placed in Occupational Health notes</i> |                             |  |
| First review date agreed <input type="checkbox"/> Yes <input type="checkbox"/> No (tick as applicable)                   |                             |  |

|                                  |      |
|----------------------------------|------|
| Signature of OH Nurse/Physician: |      |
| Name (capitals):                 | Date |
| Date form returned to Manager:   |      |

| Review number | Date | Any change from before? * | Signature Manager/Occ. Health |
|---------------|------|---------------------------|-------------------------------|
| 1             |      |                           |                               |
| 2             |      |                           |                               |
| 3             |      |                           |                               |

\* Please note: if the employee's work or her health changes, a new risk assessment must be performed – possibly at an earlier date than originally anticipated.

### MICROBIOLOGICAL HAZARDS

**Group 2:** can cause human disease; may be a hazard to workers; unlikely to spread in the community; effective prophylaxis and treatment is usually available.

**Group 3:** can cause serious human disease; may be a serious hazard to workers; may be spread in the community; effective prophylaxis and treatment is usually available.

**Group 4:** causes severe human disease; may be a serious hazard to workers; likely to spread in the community; effective prophylaxis and treatment are not available.

### RISK PHRASES

R40: possible risk of irreversible effects

R45: may cause cancer

R46: may cause heritable genetic damage

R61: may cause harm to the unborn child

R63: possible risk of harm to the unborn child

### Appendix 9 - Equality Impact Assessment Stage 1 Screening

Very occasionally it will be clear that some proposals will not impact on the protected equality groups and health inequalities groups.

Where you can show that there is no impact, positive or negative, on any of the groups please complete this form and include it with any reports/papers used to make a decision on the proposal.

|   |  |
|---|--|
| Name of policy / service  | Maternity, Maternity Support (Paternity), Adoption/Parental Leave Policy (MMAP)  |
| What is it that is being proposed?                                    | <p>This policy applies to all CCG staff and establishes a framework for the effective implementation of all parental rights in relation to leave and pay.</p> <p>The CCG aims to provide a fair, consistent and effective application of its parental provisions by ensuring that staff have the opportunity to integrate the development of a career with family responsibilities and are informed of their rights regarding maternity, maternity support (paternity), adoption, parental and pay.</p> <p>It outlines the procedures to be followed when a member of staff is pregnant or requires time away from work for parental reasons, informing them of how and when to apply, together with their rights to return to work.</p> |
| What are the intended outcome(s) of the proposal                      | <p>This document provides guidance and information in relation to the types of maternity, maternity support (paternity), adoption, parental and shared parental leave and associated pay arrangements provided by NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys and NHS Luton Clinical Commissioning Groups (respectively referred to as 'the CCG') and by statute. This document will be updated as necessary to reflect developments within the CCG, and to incorporate any changes in legislation.</p> <p>This policy applies to all CCG staff and establishes a framework for the effective implementation of all parental rights in relation to leave and pay.</p>  |
| Explain why you think a full Equality Impact Assessment is not needed | <p>This policy applies the statutory requirements. There is no scope for variation from those requirements.</p> <p>This policy is based on other CCG's policies, the relevant Luton and Dunstable University Hospital policy and statutory guidance.</p>   |
| On what evidence/information have you based your decision?            | N/A  |
| How will you monitor  | New HR data collection systems being established.  |

|                                    |  |
|------------------------------------|--|
| the impact of policy or service?   |  |
| How will you report your findings? | As part of usual staff data reporting. |

|   |   |
|---|---|
| Having considered the proposal and sufficient evidence to reach a reasonable decision on actual and/or likely current and/or future impact I have decided that a full Equality Impact Assessment is not required. |   |
| Assessors Name and Job title  | Paul Curry, Equality and Diversity Lead |
| Date  | 17 May 2017                             |