

## Maternity & Shared Parental Leave Policy

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<b>What is in this policy?</b>	<p>This policy outlines the requirements and procedures for University Hospitals Bristol and Weston NHS Foundation Trust (UBHW, the Trust) to fulfil the obligations for Maternity and Shared Parental Leave provisions. This policy contains all information relating to maternity and shared parental leave including the individual roles involved in maintaining and upholding this policy.</p> <p>This policy is designed to make employees aware of their rights and entitlements during and after pregnancy. The policy outlines the process for applying for Maternity and/or Shared Parental leave.</p> <p>The Trust's Workforce Diversity &amp; Inclusion Strategy sets out the ambition to be 'committed to inclusion in everything we do'. Ensuring dignity and respect for patients and staff is a core principle within this strategy, and promoting equality, diversity and human rights while challenging any form of inequality, discrimination and harassment is central to the Trust's Values.</p> <p>This Trust will not tolerate discrimination, harassment or bullying under any circumstances and particularly because of a protected characteristic. This is supported by the Trust's commitment to the Equality Act 2010 and its Public Sector Equality Duties as defined by the Act.</p> <p>Our Human Resources policies are written with this commitment as a guiding principle, to ensure that the policies and their application are inclusive and supportive to all of our staff.</p>
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Document Change Control				
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Sign off Process and Dates	
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## 1. Introduction

This policy is designed to introduce the statutory rights and responsibilities related to applying for and taking Maternity and/or Shared Parental leave and the process to be followed.

## 2. Purpose

This Policy is designed to ensure that all new parents working for the Trust are treated both fairly and legally when applying for and/or taking Maternity or Shared Parental Leave. The policy aims to support and balance work and family life and to retain staff, thereby encouraging equality and diversity within the workplace.

## 3. Scope

This policy relates to all permanent and temporary employees, volunteers, agencies and agency staff working for and on behalf of the Trust.

## 4. Who is covered by the policy?

- (a) This policy applies to the member of staff giving birth and either parent who wishes to take SPL. The Trust's New Parent Support Leave Policy will apply to the birth parent's partner, providing they meet the eligibility criteria.
- (b) The definition of 'partner' as defined by the 2002 Regulations and in relation to the child's mother, as a person (whether of a different sex or same sex) who lives with the mother or adopter and the child is in an enduring family relationship but is not a relative of the mother/adopter. The employee must have or expect to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child, would qualify for New Parent Support (paternity) leave, subject to the normal requirements.

## 5. Definitions of terms and entitlement

The guidance uses the following terms and abbreviations:

- (a) **Mother:** the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).
- (b) **Partner:** the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.
- (c) **Ordinary Maternity or Adoption Leave (OML or OAL):** This is the first 26 weeks of maternity or adoption leave. The contract of employment continues for this period.
- (d) **Additional Maternity or Adoption Leave (AML or AAL):** This is the second set of 26 weeks and must follow directly on from Ordinary Maternity or Adoption Leave. The contract of employment continues for this period.

- (e) **Compulsory Maternity or Adoption Leave:** A minimum of two weeks must be taken as maternity or adoption leave immediately after giving birth or placement of the child. This is included as part of Ordinary Maternity or Adoption Leave.
- (f) **Expected Week of Confinement (EWC):** The week, beginning with midnight between Saturday and Sunday, in which it is expected that childbirth will occur. This term is mainly used for meeting criteria for entitlements for maternity leave and pay.
- (g) **Qualifying Week (QW):** The 15th week before the Expected Week of Confinement is known as the qualifying week. Staff will not qualify for SMP if their employment ends at the Trust before the qualifying week.
- (h) **Main adopter:** The parent who takes adoption leave.
- (i) **Matching week:** This is the week in which the member of staff is notified of being matched with a child for adoption.
- (j) **SPL:** Shared Parental Leave; The leave shared in the first year after a child is born or placed within a family.
- (k) **ShPP:** Statutory Shared Parental Pay; The pay shared in the first year after a child is born or placed within a family.
- (l) **Continuous leave:** A period of leave that is taken in one block e.g. four weeks' leave.
- (m) **Discontinuous leave:** A period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.
- (n) **Curtail:** Where an eligible mother brings their maternity/adoption leave and if appropriate, pay or allowance to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or maternity allowance period.

## 6. Duties, Roles and Responsibilities

### 6.1 *Line managers are responsible for:*

- (a) Ensuring all eligible SPL and Maternity requests are handled fairly and consistently.
- (b) Supporting employees' to continue working throughout pregnancy;
- (c) Providing a safe working environment for employees who are pregnant or have recently given birth.
- (d) Continuing to assess safety requirements on the employee's return from maternity leave;
- (e) Supporting the employee with paid time from work to attend any pregnancy related appointments, clinics and classes subject to service needs and managerial agreement.

## **6.2 HR Services are responsible for:**

- (a) Ensuring that line managers are trained in the correct usage of this policy;
- (b) Supporting and advising line managers where queries arise before during or after commencement of Maternity or Shared Parental leave.
- (c) Providing one-to-one consultations with pregnant employees to discuss the provisions of the policy where requested.

## **6.3 All staff eligible for Maternity and/or Shared Parental leave are responsible for:**

- (a) Following the procedure as set out in the policy.
- (b) Keeping the Trust informed of significant changes in their circumstances which may affect their safety, provisions or rights under this policy or statutory regulations.

# **7. Maternity & Shared Parental Leave Entitlement & Pay**

## **7.1 Maternity Leave Entitlement**

All employees who are due to give birth are entitled to 52 weeks Maternity Leave consisting of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) regardless of length of service, hours worked or pay, provided that they continue to be employed until immediately before the beginning of the 11th week before the Expected Week of Confinement (EWC).

## **7.2 Occupational Maternity Pay**

Maternity pay will vary depending on length of service with the NHS and UBHW. Occupational Maternity pay is a benefit paid by the Trust and is available to employees who have **worked continuously for one or more NHS employers for one year or more at the 11th week before their Expected Week of Confinement (EWC)**. Please note a break of 3 months or less will be disregarded, although it will not count as service.

Maternity Pay for those who have service as indicated in the above paragraph with **26 weeks continuous UBHW service at the 15th week before EWC** will be:

- eight weeks of full pay
- 18 weeks of half pay plus lower rate SMP, to a maximum of full pay.
- 13 weeks of lower rate SMP, to a maximum of 90% of full pay.
- 13 weeks of unpaid leave

Maternity pay is based on the employees' average contractual earnings during:

The eight weeks prior to the 15th week before the expected week of confinement (this is referred to as the qualifying period). The exact eight week 'qualifying' period will depend on when Trust paydays fall.



Exceptions around the qualifying period may apply to Medical and Dental staff on Rotational or Training Contracts. Please see section 14.9.

### **7.3    *Average Weekly Earnings***

Average contractual weekly earnings are based on the gross average National Insurance weekly earnings (including overtime i.e. all contractual income subject to Tax and NI) received in the eight weeks prior to the qualifying week (in cases of pregnancy). It is therefore important that staff are aware that if for any reason their earnings are reduced during that period, this will affect their average earnings. If an employee has transferred from another NHS Trust under a TUPE arrangement those earnings will also be used in this calculation.

Maternity pay in cases where employees have worked **continuously for one or more NHS employers for one year or more at the 11th week before their Expected Week of Confinement (EWC)** without 26 weeks' continuous UH Bristol service at the 15th week before EWC will be:

- eight weeks of full pay
- 18 weeks of half contractual pay

Staff in these situations will not be entitled to statutory maternity pay; however they may qualify for Maternity Allowance (see section 7.5).

Please note that a minimum of two weeks "Compulsory Maternity Leave" must be taken immediately after giving birth, which is included as part of Ordinary Maternity Leave.

Where staff do not return to employment with the Trust or another NHS employer for a minimum of three months to a substantive post, then they will be required to repay all Occupational Maternity Pay that they have received. There may be exceptions to this for Medical and Dental Staff on rotational contracts (see section 14.9).

### **7.4    *Statutory Maternity Pay (SMP)***

Staff will be eligible for Statutory Maternity Pay provided that:

- They have been continuously employed by the Trust for at least 26 weeks at the Qualifying Week (QW).
- They have average earnings of not less than the lower earnings limit for National Insurance contribution.

Staff will remain entitled to Statutory Maternity Pay if they leave UHBW after the start of the Qualifying Week but before the 11th week before the Expected Week of Confinement provided that the earnings criteria are met, as above.

Staff will receive:

**First six weeks** – the higher rate: 90% of all average weekly earnings, if OMP is being paid the higher rate is included as part of the OMP. A further two weeks of lower rate SMP is included as part of OMP unless only SMP is being paid.

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**Next 31 weeks** – the lower rate: Statutory Maternity Pay rate or 90% of average weekly earnings, whichever is less.

If staff do not qualify for Statutory Maternity Pay they may be entitled to Maternity Allowance (see below). Staff will be sent an SMP1 form by Payroll and they can request their original MATB1 from the Manager, which they must send to their local Benefits Agency.

Unless the baby is born earlier staff cannot get any Statutory Maternity Pay until 11 weeks before the week the baby is due. (Please refer to section 10.1 premature births for details of SMP in these circumstances).

Payment of SMP does not depend on the employee intending to return to work for the Trust after the baby is born. If employees qualify for SMP, employees are entitled to get it and keep it, even if the employee does not return to work.

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

To qualify for Maternity Allowance for up to 39 weeks staff must have been employed or self-employed for 26 weeks out of the 66 weeks before the Expected Week of Childbirth and have average weekly earnings at least equal to the Maternity Allowance Threshold as detailed on the HMRC website: <http://www.hmrc.gov.uk/nic/maternity-all.htm>.

### **7.6    *Equal Payments of Occupational Maternity Pay***

Staff who are entitled to Occupational Maternity Pay (OMP) can opt to split their OMP (eight weeks full pay and 18 weeks half pay), over the period of their maternity leave up to a maximum of 12 monthly payments. It is only OMP which can be divided over the leave period and Statutory Maternity Pay (if applicable) will be paid in the usual way. Employees wishing to explore this option must discuss this with the payroll department and confirm an exact date their maternity leave will end. Staff will be unable to change this end date.

## **8.    *Shared Parental Leave***

### **8.1    *Eligibility for Shared parental leave and pay:***

Shared parental leave and pay can be taken at any time within one year from the birth, providing two weeks' compulsory maternity leave has been taken first.

The mother and their partner will be entitled to paid and unpaid shared parental leave under the NHS occupational shared parental leave and pay scheme if:

- (a) They have 12 months' continuous service (see paragraphs 15.106 to 15.109 of the [NHS Terms and Conditions of Service Handbook](#)) with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth.
- (b) They notify their employer of their wish to take shared parental leave and provide a minimum of eight weeks' notice, through the submission of a booking notification form or other local process, which will confirm:
  - (i) Their intention to take shared parental leave;

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- (ii) The date(s) they wish to access shared parental leave (noting two weeks compulsory maternity leave).
  - (iii) That they intend to return to work with the same or another NHS employer for a minimum period of three months after their shared parental leave has ended;
  - (iv) That the mother has returned to work following maternity leave, or has provided the binding notice confirming that they intend to bring their maternity and pay entitlements to an early end.
- (c) They confirm that the other parent meets the statutory “employment and earnings test” by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The individual must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). This amount can be amended from time to time by the Secretary of State.

## **8.2 Booking Shared parental leave**

In order to access enhanced shared parental leave employees will be required to complete the SPL Booking Notification form found on HR pages of the Weston intranet and HRWeb .

The Trust may require the employee to provide additional information on their circumstances where this is reasonable and necessary to determine entitlements.

It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements, the Trust will have a right to reclaim any overpayment. Providing deliberately inaccurate information may also lead to the Trust to take disciplinary or other action against the employee.

### **Booking and varying shared parental leave**

Shared parental leave and pay must be taken within one year of the birth of the child.

Following notification of their intention to take shared parental leave, an employee should provide notice to book a period of leave. The minimum period of notice to book or amend a period of leave is eight weeks.

An employee can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave.

Each of the three notices to book leave may include a single, continuous or discontinuous block of leave.

Requests for single blocks of leave cannot be refused.

Confirmed leave arrangements can be amended by the submission of a notice to vary the agreed period of leave. An employee can submit a notice to extend a period of leave, end it sooner than previously agreed or consolidate a number of discontinuous weeks in to a single block of leave using a variation notice. Eight weeks' notice must be given but flexibility should be provided in the event of early and late births.

In instances where discontinuous periods of leave are requested, the employee's manager is not bound to agree the requested pattern. A two-week discussion period between the employee and manager will commence on the date the employee submits the booking notice. The review will look at the requested pattern of leave and discuss possible alternatives. In the limited circumstances where the manager refuses the requested pattern, they will explain the reason for the refusal. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the employees manager has authority over how and when it is taken.

In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks' leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the employee but be no less than eight weeks from the date the original notice was provided to the Trust. The employee has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the employee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.

An employee is not entitled to withdraw a notice for a single continuous block of leave but may do so with the Trusts express permission.

An employee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice providing an agreement has not been reached with their employer about when they will be absent from work. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided.

If a notice is withdrawn it will not count towards the three booking notifications cap.

### **Confirming shared parental leave and pay**

Following discussion with the employee, the manager should confirm in writing:

- (a) The employee's paid and unpaid shared parental leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under the agreement);
- (b) The confirmed leave pattern, including start and end dates, for each block of shared parental leave the employee and employer have agreed will be taken;
- (c) Confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended; and

- (d) The length of any period of accrued annual leave which it has been agreed may be taken following the end of shared parental leave.

**Paid shared parental leave: amount of pay**

Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory maternity pay or maternity allowance that has already been claimed by either partner. ShPP can be claimed following the birth of the child, but not at the same time as the compulsory two weeks of leave following the birth of the child. ShPP is paid at a rate set by the government each year.

Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay or maternity allowance in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity which has either been taken and paid to either parent, or notified as intending to be taken by either parent.

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

The Trust will not pay more than 26 weeks, eight weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational maternity or shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

**Calculation of shared parental leave pay**

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Shared Parental Pay entitlements, subject to the following qualifications:

- (i) In the event of a pay award or move to a higher pay point being implemented before the paid shared parental leave period begins, the shared parental pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Shared Parental Pay calculation period. If such a pay award was agreed retrospectively, the shared parental pay should be re-calculated on the same basis;
- (j) In the event of a pay award or move to a higher pay point being implemented during the paid shared parental leave period, the shared parental pay due from the date of the pay award or new pay point should be increased accordingly. If such a

pay award was agreed retrospectively the shared parental pay should be re-calculated on the same basis;

- (k) In the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Shared Parental Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

### **Unpaid occupational leave**

Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total for shared parental leave to 50 weeks. However, this may be extended by local agreement in exceptional circumstances.

### **8.3 Deciding whether Shared Parental Leave (SPL) is suitable**

When a pregnancy has been confirmed, the couple need to consider what leave arrangements will work best and whether SPL is suitable option. Factors to consider include:

- (a) Whether one or both parents qualify for SPL and how they would like to share the care of the child
- (b) Availability of other legal rights (such as flexible working request, annual leave and parental leave) and how they could work alongside SPL.

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

For case studies around how Shared Parental leave can be shared as a couple please see below link <https://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/2018-contract-refresh/Shared-parental-leave-guidance.pdf>

## **9. Pre Commencement of Maternity & Shared Parental Leave**

The procedure covers the information required by staff and managers and the legal framework with regards to Maternity Leave and Shared Parental Leave and pay.

The Maternity and Shared Parental Leave Process Calendar and Maternity and Shared Parental Leave - Manager's checklist (located on HR pages of the Weston intranet and HRWeb ) provide a useful structure for managers and staff on the stages and actions required to ensure applications are dealt with smoothly.

### **9.1 Notification/First Steps**

Pregnant employees will find that having early conversations with their manager regarding leave intentions will be beneficial, enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

It is the responsibility of the member of staff to advise the manager as early as possible that they are pregnant. The following steps should be taken as soon as possible after the member of staff has informed the manager of pregnancy.

- (a) As soon as pregnancy has been confirmed by a Registered Medical Practitioner or practising Midwife the manager must be informed. S/he needs to know immediately so that arrangements to cover the post can be made as early as possible, and so that any potential Health and Safety risks can be addressed in the case of pregnant employees.
- (b) A Health and Safety risk assessment must be carried out as soon as possible and any necessary alterations to the role made. The manager must arrange for the risk assessment to take place.
- (c) Pregnant employees must submit a statement (in the form of a MATB1 certificate) from a Registered Medical Practitioner or practising Midwife to the manager as soon as possible but not later than the end of the Qualifying Week, indicating the expected date of childbirth. The employee should also submit a letter that should confirm the date of intention to commence maternity leave.
- (d) The Maternity/SPL Pay Plan (HR pages of the Weston intranet and HRWeb ) must be completed jointly by the manager and employee as soon as possible but at least 28 days before commencement of maternity leave. This should include the Expected Week of Confinement, scheduled return date if returning or a statement that the employee will not be returning.

This is also an opportunity to discuss with the manager any working arrangement alterations that the employee is considering on their return, if appropriate, such as flexible working and whether the employee intends to take Shared Parental Leave.

## ***9.2 Pregnant Staff and Working Nursing Mothers Risk Assessment***

Regulation 16 of the Management of Health and Safety at Work Regulations 1999 places a duty on employers to carry out a risk assessment in respect of new or expectant mothers. Full details of the regulations can be found <https://www.hse.gov.uk/mothers/>

The 'Pregnant Staff and Working Nursing Mothers Assessment Form' can be located on the HR pages of the Weston intranet and HRWeb . Managers should complete these with the member of staff as appropriate. This generic risk assessment covers the hazards and risks for female staff that are planning to conceive, are pregnant, have recently returned to work following pregnancy or are breastfeeding.

## ***9.3 Alternative Employment for pregnant employees***

If, prior to commencing maternity leave, an Occupational Health doctor considers a member of staff to be either incapable of carrying out all or part of their duties, or that the individual or their unborn child would be at risk if they were to continue their normal duties, the Trust will seek to provide alternative work with no loss of pay. Any alternative arrangements should be discussed between the manager and member of staff in conjunction with Occupational Health.



## **9.4 Uniform**

If staff are required to wear uniform as part of their job, arrangements will be made for maternity clothing. Individuals must discuss their requirements with their manager.

## **9.5 Time off for appointments**

All pregnant employees have the right:

- Not to be unreasonably refused time off work to receive antenatal care and attend antenatal classes or any other classes related to pregnancy on the advice of a Registered Medical Practitioner, Midwife or Health Visitor.
- To be paid by the Trust for the permitted time off, provided that staff are able to produce a certificate confirming pregnancy and are able to show their manager their appointment card.

Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments.

## **9.6 Discussions regarding Shared Parental Leave**

An employee entitled and intending to take SPL must give their line manager notification of this at least eight weeks before they can take any period of SPL using the Shared Parental Leave Booking Form (HR pages of the Weston intranet and HRWeb ).

Upon receiving a SPL booking notice the employee's manager will usually arrange a meeting with the employee to discuss it, no later than 14 days from receipt of the request (see HR pages of the Weston intranet and HRWeb for invite letter). Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employees notice booking form, a meeting may not be necessary, but the manager should confirm the outcome in writing (using approval letter HR pages of the Weston intranet and HRWeb ).

Meetings should be arranged in advance and should take place in a private place. If the employee is on maternity leave at the time of the request the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative, or a personal friend or family member not acting in a legal capacity.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work (see HR pages of the Weston intranet and HRWeb for guidance on conducting the meeting). Where it is a request for discontinuous leave, the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.



Once a period of leave is agreed the employee's manager should raise an electronic change of conditions e-form to notify Payroll of the start and end date of the block of leave and how many weeks ShPP and Occupational ShPP should be paid if applicable.

### ***9.7 All notices for discontinuous leave will be confirmed in writing***

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the service.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made (See HR pages of the Weston intranet and HRWeb for booking request outcome letter). The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

### ***9.8 Cancelling or varying booked Shared Parental Leave (SPL)***

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the 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 organisation.

The manager should raise a Change of Conditions e-form as soon as any variation or cancellation of leave is confirmed to notify Payroll of the change.

### ***9.9 Changing the start date of Maternity or Shared Parental leave***

If staff wish to change the date they are due to start maternity leave, they must give the manager 28 days' notice of their intention to start maternity leave. If staff wish to cancel or vary an agreed or booked period of SPL they may do so provided they inform their manager in writing at least

eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

## 10. Commencement of Maternity Leave

Staff must continue to work up to the beginning of the 11th week before their Expected Week of Confinement. However, maternity leave may start at any time between the 11th week before and the expected date of childbirth. Staff should discuss this with their manager at the earliest opportunity. Maternity leave must always begin on a Sunday and this must be reflected in the application.

Please note that if a member of staff commences Maternity Leave on any other day than a Sunday, Statutory Maternity Pay will only be paid from the Sunday of the following week.

### 10.1 *Premature Birth*

If the baby is born prematurely, the start date of the employees Maternity Leave may or may not be affected, depending on just how premature the birth is. Statutory Maternity Pay will not be affected. Employees can still get Statutory Maternity Pay for the full payment period. The Trust will pay it to the employee just as if the baby had been born when it was due.

If the baby is born **before the planned maternity leave start date**, maternity leave will start on the day following the birth. Staff, or a close relative in this situation, are required to communicate with their manager as soon as is reasonable about the birth date.

If the baby is born **before the 11th week before EWC** and the member of staff has been absent from work on certified sick leave during the actual week of childbirth, their Maternity Leave will start at the beginning of the actual week of childbirth.

If the baby is born **before the planned maternity leave start date, but after the qualifying week**, staff, if reasonably practicable, must inform their Manager of the birth within three weeks. Staff will then receive the Statutory Maternity Pay due but the pay period will start on the day following the day your baby is born and will last for up to 39 weeks.

If the baby is born **before or during the qualifying week then within three weeks of the birth**, staff must give written evidence that they were away from work because of the baby's birth. This can be in the form of a copy of the baby's birth certificate. Staff must also still provide the Trust with medical evidence of the date the baby was due to be born. Evidence of both the expected date and the actual date of birth can be provided together on part B of the MATB1 maternity certificate form. If the employee cannot provide the birth certificate and MATB1 certificate within three weeks of birth, the Trust may agree to extend this time limit to 13 weeks, but no longer.

Staff will be taken as satisfying the continuous employment rule if it would have satisfied it but for the early childbirth. The period over which the earnings rule is applied and the average weekly earnings are calculated will be the eight weeks that end with the Saturday before the birth of the baby. The payment period will start on the day following the day the baby was born.

## ***10.2 Sickness before Maternity Leave***

If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sick leave in accordance with normal leave provisions.

Odd days of pregnancy-related illness during this four-week period may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified to the employer.

## ***10.3 Pregnancy related sickness during qualifying weeks***

Where an employee is off with pregnancy related absence during their qualifying period and as a result of this suffers a financial detriment due to loss of enhancements and unsocial payment, Payroll will use a different set of qualifying weeks for calculation purposes to remove this disadvantage.

## ***10.4 Stillbirth***

In the event of a stillbirth **after the start of the 16th week before EWC**, staff will be entitled to maternity leave and pay as though the birth had been live.

If a stillbirth occurs **before the start of the 16th week before the EWC**, normal sick leave provisions will apply from the first day of absence.

In either circumstance the Trust recognises the stress that employees will be under in these events. The manager should endeavour to offer support through offering options and support under alternative Trust policies as well as this policy. For example, the Trust's Emergency and Special Leave policy (Compassionate and Extended Compassionate Leave), and the Supporting Attendance policy (use of Occupational Health). See section 17 for sources of support.

If the baby is stillborn **earlier than the 24th week of pregnancy**, staff will not be eligible for Statutory Maternity Pay. Staff may be able to get Statutory Sick Pay.

If the baby is stillborn **from the start of the 24th week of pregnancy and staff have notification for the registration of a stillbirth** from the attending doctor or midwife or a certificate of stillbirth, staff are entitled to Statutory Maternity Pay where all the conditions for payment are satisfied.

If the baby is born alive and then passes away, staff are still entitled to Statutory Maternity Pay.

## ***10.5 Miscarriage***

In the event of a miscarriage, normal sick leave provisions will apply.

## **11. During Maternity Leave**

### **11.1 Reasonable contact**

Reasonable contact allows employers and employees to keep up-to-date on changes within the workplace and to personal circumstances that can help ease the employee's return to work. The employer has legal obligations to the employee while they are away from work and therefore should keep the employee informed about everyday issues e.g. staffing changes and job opportunities.

How and when contact will take place should be discussed and agreed upon in advance of the leave period being taken.

### **11.2 SPLIT & KIT days**

Before starting Maternity or Shared Parental Leave (SPL), the employee's manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee is under no obligation to keep in touch or to maintain any contact discussed before maternity or shared parental leave begins.

The law allows employees to attend work on a maximum of 10 'Keeping in Touch' (KIT) days during Maternity Leave and/or 20 Shared Parental Leave Days (SPLIT days) during their Shared Parental Leave. By law, the employee may not work during the two weeks immediately following the birth of a child. KIT and SPLIT days can be consecutive and can be shorter than a normal working day, to allow the employee to attend a training session for example. KIT and SPLIT days can also be used for development or away days with the team, or to communicate significant changes within a department.

Working for a part of any day counts as one whole KIT or SPLIT day, however employees will only be paid for the hours they have worked that day. Any such SPLIT or KIT days and the arrangements for them must be agreed by both the employee and their manager and neither can insist on KIT or SPLIT days being used.

If taken during the unpaid part of maternity leave or SPL, SPLIT and KIT days will be paid at the normal hourly rate as if the employee were at work. If a SPLIT or KIT day is taken during paid maternity or SPL, the employee will be paid at the normal hourly rate with an adjustment made to the SMP, OMP or ShPP calculation for that week.

Payment of SPLIT and KIT days may be given on the return from maternity leave or SPL, or on the next monthly pay day, depending on when the employee wants to be paid for them. The employee's manager should complete a Change of Conditions e-form confirming the date(s) the SPLIT or KIT days were taken and the duration of each day in hours.

Where applicable Professional Registration must be maintained or renewed if this has expired whilst an employee is on maternity leave or SPL, if the employee wishes to work and be paid for KIT or SPLIT days.

### ***11.3 Medical Staff***

Whilst 'KIT days' specifically apply only to the statutory maternity leave period, it is recognised that trainees may wish to undertake similar activities prior to returning to work (such as those relating to Supported Return to Training) outside of the statutory leave period, for instance during their accrued annual leave period. In this case, they will in effect be giving up a day (or more) of this annual leave, so will be entitled to the equivalent number of days back later. They will not receive additional pay.

The employee will be paid at their basic daily rate for the hours worked, less the occupational or statutory maternity, adoption, shared parental leave payments.

Pay for a KIT and SPLIT day undertaken by a LTFT trainee should be the same as that of an equivalent grade full-time trainee, basic daily rate for the hours worked.

Following the most recent junior doctors contract review, trainees can now claim time back in lieu, to reflect the loss of maternity, adoption, shared parental leave and pay associated with taking KIT and SPLIT days.

If a KIT and SPLIT day is worked in the full pay period, the employer will make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work.

### ***11.4 Sickness during Maternity Leave***

Staff are not entitled to sick pay whilst on maternity leave. However, if the member of staff is ill on or after the date they have agreed to return to work following childbirth and submit a medical statement from a registered medical practitioner, or a self-certificate to cover the absence, they will be entitled to sick leave in accordance with normal sick leave provisions. It is the employee's duty to keep their manager informed of any illness or changed circumstances that may affect current circumstances or anticipated date of return. An employee may also be referred to Occupational Health to seek guidance on their fitness to carry out normal duties. It is not possible for an employee to stop maternity leave and commence sick leave and then recommence maternity leave.

### ***11.5 Visa status checks***

The Trust carries out regular checks on employee visa status in order to ensure that all employees that require a visa to work continue to be legally allowed to do so. Should an employee's visa expire during maternity leave or SPL, the Trust maintains its right to request up-to-date evidence of their entitlement to work and to be employed by the Trust. It is the responsibility of the employee to ensure that this information is provided to the Trust. Failure to supply appropriate evidence that the employee has full legal entitlement to work at the Trust will result in immediate suspension (in line with the Trusts Right to Work Policy).

## **12. Salary Sacrifice and Tax Free Schemes**

### **12.1 Tax Free Scheme (TFS)**

'Tax-Free Childcare' (TFC) is a government scheme which will enable parents to save 20% of their childcare costs.

The old Kiddiovouchers Childcare Voucher Scheme is still running for members who joined prior to October 2018.

If an employee is currently participating in the Childcare Voucher Scheme and wishes to join the new scheme, they must advise the Trust by providing a Childcare Account Notice (CAN) within 90 days of opening the TFC account. This is to be sent to Payroll department and the Trust will need to cease the Voucher option through pay with immediate effect: [REDACTED]

Please note an employee cannot be in both schemes and for one parent to claim Childcare Vouchers and the other parent to claim Tax-Free Childcare.

### **12.2 Eligibility for TFC**

Not all families are eligible for TFC. For example if one parent is not working, then neither parent is eligible for TFC and a family in receipt of universal credit cannot also get TFC.

To be eligible for TFC parents must be earning above the national minimum wage once the tax free benefit is deducted, but less than the upper earnings threshold.

The benefit applies to working families with children under 12 (or under 17 if disabled).

See <https://childcare-support.tax.service.gov.uk> and <https://www.childcarechoices.gov.uk/> for more information.

### **12.3 Deciding whether to opt out of Childcare Voucher scheme during qualifying/averaging weeks**

Employees who already participate in the Trust Childcare Voucher and/or any other Salary Sacrifice Schemes delivered by the Trust must decide whether to temporarily suspend from their respective scheme, opt out altogether, or to remain in the scheme(s) prior to and during the qualifying period.

The eight week qualifying period usually occurs from the 16th week of pregnancy to the 24th week prior to the expected date of delivery, however in some circumstances this may be between the 12th and 20th week depending on when pay day falls.

Continuation in Salary Sacrifice during the qualifying period will result in reduced Occupational Maternity Pay (OMP) and so it is imperative that you communicate your decision to the relevant Salary Sacrifice scheme administrator prior to this period so as not to affect your maternity entitlement, if required.

Salary Sacrifice schemes provided at the Trust comprise; Childcare Voucher Scheme administered by Kiddivouchers, Cyclescheme, Car Parking Salary Exchange and Staff Accommodation.

This action may be taken by employees prior to notification to their line manager and completion of the Maternity/Shared Parental Leave Pay Plan. This requirement does not affect staff who are not yet participating in the Childcare Voucher or other Salary Sacrifice scheme(s).

N.B. Should an employee wish to be reinstated on to the Trust's Childcare Voucher and/or any Salary Sacrifice Scheme(s), they should contact the Trust Childcare And Benefits team for current registration instructions (email: [REDACTED] or telephone [REDACTED]).

## **13. Prior to return to Work and Process on Return**

### **13.1 Notification to Return**

It is good practice to indicate the estimated return date on the Maternity and Shared Parental Leave plan (HR pages of the Weston intranet and HRWeb ). The employee must give eight weeks' notice of the actual return to work date. If the incorrect notice is given, the return may be postponed.

### **13.2 Return to Work Process**

Before the employee returns to work, the manager will ensure that:

- (a) They calculate how much leave the employee has accrued during maternity/shared parental leave (in consultation with the employee) and agree when the employee plans take this block of leave and when they will physically return to the office. Conversations about returning to work should take place at least eight weeks prior to the start date of any accrued annual leave.
- (b) A change of conditions electronic form is completed advising of the date of return (this will be the start date of a block of accrued annual leave if applicable and the hours will remain at the level prior to maternity), and any changes to working conditions agreed e.g. a reduction in hours should be advised on an additional e-form with the effective date of the change and actual date of return to work. This should be forwarded to Employee Services. An alternative is that the employee returns on the lower hours with only one e-form required and the employee takes the accrued leave due over an extended period in agreement with the department.
- (c) A reorientation programme is drawn up prior to the employee's return and implemented over the first few weeks of return.
- (d) A full analysis of statutory and mandatory training requirements for the member of staff is undertaken and a programme of training established to ensure safe practice.
- (e) A risk assessment under the pregnant worker guidelines is carried out, prior to the employee returns to work.
- (f) For staff who require statutory/professional registration to practice, the manager must ensure they are registered before the employee recommences duties. This should be done with reference to the Professional Registration Policy.

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### **13.3 Job on Return**

Staff have the right to return to work under their original contract and on no less favourable terms and conditions. Employees have a right to return to the same job after maternity leave and SPL if their maternity leave or combined leave period (comprising of Maternity and SPL) totalled 26 weeks or less.

In the case where the number of weeks of maternity and SPL exceeds 26 weeks in aggregate, or the total number of unpaid parental week exceeds four weeks, an employer must allow an employee to return to the same job unless it is not reasonably practicable, in which case they must offer a suitable and appropriate job on terms and conditions that are no less favourable.

If staff wish to return to different hours or duties they must discuss and agree this with their manager and submit a Flexible Working Request (please refer to the Trust's [REDACTED]). This can be done at any time before or during maternity leave and preferably at the earliest opportunity.

If the employee has recently given birth or is breast feeding and is unable to return on the intended date because an Occupational Health Doctor considers them either incapable of carrying out all or part of their duties for a reason connected to pregnancy or childbirth, or that these duties would be a risk, the Trust will seek to provide temporary alternative work with no loss of pay.

### **13.4 Use of annual leave as part of return to work**

Employees will accrue their normal annual leave entitlements during paid and unpaid maternity leave and SPL. For example, if an employee is entitled to 27 days annual leave and eight bank holidays a year and a year is taken for maternity leave, they will have 35 days accrued to take once maternity leave has ended, plus any annual leave owing until the end of their leave year and minus any leave taken at prior to maternity leave.

Employees, in agreement with their manager, should take the leave they have accrued during maternity leave immediately following the end of their maternity leave, prior to physically returning to their role. Accrued leave should be taken before any agreed reduction to the employee's contractual hours (unless otherwise agreed by the Division), to enable the employee to return to work within a reasonable timeframe.

Employees must give their manager at least eight weeks' notice of the date they will be ending their maternity leave and the start date of any accrued leave, and this block of leave must be approved by the manager.

Employees wishing to use accrued leave differently (for example be paid 37.5 hours a week, use two days annual leave a week, working 22.5 hours a week, until accrued leave is exhausted) will need to submit a business case to their line manager at least eight weeks before they propose to start taking the annual leave. Business cases will be considered by the Divisional Director and HR Business Partner who will consider the service needs in line with any proposals made. If the request is refused, employees will need to take accrued leave in a single block before returning to work.

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### ***13.5 Decision not to Return to Work at the Trust***

Following maternity leave and SPL (if applicable), the mother must physically return to work in a substantive post for a minimum of three months, in order to avoid paying back the Occupational element of Maternity and (if applicable) Shared Parental Pay that they have received. If the employee leaves before this three month period they will still be entitled to receive any Statutory Maternity Pay or Statutory Shared Parental Pay. The method of repayment of Occupational Maternity/Shared Parental Pay will be determined in agreement with payroll. Staff must notify their Manager as soon as they know that they will not be returning to work. Any accrued annual leave taken immediately following the end of maternity leave will count towards the three months. Untaken annual leave and Bank Holiday accruals for the whole maternity period will be offset against the total Occupational Maternity Pay overpayment.

If the employee decides to work for another NHS employer up to three months after the end of their maternity leave for a minimum period of three months after their maternity leave has ended, they will not be liable to refund the Occupational Maternity/Shared Parental Pay they have received from the Trust. The employee's manager will need to see proof of the employee's employment with the new NHS Employer, which must also be in a substantive post and must confirm that they have seen this on the termination e-form.

### ***13.6 Maternity Leave and an early return to Bank***

Employees who are in the unpaid section of their Maternity leave or Shared Parental Leave can work on the Bank before returning to their substantive roles in the following circumstances:

- (a) They do not return until after the 39th week of maternity leave (i.e. there can be no return until the entitlement to SMP is exhausted).
- (b) If taking Shared Parental Leave, they have exhausted any entitlement to Statutory Shared Parental Pay (ShPP).

Work carried out on the Bank, whether before a return to a substantive role or following it, will not count towards the average contractual weekly earnings received in the eight weeks prior to the qualifying week in order to calculate a further period of Occupational Maternity Pay.

The return to Bank work should be communicated to Payroll via a Change of Conditions form. Subsequent return to a substantive role must also be communicated to Payroll via a Change of Conditions form.

In order to avoid repaying Occupational Maternity Pay, staff returning from maternity leave must physically return to a substantive post within the Trust or another NHS Trust, for a minimum of three months. This can be at full time or part time hours and accrued annual leave will be counted as part of the three months. Staff who have received Occupational Maternity Pay cannot avoid repaying it by working Bank Shifts only.

### ***13.7 Post-Natal Care and Breastfeeding Mothers***

Women who have recently given birth should have paid time off for post-natal care, for example attendance at health clinics.

Employers are required to provide breast-feeding women with suitable rest facilities. The Health and Safety Executive also encourages employers to provide a healthy and safe environment for women who are breast feeding, with suitable access to a private room to access and store milk.

Managers should consider requests for flexible working arrangements to support breastfeeding women at work.

### ***13.8 Returning to work pregnant***

Employees who return to work pregnant should inform their Manager as soon as the pregnancy is confirmed. Maternity Pay for the second Maternity Leave will be based on the employee's average gross earnings over a period of eight weeks up to and including the last payday before the end of the qualifying week for the second baby. The qualifying week in this case would be the 15th week before the week the second baby is due. Employees can discuss their maternity pay entitlements with the Payroll department.

If an employee ends their first maternity leave but then starts their second maternity leave soon after, preventing them taking their accrued annual leave from the first maternity leave, their manager should ensure that all accrued annual leave from the first maternity leave is saved and then added to the leave accrued during the second maternity leave.

## **14. Terms & Conditions and Other Provisions**

### ***14.1 Conditions of Service such as Annual Leave***

The employee's contract of employment continues for the duration of the maternity leave and Shared Parental Leave (if applicable) as these types of leave are not considered to be a break in service. During Maternity and Shared Parental Leave staff will be entitled to receive the benefits and accrual of these benefits for all terms and conditions, except remuneration.

Annual leave will continue to accrue during maternity leave and SPL, whether paid or unpaid. Where the amount of accrued annual leave exceeds normal carry over provisions, the employee may carry the leave over to the next leave year. It may be mutually beneficial to both the Trust and the employee for the employee to take a block of annual leave immediately before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and the line manager. In exceptional circumstances, payment in lieu may be considered as an option where accrual of annual leave exceeds the normal carry over provisions.

The employee is entitled to lieu days for any Bank holidays that fall within the period of maternity leave or SPL. For employees on Term Time Only contracts who receive annual leave as part of their monthly pay, an adjustment will be made to the employees pay for annual leave at the end of the entire maternity leave period or when the employee returns to work. The employee may choose whichever option is preferable to them, and they should notify Employee Services and Payroll of which option they would prefer.

## **14.2 Continuity of Service**

Maternity Leave and Shared Parental Leave do not count as a break in service.

## **14.3 Pay Progression**

An employee on maternity or shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay-step date the pay-step point should be automatically applied in the individual's absence.

For staff on medical or dental contracts that are covered by this section, the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking maternity or shared parental leave.

The full pay calculation of maternity pay uses the average weekly contractual element used for the calculation of statutory maternity pay entitlement, subject to the following qualifications:

- In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire statutory maternity pay calculation period. If such a pay award was agreed retrospectively the maternity pay should be recalculated on the same basis.
- In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be recalculated on the same basis.

## **14.4 Pension Scheme contributions**

During paid maternity leave or Shared Parental Leave, contributions are due on the amount of occupational or statutory maternity pay or Statutory Shared Parental Pay received. During unpaid maternity leave, or Shared Parental leave pension contributions cannot be processed.

Contributions due in the unpaid part of Maternity or Shared Parental leave will be deducted from the employee's salary on their return to work over a similar length of time as the period covered by the unpaid leave. Employees should contact the Pensions Department for further pension queries. The contributions are paid on the pay rate in force on the last day of paid maternity leave, this is normally the lower rate SMP pay rate and this significantly reduces the contributions due for the 'no-pay' period.

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

### ***14.5 Income Tax Deductions***

Tax will be automatically adjusted to its correct level, each month. At the start of the new financial year (April), tax refunds will cease for staff on no pay.

### ***14.6 Mobile Phones, Laptops and Other Equipment***

Mobile phones, laptops and other equipment issued by the Trust should be returned before the commencement of maternity leave.

### ***14.7 Trade Union Membership Deductions***

Deductions cease during the unpaid part of the maternity leave, but are reinstated upon return to paid employment unless otherwise instructed. Staff must advise their union so that their record can be amended.

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

Staff on fixed term contracts which expire after the 11th week before the expected week of confinement and who satisfy the eligibility conditions, shall have their contracts extended so as to allow them to receive the 52 weeks which includes paid contractual and statutory maternity pay and the remaining 13 weeks of unpaid maternity leave.

For further terms for fixed term staff, please refer to Part 3, Section 15, paragraphs 15.42-45 of the [National Agenda for Change Handbook](#) .

Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions will not apply.

### ***14.9 Rotational Training Contracts***

NHS terms and conditions of service covering junior doctors in England provide that continuous service for the purposes of qualifying for statutory leave includes service with one or more NHS employers. Junior doctors who are required to change their employer as part of their training programme will be eligible for leave and pay from their current employer, the value of statutory maternity / adoption / shared parental pay they would have otherwise received if their statutory continuity had not been broken by their change of employer.

Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances, the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

Where it is known that an employee is pregnant prior to the end of the contract at the existing Trust, it is that Trust's responsibility to extend the contract to enable the maternity process to be completed and to maintain the employee on the Trust payroll. It is the responsibility of the employee to inform Medical HR of the pregnancy, in good time, to enable this action to be taken.

#### ***14.10 Qualifying period for Medical and Dental staff on Out of Programme (OPP)***

If a doctor returns from an approved period of time out of programme (OOP) and:

- (a) The continuity of service provisions mean the doctor is eligible for maternity leave and pay, but
- (b) The reference period for calculating maternity pay means that the value of the occupational maternity pay would otherwise be nil,

Then the maternity pay reference period is defined as being the doctor's last period of paid employment in the previous training placement immediately prior to commencing the period of time spent out of programme.

#### ***14.11 Childcare Voucher, Tax Free Scheme (TFS) and Salary Sacrifice Schemes***

Once the decision has been made by a participating employee to either remain in or opt out of their respective scheme during the qualifying or averaging weeks the employee must inform either the Childcare Voucher Scheme provider (Kiddivouchers: 0800 612 9015) or the relevant Salary Sacrifice Provider.

This action may be taken by employees prior to notification to their line manager and completion of the Maternity & Shared Parental Leave Pay Plan (located on the HR pages of the Weston intranet and HRWeb). This does not affect staff who are not yet participating in the Childcare Voucher or Salary Sacrifice scheme(s).

Employees must decide prior to the qualifying or averaging period whether they wish to remain in or opt out of their respective scheme(s) as this will affect the value of maternity pay they will receive. This timescale enables Payroll sufficient time to make the necessary amendments in time for maternity pay calculation.

Existing childcare voucher participants who choose to remain in the scheme during the qualifying or averaging period will receive Occupational Maternity Pay (OMP) or based on their salary, which is reduced by the value of childcare vouchers taken during this time. Under this arrangement, on receipt of Statutory Maternity Pay (SMP) and Additional Maternity Leave (if applicable), childcare vouchers will continue to be provided to the employee, the cost of which will be met entirely by the Trust.

## **15. Standards and Key Performance Indicators**

### **15.1 Applicable Standards**

Applicable standards include all areas covered by this policy, where specific standards will be used to monitor compliance, including all standards staff are expected to follow and reach in order to comply with this policy. For example, this might include regulatory requirements.

### **15.2 Measurement and Key Performance Indicators**

This policy will be monitored and updated/improved according to the types of maternity/SPL related calls and queries logged with HR Services and in line with any changes to family legislation.

## **16. References and Associated Internal Documentation**

Flexible Working Policy

Adoption and Shared Parental Leave Policy

New Parent Support (Paternity) Leave Policy

Annual Leave Policy

Special Leave Policy

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SPL Approval Letter

SPL Discontinuous Leave Refusal Letter

## **17. Support for parents affected by the death of a baby or miscarriage**

<https://www.sands.org.uk/>

<https://www.miscarriageassociation.org.uk/how-we-help/our-support-services/>

<https://www.tommys.org/baby-loss-support/miscarriage-information-and-support/support-after-miscarriage>

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Status: Approved

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## 18. Appendix A – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this policy. Please ensure any possible means of monitoring this policy to ensure all parts are fulfilled are included in this table.

Objective	Evidence	Method	Frequency	Responsible	Committee
Monitoring of HR Services calls and or grievances relating to pregnancy to identify learning.	Incident reports from calls or cases System.	Data extraction from case reporting system.	Quarterly, Annually and Ad hoc as required.	HR Services Leads/Divisional H&S (site/service) Advisors	Trust Health and Safety Committee/Divisional H&S Forums/HR Services.

## 19. Appendix B – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
<b>The Dissemination Lead is:</b>	Head of HR Services
<b>Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:</b>	A
<b>If answer above is B: Alternative documentation this policy will replace (if applicable):</b>	[DITP - Existing documents to be replaced by]
<b>This document is to be disseminated to:</b>	All staff
<b>Method of dissemination:</b>	Newsbeat HR pages of the Weston intranet and HRWeb .
<b>Is Training required:</b>	Yes
<b>The Training Lead is:</b>	HR Specialist

<b>Additional Comments</b>
[DITP - Additional Comments]

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## 20. Appendix C – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here:



Query	Response
What is the <b>main purpose</b> of the document?	To inform employees of their rights when having a baby and the process to follow.
Who is the target audience of the document?	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/>
Who is it likely to impact on? (Please tick all that apply.)	<b>Staff</b> <b>Patients</b> <b>Visitors</b> <b>Carers</b> <b>Others</b>

Could the document have a significant <b>negative</b> impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
<b>Age</b> (including younger and older people)		X	
<b>Disability</b> (including physical and sensory impairments, learning disabilities, mental health)		X	
<b>Gender reassignment</b>		X	
<b>Pregnancy and maternity</b>		X	
<b>Race</b> (includes ethnicity as well as gypsy travelers)		X	
<b>Religion and belief</b> (includes non-belief)		X	
<b>Sex</b> (male and female)		X	
<b>Sexual Orientation</b> (lesbian, gay, bisexual, other)		X	
<b>Groups at risk of stigma</b> or social exclusion (e.g. offenders, homeless people)		X	
<b>Human Rights</b> (particularly rights to privacy, dignity, liberty and non-degrading treatment)		X	

Will the document create any problems or barriers to any community or group? YES / NO

Will any group be excluded because of this document? YES / NO

Will the document result in discrimination against any group? YES / NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

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Could the document have a significant <b>positive</b> impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	x		
Will it help to get rid of discrimination?	X		
Will it help to get rid of harassment?		X	
Will it promote good relations between people from all groups?		X	
Will it promote and protect human rights?		X	

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	<u>Some</u>	Very Little	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? YES / NO

Date assessment completed: 28/07/21

Person completing the assessment: [REDACTED] HR Specialist

Status: Approved

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