

Maternity & Shared Parental Leave Policy

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| Introduction |
| <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> |

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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 and Scope

This Policy is designed to ensure that all new parents working for University Hospitals NHS Foundation 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. Key Principles and Provisions

- 3.1 Pregnant employees are entitled to 52 weeks of Maternity Leave, consisting of 26 weeks of Ordinary Maternity leave and 26 weeks of Additional Maternity Leave. 39 weeks of the maternity pay for eligible employees will be paid at statutory rate or in some cases maternity allowance may apply instead. Statutory maternity pay may be contractually enhanced depending on employees' length of service (see section 7 for pay details).
- 3.2 A birth mother must take at least two weeks' maternity leave following the birth of a child but can otherwise choose to end their maternity leave at any stage.
- 3.3 Shared Parental Leave (SPL) is an entitlement allowing eligible mothers, fathers and partners to choose how to share time off work after their child is born. This could mean that the mother shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date.
- 3.4 If they choose to do so, an eligible mother can end her maternity leave early and, with her partner or the child's father, opt for Shared Parental Leave (SPL) instead of Maternity Leave. This will enable her to share some of the 52 weeks leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date. It will also enable parents to take longer blocks of time off at the same time to care for the child.
- 3.5 The amount of SPL available to a couple is calculated using the employee's entitlement to maternity leave, which allows parents to take up to 52 weeks leave between them. If both parents meet the qualifying requirements, they will need to decide how they want to divide their SPL and Pay entitlement.
- 3.6 Paid Paternity or of two weeks will continue to be available to partners of the mother. All eligible parents will be entitled to apply for Shared Parental Leave. Paternity Leave will be a period of one or two weeks which must be used in a single block of leave and taken within 56 days of the birth of the child. Please see the Paternity and Partner Leave policy for more detail.

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4. Definitions

The guidance uses the following terms and abbreviations:

Mother: the woman who gives birth to a child.

Partner: the child's biological father or the partner of the mother. This can be a spouse, civil partner or a partner who is living in an enduring relationship with the mother and the child.

Ordinary Maternity Leave (OML): This is the first 26 weeks of maternity leave. The contract of employment continues for this period.

Additional Maternity Leave (AML): This is the second set of 26 weeks and must follow directly on from Ordinary Maternity Leave. The contract of employment continues for this period.

Compulsory Maternity Leave: A minimum of 2 weeks must be taken as maternity leave immediately after giving birth or placement of the child. This is included as part of Ordinary Maternity Leave.

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.

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.

SPL: Shared Parental Leave.

ShPP: Statutory Shared Parental Pay

Continuous leave: A period of leave that is taken in one block e.g. four weeks' leave.

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

Curtail: Where an eligible mother brings their maternity leave and if appropriate, pay or allowance to an end early. This is sometimes referred to as reducing the maternity leave period or reducing the maternity pay or maternity allowance period.

5. Duties, Roles and Responsibilities

5.1 *Line managers are responsible for:*

- (a) Following the procedure as set out in section 9-13;
- (b) Ensuring all eligible SPL and Maternity requests are handled fairly and consistently.
- (c) Supporting employees' to continue working throughout pregnancy;
- (d) Providing a safe working environment for employees who are pregnant or have recently given birth. As soon as the line manager is made aware of an employee being pregnant they will ensure action is taken to assess the safety requirements of the working environment with specific regard to a pregnant employee; See Section 9.4
- (e) Continuing to assess safety requirements on the employee's return from maternity leave;
- (f) Supporting the employee with paid time from work to attend any pregnancy related appointments, clinics and classes subject to service needs and managerial agreement (see section 9. 7 for details).

5.2 *Employee 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 121 consultations with pregnant employees to discuss the provisions of the policy where requested.

5.3 *All staff eligible for maternity or SPL are responsible for:*

- (a) Following the procedure as set out in section 9.
- (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.

6. Who is covered by the policy?

The policy covers all women whose date of childbirth is confirmed as required. The policy is relevant to any eligible parent wishing to take SPL.

6.1 *Same Sex Couples*

- a) **A female same sex couple** – This policy applies to the member of staff giving birth and either parent who wishes to take SPL. The Trust's Paternity/Partner Leave Policy will apply to the birth parent's partner, providing they meet the eligibility criteria.

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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 paternity leave, subject to the normal requirements.

- b) **A male same sex couple** – Should refer to the Adoption and Shared Parental Leave policy. The Trust's Paternity/Partner Leave Policy will apply to the partner who is not the main adopter taking adoption leave, providing they meet the eligibility criteria.

7. Maternity & Shared Parental Leave Entitlement & Pay

7.1 *Entitlement to Maternity Leave*

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 University Hospitals Bristol NHS Foundation Trust. Please refer to the Maternity Leave/Pay Plan (HR Web) and use the Entitlements to Maternity Leave and Pay Flow Chart (HR Web) for more details.

Occupational Maternity pay is a benefit paid by UH Bristol 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 UH Bristol service at the 15th week before EWC** will be:

- 8 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).

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The exact 8 week 'qualifying' period will depend on when Trust paydays fall.

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 8 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:

- 8 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 7.4).

Please note that a minimum of 2 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 UH Bristol or another NHS employer for a minimum of 3 months then they will be required to repay all Occupational Maternity Pay that they have received.

7.3 *Statutory Maternity Pay*

This is a benefit paid for by the government. Staff will be eligible for Statutory Maternity Pay provided that:

- They have been continuously employed by UH Bristol 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 UH Bristol 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 6 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 2 weeks of lower rate SMP is included as part of OMP unless only SMP is being paid.

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 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 10.2 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.

7.4 *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>

7.5 *Entitlement to Shared Parental Leave*

If they choose to do so, an eligible mother can end their maternity leave early and, with their partner or the child's father, opt for Shared Parental Leave (SPL) instead of Maternity Leave. This gives parents that meet the qualifying requirements more flexibility in how to share the care of their child in the first year following birth. Parents will be able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

To qualify, the mother must be entitled to, and have given notice to curtail their, maternity entitlements and must share the main responsibility for caring for the child with the child's father or their partner.

For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

Continuity of employment test

The person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due and is still employed in the first week that Shared Parental Leave is to be taken.

Employment and earnings test

The person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 per week in 13 of the 66 weeks.

Where both parents satisfy the continuity of employment test requirement they will both be able to make use of the pot of Shared Parental Leave. The regulations do mean though that a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

7.6 Statutory Shared Parental Pay (ShPP)

ShPP is paid at a rate set by the Government for the relevant tax year or 90% of an employee's average weekly earnings (whichever is lower). Eligible employees may be entitled to take up to 37 weeks ShPP while taking Shared Parental Leave.

The number of weeks ShPP available will depend on the amount by which the mother reduces their maternity pay period or maternity allowance period. Where maternity leave is curtailed any remaining weeks of statutory maternity pay can be taken as ShPP.

For example a mother could end her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks, taking the leave at the same time or separately. ShPP could be claimed for the remaining 25 weeks as the mother has already had a 12 week maternity pay period.

An employee is eligible for ShPP if one of the following applies:

1. They're eligible for Statutory Maternity Pay (SMP)
2. They're eligible for Statutory Paternity Pay (SPP) and their partner is eligible for SMP or Maternity Allowance (MA)

Workers may also claim ShPP if they're eligible for SMP or SPP.

Where an employee is entitled to receive ShPP they must, at least 8 weeks before receiving any ShPP, complete the Shared Parental Leave Booking form (HR Web) and give it to their manager.

Statutory ShPP is paid into the employees' bank account in the same way as salary (on a weekly or monthly basis depending on employees pay frequency). When an employee commences leave the

manager will complete a change of conditions e-form, which Employee Services will forward to Payroll, notifying them of the date Statutory ShPP should start.

7.7 *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:

- (i) Whether one or both parents qualify for SPL and how they would like to share the care of the child
- (ii) Whether the mother is prepared to reduce their maternity leave, opting to take SPL instead
- (iii) Financial implications of reducing the mother's maternity leave where the Trust's enhanced maternity pay applies
- (iv) 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.

If parents don't choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, a mother may choose to reduce their maternity leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks' notice to their employer and take the SPL within a year of the birth).

Alternatively SPL can start for the partner while the mother is still on maternity leave if she has given binding notice to end her leave. E.g. A mother and her partner are both eligible for SPL. The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives her manager notice. Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

8. Salary Sacrifice and Tax Free Schemes

Until October 2018 employees will be able to join the Trusts Childcare Voucher (CVV) scheme through Kiddivouchers.com. Childcare Vouchers can be used as either full or part payment of fees at any registered childcare setting such as a day nursery, childminder, out-of-school club, Explore Learning, etc. The value of voucher(s) is taken from the employees' gross monthly salary which is exempt from tax and national insurance contributions, thus allowing the employee to save up to 41% of the value - depending on the level of tax they pay.

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The maximum monthly salary exchangeable for childcare vouchers is £243 per person for 20% (normal rate) tax payers and £124 per person for 40% + tax payers. Childcare vouchers can be used to pay childcare costs up until a child reaches 15 years of age and they can be bought in advance – for later use.

For further details about the voucher scheme, go to [REDACTED] or telephone: [REDACTED]
[REDACTED] Please quote UH Bristol staff reference: [REDACTED]

8.1 ***Tax Free Scheme (TFS)***

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

TFC will not replace the Childcare Voucher Scheme (CCV) for employees already in this scheme but the CCV scheme will be closed to any new joiners with effect from 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: PayrollEnquiries@UHBristol.nhs.uk

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.

8.2 ***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.

8.3 ***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 8 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).

9. Pre Commencement of Maternity & Shared Parental Leave

9.1 Introduction

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 Web) provide a useful structure for managers and staff on the stages and actions required to ensure applications are dealt with smoothly.

9.2 Pre-commencement of Maternity & Shared Parental Leave

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.

9.3 Notification/First Steps

Pregnancy

It is the responsibility of the member of staff to advise the manager as early as possible that they are pregnant. This will be taken into consideration at all times when discussing leave requirement. The following steps should be taken as soon as possible after the member of staff has informed the manager of pregnancy.

- 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.

- 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.
- 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.
- The Maternity and Shared Parental Leave/Pay Plan (HR Web) 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.

9.4 ***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 <http://www.hse.gov.uk/mothers/faqs.htm#q4>

The 'Pregnant Staff and Working Nursing Mothers Assessment Form' can be located on the HR Web. 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.

9.5 ***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.

9.6 ***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.

9.7 *Time off for appointments*

Antenatal Care Classes

All pregnant employees have the right:

- a) 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.
- b) 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

9.8 *Notifying the Trust of entitlement to SPL*

An employee entitled and intending to take SPL must give their line manager notification of this at least 8 weeks before they can take any period of SPL using the Shared Parental Leave Booking Form (HR Web).

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of week of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave. SPL may begin on any day of the week but may only be taken in complete weeks.

The trust may, within 14 days of the SPL entitlement notification being given, request documentation relating to the birth of the child and the name and business address of the partners employer if they do not work for the Trust.

It is the employee's responsibility to check that they are eligible for SPL and ShPP and the Trust will grant leave and pay based on the information and declarations provided by the employee. If it is subsequently discovered that ShPP was incorrectly paid, the Trust will correct their records and may recover wrongly paid ShPP as an overpayment of salary, as applies to all statutory payments. Fraudulent claims may be investigated in accordance with the Trusts Disciplinary Policy.

9.9 *Discussions regarding Shared Parental Leave*

Upon receiving a SPL booking notice the employee's manager will usually arrange a meeting with the employee to discuss it (see HR Web 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

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necessary, but the manager should confirm the outcome in writing (using approval letter HR Web).

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 Web 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 should be paid if applicable.

Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).

An employee has the right to take a single block of leave notified in a single notification so long as it does not exceed the total number of weeks SPL available to them (as specified in the notice of entitlement). The employee must give at least 8 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 in between the leave where the employee returns to work (e.g. where an employee takes 6 weeks SPL and works every other week for a period of three months).

Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see HR Web for guidance on conducting a SPL meeting).

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of requesting it, or can take the leave in a single continuous block.

Responding to Shared Parental Leave notification

Once the employee's manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made (using outcome letters on HR Web).

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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 Web 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.

9.10 *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.

9.11 *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 8 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

10.1 *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.

10.2 *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 either via telephone, email or some other practicable means.

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 3 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 3 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 3 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 8 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.

10.3 *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 4th 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.

10.4 *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.

10.5 *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 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).

If the baby is stillborn earlier than the 24th week of pregnancy staff will not be able to get 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.

10.6 *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 *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; however a deduction may be made from their pay in respect of the benefit payable by the Department of Work and Pensions. 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.

11.4 *Booking Shared Parental Leave (SPL)*

Eligible employees are entitled to book SPL while they are on Maternity Leave provided they give notice to their employer and take the SPL within a year of the birth.

Employees wishing to take SPL must notify their manager of their entitlement to SPL and Statutory Shared Parental Pay (ShPP), as well as giving at least 8 weeks' notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of 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. Prior to return to Work and Process on Return

12.1 Notification to Return

It is good practice to indicate the estimated return date on the Maternity and Shared Parental Leave plan (HR Web). The employee must give 8 weeks' notice of the actual return to work date. If the incorrect notice is given, the return may be postponed or where no contact is made the disciplinary policy may be invoked.

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]).

12.2 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 8 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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12.3 *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 Flexible Working Policy). This can be done at any time before or during maternity leave and preferably at the earliest opportunity.

If the employee is a doctor or a dentist and wishes to do this, it will require clarification with the Divisional HR Business Partner and/or Medical Staffing.

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.

Depending on specific circumstances, where it is not reasonably practicable to offer alternative employment, sickness absence or paid leave of absence will be given pending resolution. These issues must be discussed between the manager and employee as soon as possible in conjunction with Occupational Health and Employee Services. Time frames for this situation will depend on individual circumstances and Occupational Health advice (where appropriate) and in some circumstances the Trust can also look at options of temporary change in work until a permanent resolution has been agreed.

12.4 *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 8 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

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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 8 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 2 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 8 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.

12.5 *Decision not to Return to Work at the Trust*

If the employee fails to physically return to work in a substantive post for a minimum of 3 months, they will be liable to refund all the Occupational Maternity Pay that they have received (see section 7.2). However, they will still be entitled to receive any Statutory Maternity Pay or Statutory Shared Parental Pay. The method of repayment of Occupational Maternity 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 OMP overpayment.

If the employee decides to work for another NHS employer up to 3 months after the end of their maternity leave for a minimum period of 3 months after their maternity leave has ended, they will not be liable to refund the Occupational Maternity Pay they have received from UH Bristol. 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.

12.6 *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:

- i. 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).
- ii. 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 8 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 3 months. This can be at full time or part time hours and accrued annual leave will be counted as part of the 3 months. Staff who have received Occupational Maternity Pay cannot avoid repaying it by working Bank Shifts only.

12.7 *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.

12.8 *Returning to work pregnant*

Employees who return to work pregnant should inform their Manager as soon as the pregnancy is confirmed, as detailed in section 9. 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.

13. Terms & Conditions and Other Provisions

13.1 *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.

13.2 *Continuity of Service*

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

13.3 *Increments and Gateways to Progression*

Absence on maternity leave or Shared Parental Leave whether paid or unpaid will count towards the normal annual increment and for the purposes of any service qualification period for additional annual leave in accordance with the 'Agenda for Change' Terms and Conditions.

Medical and dental staff on Maternity or Shared Parental Leave, whether paid or unpaid, will also receive normal increments or pay progressions.

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.

Anyone taking maternity leave coinciding with their Foundation Gateway (non-medical staff only), will return to their post after their maternity leave with the same amount of time remaining to achieve their gateway, e.g. an employee taking maternity leave 6 months into the post would have a remaining 6 months to achieve their 1st gateway. However, their pay would be uplifted to the next increment to coincide with their annual incremental date.

If an employee takes maternity leave which spans their final gateway, their pay will be uplifted as if the gateway had been achieved. A Knowledge and Skills Framework review should take place upon their return in retrospect.

13.4 *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.

13.5 *Receiving Maternity Pay & Statutory Shared Parental Pay (ShPP)*

Any Statutory Maternity Pay or ShPP payments to which the employee is entitled will be paid in the same way as salary normally is. Staff do not have to do anything further to claim it.

Before an employee commences leave, or as soon as a period of Shared Parental Leave (SPL) is agreed, the manager will complete a change of conditions electronic - form, which Employee Services will forward to Payroll, notifying them of the date maternity pay or SPL should start. In the case of SPL the Change of Conditions form should state how many weeks of ShPP the employee should be paid and the start and end date of the block of leave. Employee Services will keep the original MATB1 in the employee's personal file along with the Maternity & Shared Parental Leave plan and any relevant Change of Conditions forms.

If the employee is not entitled to receive Statutory Maternity Pay, the Payroll Section will send the employee an SMP1 form in cases of pregnancy. The employee should then send to their local Department of Work and Pensions office, as they may be entitled to support from the local

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council when adopting a child or to claim Maternity Allowance where the employee is pregnant (see section 7.4).

13.6 *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.

13.7 *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.

13.8 *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.

13.9 *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 in the National Agenda for Change Terms and Conditions 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.

13.10 *Rotational Training Contracts*

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.

13.11 *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 (see section 8.3); the employee must inform either the Childcare Voucher Scheme provider (Kiddivouchers: [REDACTED]) 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 HR Web). 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.

14. References & Associated Documentation

[ACAS Shared Parental Leave Guidance](#)

[ACAS Maternity Leave Guidance](#)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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15. Appendix A – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this Policy.

| Objective | Evidence | Method | Frequency | Responsible | Committee |
|--|--|---|-------------|----------------------------|----------------------|
| To ensure that policy remains fit for purpose | Whether policy is still in line with Trust objectives and any changes in legislation | Regular policy review | 24 months | Head of Employee Relations | Policy Group |
| To ensure that use of policy is consistent and effective | Spot-checking application of policy and responding to internal audit requests | Review of individual cases as required, other actions as determined by nature of audit requests | As required | Head of Employee Relations | Workforce & OD Group |

16. Appendix B – Dissemination, Implementation and Training Plan

| Plan Elements | Plan Details |
|---|---|
| The Dissemination Lead is: | Head of Employee Relations |
| This document replaces existing documentation: | Replaces previous version of policy. |
| Existing documentation will be replaced by: | All associated documents have been reviewed to ensure compliance with new policy version. |
| This document is to be disseminated to: | Document to be disseminated to managers and staff via HR Web and Newsbeat. |
| Training is required: | Not required, but available on a case by case basis from Employee Services. |
| The Training Lead is: | Laura Williams, HR Consultant |

| Additional Comments |
|------------------------------|
| [DITP - Additional Comments] |

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17. Appendix C - Equality Impact Assessment

| Query | Response | |
|---|--|-------------------------------------|
| What is the aim of the document? | To make employees aware of their rights and entitlements during and after pregnancy. | |
| Who is the target audience of the document (which staff groups)? | Any staff as identified in section 6 of the policy. | |
| Who is it likely to impact on and how? | Staff | <input checked="" type="checkbox"/> |
| | Patients | <input checked="" type="checkbox"/> |
| | Visitors | <input checked="" type="checkbox"/> |
| | Carers | <input checked="" type="checkbox"/> |
| | Other – governors, volunteers etc | <input checked="" type="checkbox"/> |
| Does the document affect one group more or less favourably than another based on the 'protected characteristics' in the Equality Act 2010: | Age (younger and older people) | <input checked="" type="checkbox"/> |
| | Disability (includes physical and sensory impairments, learning disabilities, mental health) | <input checked="" type="checkbox"/> |
| | Gender (men or women) | <input checked="" type="checkbox"/> |
| | Pregnancy and maternity - (more favourably) | <input checked="" type="checkbox"/> |
| | Race (includes ethnicity as well as gypsy travelers) | <input checked="" type="checkbox"/> |
| | Religion and belief (includes non-belief) | <input checked="" type="checkbox"/> |
| | Sexual Orientation (lesbian, gay and bisexual people) | <input checked="" type="checkbox"/> |
| | Transgender people | <input checked="" type="checkbox"/> |
| | Groups at risk of stigma or social exclusion (e.g. offenders, homeless people) | <input checked="" type="checkbox"/> |
| | Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment) | <input checked="" type="checkbox"/> |

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18. Appendix D – Maternity & SPL Process Calendar

| Stage | Employee Role | Manager Role |
|--|--|---|
| Pre-commencement of Maternity and/or Shared Parental Leave | | |
| 1. As soon as employee becomes aware of a pregnancy | <ul style="list-style-type: none"> • Notify manager of the pregnancy. • Discuss whether there are any potential issues with undertaking normal duties (e.g. physical duties, uniform). • Discuss with manager any arrangements made/planned for ante-natal care. • Consider whether Shared Parental Leave is suitable. • Consider what leave arrangements would work best for employee and partner. | <ul style="list-style-type: none"> • Give employee the Paternity/Partner leave policy from HR Web. • Complete a risk assessment with the pregnant employee. • If required discuss any potential issues with undertaking normal duties and consider option to refer to Occupational Health. • Adapt role for pregnant employee and if necessary, find suitable alternative employment. • Discuss ante-natal care and note dates and times. • Discuss intentions with regards to leave and Shared Parental Leave options. |
| 2. Before Start of Maternity leave. At latest: By 15 th week before Expected week of Confinement (EWC) | <ul style="list-style-type: none"> • Written letter to manager including intention to go on maternity leave and planned start date of maternity leave. • Submit a MATB1 form to Manager • Inform Manager of intention to take SPL if appropriate • Discuss annual leave entitlements • Discuss 'Keeping in Touch' arrangements during leave and return to work arrangements. | <ul style="list-style-type: none"> • Complete maternity leave/pay plan with employee. • A copy of MATB1 (when available) and maternity/ leave/pay plan to be sent to Employee Services. • Change of Conditions e-form to be processed detailing the EWC and pay option. • Discuss 'Keeping in Touch' arrangements during leave and return to work arrangements |

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| Stage | Employee Role | Manager Role |
|---|--|--|
| 3. Choosing Shared Parental Leave. Notification of entitlement to SPL and notice of SPL booking (at least eight weeks before planned start date of any period of SPL) | <ul style="list-style-type: none"> Notify manager of eligibility for SPL, ShPP and give notice of SPL booking (HR Web) | <ul style="list-style-type: none"> Respond to SPL Booking form with acknowledgement letter (HR Web) and invite employee to meeting to discuss if required. If meeting is not required confirm the outcome of employees request in writing (template on HR Web). Make early preparations and plans. Consider how the work will be covered. |
| 4. Meeting to discuss SPL booking. | <ul style="list-style-type: none"> Attend meeting to discuss intentions to take discontinuous SPL if required (with mutual consent the meeting can be held over the phone if employee is on maternity leave). | <ul style="list-style-type: none"> Meet with the employee to discuss SPL request and how work will be covered. See HR Web for tips on conducting the meeting. |
| 5. Outcome | <ul style="list-style-type: none"> Discontinuous leave request is approved or the request is withdrawn | <ul style="list-style-type: none"> Confirm and communicate outcome in writing no later than the 14th day after the leave request was made (see HR Web for templates). Complete a change of conditions e-form confirming the start date and duration of any agreed SPL and Maternity/Paternity/Partner leave if applicable. NB if eligible for Statutory Shared Parental Pay confirm how many weeks should be paid during the block of SPL. |
| During Maternity and/or Shared Parental Leave | | |
| 6. 1 st 2 weeks after date of Compulsory Maternity Leave | Mother must take this as Maternity Leave and not return to work/or start SPL before the 2 weeks is completed. | Must not allow employee to return to work before 2 weeks is completed. |

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| Stage | Employee Role | Manager Role |
|---------------------------------|--|---|
| 7. Ongoing | <p>Keep in touch with Manager (via telephone, emails) and communicate any new information.</p> <p>Option to take 10 paid 'Keeping in Touch' Days or 20 Shared Parental Leave (SPLIT) days if on SPL.</p> <p>If desired submit further notifications of leave bookings (up to a maximum of 3) no later than 8 weeks prior to the intended start date. Or no SPL notifications have been submitted to date follow steps 3-5.</p> <p>If considering applying for a change in working patterns consider having this conversation at earliest opportunity. Reference Flexible Working Policy.</p> | <ul style="list-style-type: none"> • Keep in touch with employee (e.g. telephone, email, send newsletters etc.) • Raise Change of conditions form for any KIT or SPLIT days taken stating the date and hours worked (KIT and SPLIT days can be paid on return to work if preferred). • Respond to any new or additional notifications of SPL in writing within 14 days of receiving them following steps 3-5. • Complete change of conditions e-form to reflect any amendments to existing blocks of SPL, or dates of new blocks of Shared Parental Leave and how many weeks Statutory Shared Parental leave is payable, if applicable. • Ensure right to work (VISA) is valid. • Ensure professional registration is up to date where employees are taking KIT/SPLIT days • Check whether employee is planning to submit a flexible working request at the earliest opportunity |
| Prior to Return Date | | |
| 8. 8 weeks prior to Return date | <p>Contact Childcare & Benefits / Payroll team to arrange to join the Tax Free Scheme and/or Salary Sacrifice Scheme (if required):</p> <p>██████████ or</p> <p>████████████████████</p> | Confirm return date with employee |

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| Stage | Employee Role | Manager Role |
|-----------------------------|---|---|
| 9. Month before Return Date | Speak to Manager to confirm return is as planned. | <ul style="list-style-type: none"> • Calculate how much leave the employee has accrued during maternity and or SPL and agree when the employee plans to take this block of leave and when they will physically return to the office. • Complete a Change of Conditions e-form confirming employees return date and any changes to working arrangements. • Draw up reorientation programme for employee • Risk assessment to be undertaken • Check professional registration is up-to-date, if applicable • Undertake training needs analysis for all statutory and mandatory training and construct training programme to ensure safe practice. |
| 10. Change to Return Date | Give at least 8 weeks' notice of new Return date (Manager can postpone when you are able to return if this is not adhered to) | Complete a Change of Conditions e-form to reflect change to return date. |
| On Return | | |
| 11. From Day 1 | If applicable discuss post-natal care and breast feeding facilities arrangements and any issues you are having with returning to work | <ul style="list-style-type: none"> • If applicable discuss post-natal care and breast feeding facilities arrangements • Implement reorientation programme over the first few weeks of return. |

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19. Appendix E – Maternity & Shared Parental Leave Manager's Checklist

Staff name

1. Give the employee the Maternity and Shared Parental Leave (SPL) policy and Paternity and Partner leave policy from the Intranet. Encourage the employee to think about whether SPL might be a suitable option and outline the process for booking leave.

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2. If the employee is pregnant arrange a risk assessment of work environment ASAP and discuss with employee any immediate changes to duties that might be required (risk/ incapability). Referral to Occupational Health if appropriate.

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3. If the employee is not taking Maternity leave but intends to take SPL, advise them that they need to complete Shared Parental Leave booking form for eligibility for SPL (located on HR Web).

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4. Meet with employee and complete Maternity Leave Plan ASAP (if applicable). Ensure employee is given a copy. Discuss schedule of any antenatal appointments and note dates and times. Discuss annual leave entitlements and intentions to take SPL. Advise employee that SPL booking requests need to be put in writing and will be responded to in writing by within 14 days. Remind employee that any SPL bookings need to be made at least 8 weeks prior to the proposed leave start date and refer them to the Shared Parental Leave booking form (HR Web).

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5. If employee is taking Maternity leave forward the following to Employee Services immediately after meeting or at earliest opportunity:

- *MATB1 form (if applicable).*
- *Copy of Maternity & SPL Leave/Pay Plan (retain a copy for your records and for employee).*
- *Change of Conditions e-form confirming start date of maternity leave (Ensure employee contact details are correct.)*

Date sent to Employee Services

6. On receipt of the SPL booking form, invite employee to a meeting to discuss proposal (see HR Web for meeting invite letter and for guidance on conducting the meeting). Respond in writing to any requests for continuous and

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discontinuous SPL within 14 days of receiving it using template letters (on HR Web). N.B. Employee must submit requests for SPL 8 weeks prior to the intended start date and may make up to 3 separate requests for blocks of leave.

Complete a change of conditions e-form to reflect the start and end dates of any agreed blocks of SPL, and the number of weeks Statutory Shared Parental Pay due.

7. Organise cover for Maternity Leave/Shared Parental Leave period

8. If date of start of Maternity leave or Shared Parental Leave changes an additional Change of Conditions e-form must be completed immediately

Date sent to Employee Services

(Note to HR - Ensure form is sent out and not just 'saved')

9. Before commencement of Maternity Leave or Shared Parental Leave, discuss 'Keeping in Touch' arrangements, return to work date change notification rule; confirm discontinuous leave pattern if employee is taking more than one block of Shared Parental Leave. Also discuss return to work arrangements (e.g. flexible working) with employee.

10. Before commencement of Shared Parental Leave or Maternity Leave, ensure employee is aware of the following UH Bristol childcare services and facilities available:

- UH Bristol Childcare & Benefits team (provides unbiased information and guidance on local/national childcare options & local discounts)
- Tax Free Scheme

Full childcare information and guidance is available from the UH Bristol Childcare & Benefits Manager on: or email:

11. During the employees Maternity Leave and/or SPL respond to any new or further SPL bookings (if applicable) in writing (following step 6), within 14 days, and when dates are agreed raise a change of conditions form confirming the start and end dates of leave and number of weeks Statutory Shared Parental Pay due. If employee takes KIT or SPLIT days raise a Change of Conditions e-form to reflect the dates these days were taken and the number of hours worked on these days.

12. At least 8 weeks prior to the employee's return, calculate employees accrued annual leave and contact them to discuss how they will use this leave prior to returning to work (employees should take any backlog of annual leave immediately after maternity leave or SPL, prior to physically returning to work).

13. Prior to return, ensure a Change of Conditions e-form is completed confirming return to work details (i.e. date/hours/ shifts etc.) Complete a termination e-form if the employee is not returning to work.

Date sent to Employee Services

14. Prior to return, ensure a reorientation programme is drawn up and agreed

15. Prior to return, ensure a risk assessment is undertaken.

16. Prior to return, if applicable, ensure professional registration is up to date.

Date

Checked

17. Prior to return, a full training needs analysis of statutory and mandatory training requirements should be undertaken and a programme of training established to ensure safe practice

18. On return (and ideally before return), discuss post-natal care arrangements and breast feeding facilities arrangements (if applicable).

Please retain a copy of this on the individual's personal file

20. Appendix F – Maternity Leave/Pay Plan

To be completed at least 28 days before the commencement of maternity leave

You must complete this form in order to progress your maternity leave. You should complete this form with either your manager or Human Resources manager and keep one copy for yourself.

| | |
|--|----------------------|
| Name of applicant | <input type="text"/> |
| Current post title | <input type="text"/> |
| Division/ location/ ward/ department | <input type="text"/> |
| UH Bristol length of service | <input type="text"/> |
| Full-time/ part-time | <input type="text"/> |
| Dates and details of previous NHS service | <input type="text"/> |

If this is not one year continuous service, please state your employer(s) for the last 2 years.

I declare that I wish to confirm my intention to take my entitled Maternity Leave.

- a) My expected week of childbirth is:
(as stated on a medical statement/MAT B1 form from a Registered Medical Practitioner or practising Midwife)
- b) Date of commencement of leave:
(i.e. not before the 11th week before the expected week of childbirth or 14 days before the placement of adopted child)

c) I intend to share my maternity leave; Yes / No (please refer to Shared Parental Leave process section 9.8-9.11 of the policy)

d) Expected return date:

Childcare Voucher Scheme and/or Fee Direct Salary Sacrifice Scheme Participants:-

I have communicated my decision to remain in the scheme(s) or suspend within the allocated time period as specified within the Maternity & SPL Policy.

Signed:

E-form number:

(to be added by manager)

Please note that if you do not return to the NHS for a minimum of 3 months then you will have to repay any Occupational Maternity Pay (OMP) that you have received (only applies to employees who have had one year continuous service with the NHS).

Options for Maternity Leave (*please tick the appropriate option*)

For staff intending to return to work (otherwise see options 5/6)

Option 1

☐

1 year continuous NHS service at 11th week before expected week of childbirth and 26 weeks service with UH Bristol at 15th week before the expected week of childbirth (to be entitled to OMP and SMP)¹

52 weeks Maternity Leave: 26 weeks OML & 26 weeks AML:

- 8 weeks full pay (inclusive of SMP **based on contractual earning – SMP on all earnings**)
- 18 weeks half pay + lower rate SMP or 90% average weekly pay (whichever figure is lower but total not to exceed full pay)
- 13 weeks lower rate SMP
- 13 weeks unpaid leave

Option 2

☐

1 year continuous NHS service at 11th week before expected week of childbirth, but less than 26 weeks service with UH Bristol at 15th week before expected week of childbirth.

52 weeks Maternity Leave: 26 weeks OML & 26 weeks AML:

- 8 weeks full pay **based on contractual pay**
- 18 weeks half pay
- 26 weeks unpaid leave
- May qualify for MA if pregnant (apply to Benefits Agency)

Option 3

☐

26 weeks service with UH Bristol at 15th week of expected week of childbirth, but not 1 years continuous NHS service (to be entitled to SMP)

52 weeks Maternity Leave: 26 weeks OML & 26 weeks AML:

- 6 weeks higher rate SMP (90% of average weekly pay)
- 33 weeks lower rate SMP or 90% of average weekly pay (whichever figure is lower)
- 13 weeks unpaid leave

Option 4

☐

Less than 26 weeks UH Bristol service at the 15th week before the expected week of childbirth

52 weeks Maternity Leave: 26 weeks OML & 26 weeks AML:

- 52 weeks unpaid leave
- May qualify for MA if pregnant (apply to Benefits Agency)

¹ **OML= Ordinary Maternity Leave, AML= Additional Maternity Leave, OMP=Occupational Maternity Pay, SMP= Statutory Maternity Pay and MA= Maternity Allowance (see section 7 for definition of terms)**

For staff NOT intending to return to work

Option 5

☐

26 weeks service with UH Bristol at the 15th week before the expected week of childbirth.

52 weeks Maternity Leave: 26 weeks OML & 26 weeks AML:

- 6 weeks higher rate SMP (90% of average weekly pay)
- 33 weeks lower rate SMP or 90% of average weekly pay (whichever figure is lower)
- 13 weeks unpaid leave

Option 6

☐

Less than 26 weeks UH Bristol service at 15th week before the expected week of childbirth.

52 weeks Maternity Leave: 26 weeks OML & 26 weeks AML:

- 52 weeks unpaid leave
- May qualify for MA (apply to Benefits Agency)

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.

My estimated date of return to duty is

(If this is not completed you will have to provide 8 weeks written notice of your intended return date.)

Employee Signature

Manager/ Head of Department

Please send copy of this form to Employee Services together with copy of MATB1