



## Ref: WF29

# Maternity, Paternity, Adoption and Parental Leave Policy

<b>Date to be reviewed:</b>	August 2015	<b>No of pages:</b>	34
<b>Author job title(s):</b>	Workforce Adviser		
<b>Responsible dept / director:</b>	Director of OD & Workforce		
<b>Approved by:</b>	Workforce & OD Committee		
<b>Date approved:</b>	9 <sup>th</sup> August 2015		
<b>Effective Date (live):</b>	27 <sup>th</sup> August 2015		
<b>Version:</b>	1		
<b>Date EQIA completed:</b>	19 <sup>th</sup> May 2015		
<b>Documents to be read alongside this policy:</b>	This document should be read in conjunction with The NHS Terms and Conditions of Employment and the Shared Parental Leave Policy		

### Current review changes:

This policy has been developed to reflect the new legislation of Shared Parental Leave which applies to births or adoptions from 5<sup>th</sup> April 2015. Reference to additional paternity leave has been removed to reflect these changes.

Clarified the position of bank staff who wish to work during a period of maternity, adoption or shared parental leave.

Areas of repetition and duplication of other NHS Wales Policies have been removed.

### Executive Summary:

The Velindre NHS Trust Maternity, Adoption, Paternity and Parental Leave Policy has been produced to ensure that all of the provisions offered to employees, comply fully with the Employment Rights Act (1996), Children and Families Act (2014), Maternity and Parental Leave Regulations (1999) Paternity and Adoption Regulations (2006), Shared Parental Leave Regulations (2014) and the NHS Terms and Conditions of Service Handbook.

This policy sets out the Trust's legal and contractual obligations to employees, as well as an employee's obligations and entitlements, in respect of maternity, adoption, paternity and parental leave. The Shared Parental Leave Policy should be referred to in conjunction with this policy.

<b>First operational:</b>	27 <sup>th</sup> August 2015				
<b>Previously reviewed:</b>	N/A				
<b>Changes made yes/no:</b>	N/A				

PROPRIETARY INFORMATION

This document contains proprietary information belonging to the Velindre NHS Trust. Do not produce all or any part of this document without written permission from the Velindre NHS Trust.

# **VELINDRE NHS TRUST**

**REF: WF29**

## **MATERNITY, ADOPTION, PATERNITY AND PARENTAL LEAVE POLICY**

**Policy Lead: Director of OD & Workforce**

## POLICY CONTENTS

<b>1</b>	<b>POLICY STATEMENT</b>	<b>7</b>
<b>2</b>	<b>SCOPE OF THE POLICY</b>	<b>7</b>
<b>3</b>	<b>ANTENATAL CARE</b>	<b>7</b>
<b>4</b>	<b>TIME OFF FOR FORMAL ADOPTION MEETINGS</b>	<b>8</b>
<b>5</b>	<b>HEALTH AND SAFETY</b>	<b>8</b>
<b>6</b>	<b>SICKNESS ABSENCE</b>	<b>9</b>
6.1	Prior to Childbirth	9
6.2	Related to Miscarriage	9
6.3	Still Birth	9
6.4	End of Maternity or Adoption Leave	9
<b>7</b>	<b>MATERNITY AND ADOPTION LEAVE ENTITLEMENTS</b>	<b>9</b>
7.1	Maternity Leave	9
7.2	Adoption Leave	10
7.3	Contract of Employment	11
7.4	Employees on Fixed Term or Training Contracts	11
<b>8</b>	<b>MATERNITY AND ADOPTION LEAVE PAYMENTS</b>	<b>12</b>
8.1	Occupational Maternity Pay (OMP)	12
8.2	Occupational Adoption Pay	12
8.3	Statutory Maternity and Adoption Pay (SMP/SAP)	12
<b>9</b>	<b>CALCULATION OF MATERNITY AND ADOPTION PAY</b>	<b>13</b>
9.1	Increments	14
9.2	Promotions	14
<b>10</b>	<b>PENSION CONTRIBUTIONS AND DEDUCTIONS FROM SALARY</b>	<b>14</b>
10.1	Childcare Vouchers	14
10.2	Deductions from Salary	15
<b>11</b>	<b>PATERNITY LEAVE ENTITLEMENTS</b>	<b>15</b>
11.1	Ordinary Paternity Leave (OPL)	15
<b>12</b>	<b>PATERNITY PAY ENTITLEMENTS</b>	<b>16</b>
12.1	Ordinary Paternity Pay	16
<b>13</b>	<b>APPLICATION PROCESS</b>	<b>17</b>
13.1	Maternity Leave	17
13.2	Adoption Leave	17
13.3	Changing the Maternity / Adoption Leave Start Date	18
13.4	Paternity Leave	18

<b>14</b>	<b>ACCRUAL OF ANNUAL LEAVE</b>	<b>18</b>
14.1	Accrual of Bank Holidays	Error! Bookmark not defined.
<b>15</b>	<b>LEASE CAR USERS AND REGULAR CAR USERS</b>	<b>19</b>
<b>16</b>	<b>KEEPING IN TOUCH DURING MATERNITY AND ADOPTION LEAVE.</b>	<b>19</b>
<b>17</b>	<b>RETURN TO WORK</b>	<b>20</b>
17.1	Rotational Training Contracts (Medical Staff)	20
17.2	Post Natal Care	20
17.3	Flexible Working Requests	21
<b>18</b>	<b>FAILURE TO RETURN TO WORK</b>	<b>21</b>
18.1	Refunding Occupational Pay	21
18.2	Termination of Employment	21
<b>19</b>	<b>PARENTAL LEAVE</b>	<b>22</b>
19.1	Eligibility Criteria	22
19.2	Length of Parental Leave	22
19.3	Applying for Parental Leave	23
19.4	Postponing Parental Leave	23
19.5	Return to Work Following Parental Leave	23
<b>20</b>	<b>BREASTFEEDING IN THE WORKPLACE</b>	<b>24</b>
<b>21</b>	<b>INVITRO FERTILISATION AND OTHER FERTILITY TREATMENTS</b>	<b>24</b>
21.1	Time off Work Arrangements	25
21.2	Paid Leave Applications	25
21.3	Sickness Absence	25
<b>22</b>	<b>POLICY REVIEW</b>	<b>25</b>

**APPENDICES:**

A.	Glossary		of
	Terms	29	
B.	Maternity		Pay
	Entitlements	30	
C.	Protection	from	Exposure
	Risks		to
		31	
D.	Risk Assessment Form	–	New and Expectant Mothers at
	Work		32
E.	Maternity	and	Adoption
	Form		33
F.	Ordinary	Paternity	Leave
	Form		Application
			35

G.	Maternity/Adoption Form_____	Return 37	to	Work/Keeping	in	Touch
H.	Parental Form_____		Leave			Application
						38

## **1 POLICY STATEMENT**

The Velindre NHS Trust Maternity, Adoption, Paternity and Parental Leave Policy has been produced to ensure that all of the provisions offered to employees, comply fully with the Employment Rights Act (1996), Children and Families Act (2014), Maternity and Parental Leave Regulations (1999) Paternity and Adoption Regulations (2006), Shared Parental Leave Regulations (2014) and the NHS Terms and Conditions of Service Handbook.

This policy sets out the Trust's legal and contractual obligations to employees, as well as an employee's obligations and entitlements, in respect of maternity, adoption, paternity and parental leave. The Shared Parental Leave Policy should be referred to in conjunction with this policy. A glossary of the terms use throughout this policy is contained in *Appendix A*.

## **2 SCOPE OF THE POLICY**

This policy will apply to all Velindre NHS Trust employees, including employees within hosted organisations, eligible to take maternity, adoption, paternity and parental leave.

The maternity, adoption, paternity and parental leave entitlements detailed within this policy will apply equally to employees, employed on fixed term/temporary or training contracts, who meet the eligibility criteria.

It should be noted that some of the provisions contained within this policy will only apply to employees who are pregnant or those who are matched with a child, under the age of 18 years, for adoption.

## **3 ANTENATAL CARE**

Once an employee has advised the Trust that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments, as advised by her doctor or registered midwife / health visitor. Part-time employees are also entitled to time off, if their appointment coincides with their normal working days / hours. Antenatal care may include relaxation and parent-craft classes, in addition to medical examinations.

To be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor or registered midwife / health visitor, stating that she is pregnant. Except in the case of the first antenatal appointment, the employee should also produce evidence of the appointment, such as an appointment card, if requested to do so.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Reasonable time off with pay will also be granted to employees who are the husband, partner, civil partner or father of an expected child, who wish to attend antenatal classes (i.e. parent craft classes and medical examinations) with the expectant mother. Wherever possible, these employees should seek appointment times that will minimise their time away from the workplace and provide documentary evidence of the appointment date and time.

#### **4 TIME OFF FOR FORMAL ADOPTION MEETINGS**

Where an employee is being assessed by an adoption agency to become an adoptive parent, they will be entitled to reasonable paid time off work, to attend official meetings. The employee should endeavour to give their manager as much notice as possible of these meetings and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

#### **5 HEALTH AND SAFETY**

The Trust (and hosted organisations) has a duty to take care of the health and safety of all employees. Managers of the Trust are required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth (within the preceding six months) or are breastfeeding. Such assessments must be undertaken every three months, where the work is of a kind that could involve a risk of harm or danger to the employee's health and safety or the health and safety of the baby and the risk arises from process, working conditions or physical, chemical or biological agents in the workplace. The employer has a legal duty to revisit, review and revise a risk assessment if they suspect that it is no-longer valid or there have been significant changes to anything it relates to.

The Trust will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards, in carrying out their duties, the Trust will take such steps as are reasonably necessary, to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work, if available on terms and conditions that are not substantially less favourable.

If it is not possible for the manager to alter the employee's working conditions, to remove the risks to their health and safety or there is no suitable alternative work available to offer on a temporary basis, the manager may suspend the employee from work, on maternity grounds until such time as there are no longer any risks to the employee's health. This may be for the remainder of the pregnancy, i.e. until the commencement of the maternity leave period or in the case of a breast feeding issue, until a solution can be found.

If an employee is suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their salary related and contractual benefits during the period of suspension, unless the employee has unreasonably refused an offer of suitable alternative employment.

Ref: WF29

Approved by: Workforce & OD Committee

Approval Date: 9th August 2015

Next Review date: August 2016

Information on 'Protection from Exposure to Risks' is contained in **Appendix C**. The 'Risk Assessment Form – New and Expectant Mother at Work Form' is contained in **Appendix D**.

## **6 SICKNESS ABSENCE**

### **6.1 Prior to Childbirth**

Should an employee need to take time off work due to illness prior to childbirth, then the Sickness Absence Policy should be referred to.

### **6.2 Related to Miscarriage**

Should an employee have a miscarriage (spontaneous ending of a pregnancy before viability, which may occur before the beginning of the 24<sup>th</sup> week of pregnancy), normal sick leave provisions will apply as necessary. The employee will not be entitled to maternity leave or pay.

### **6.3 Still Birth**

Should a pregnancy end with a still birth, after the 24th week of pregnancy the employee will be entitled to the same maternity leave and pay, as if the baby had been born alive.

### **6.4 End of Maternity or Adoption Leave**

In the event that an employee becomes ill on, or following the date they were due to return to work, normal sick leave provisions will apply as necessary.

## **7 MATERNITY AND ADOPTION LEAVE ENTITLEMENTS**

### **7.1 Maternity Leave**

All pregnant employees are entitled to 52 weeks maternity leave; up to 26 weeks' ordinary maternity leave (OML) and up to a further 26 weeks' additional maternity leave (AML) this begins on the day after OML ends.. This entitlement is regardless of the number of hours the employee works or their length of service.

Employees are not required to take their full contractual entitlement however the law does require them to take a minimum of two weeks of maternity leave, known as compulsory maternity leave, immediately after the birth of a child.

OML can start at any time after the beginning of the 11<sup>th</sup> week before the employee's "expected week of childbirth" (EWC), unless the child is born prematurely. Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason, in the four weeks before the expected week of childbirth.

If the employee gives birth before the maternity leave was due to commence, she must notify the manager, in writing, of the date of the birth, as soon as reasonably practicable.

In accordance with the Shared Parental Leave Regulations (2014), employees who fulfil the criteria of entitlement to shared parental leave (ShPL) are able to curtail up to 50 weeks maternity leave to use as shared parental leave. In this instance, please refer to the Shared Parental Leave Policy.

### **7.1.1 Pre-Term Birth**

Where an employee's baby is born alive prematurely, the employee will be entitled to the same amount of maternity leave and pay, as if the baby was born at full term.

Where an employee's baby is born before the 11th week before the EWC and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

Where an employee's baby is born before the 11th week before the EWC and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.

Where an employee's baby is born before the 11th week before the EWC and the baby is in hospital, the employee may split the maternity leave entitlement, taking a minimum period of two weeks' leave, immediately after childbirth and the rest of the leave following the baby's discharge from hospital.

## **7.2 Adoption Leave**

All employees who will have primary carer responsibilities for a child newly placed for adoption are entitled to up to 26 weeks' ordinary adoption leave (OAL) and up to a further 26 weeks' additional adoption leave (AAL), making a total of 52 weeks. This entitlement is regardless of the number of hours the employee works or their length of service. Only one period of adoption leave will be granted to an employee, irrespective

of whether more than one child is placed with them for adoption, as part of the same matching process.

Where an employee has an established relationship with a child, such as fostering prior to the adoption, or is the step-parent of a partner's children, they will not be eligible for adoption leave.

Should the Trust employ both prospective parents of the child to be placed for adoption, the period of leave and pay may be shared between them. In accordance with the Shared Parental Leave Regulations (2014), employees who fulfil the criteria of entitlement to shared parental leave (ShPL) are able to curtail up to 52 weeks adoption leave to use as shared parental leave (ShPL). Please refer to the Shared Parental Leave Policy for further information.

Adoption leave may start on;

- any day of the week
- the date the child is placed with the adoptive parent, whether this is earlier or later than anticipated; or
- from a fixed date, which can up to 14 days before the expected date of the placement.

### **7.3 Contract of Employment**

During the periods of Maternity Leave (OML and AML), Adoption Leave (OAL and AAL), Paternity Leave and Shared Parental Leave (ShPL), the employees contract of employment continues in force and they are entitled to receive all of their contractual benefits, except for salary related payments during the relevant periods. In particular, any benefits in kind e.g. private use of a lease car, laptop, mobile phone etc. will continue and contractual annual leave and bank holiday entitlements will continue to accrue.

### **7.4 Employees on Fixed Term or Training Contracts**

Employees employed on a fixed term or training contract that have 52 weeks continuous service by the 11th week, before the EWC and their contract expires after the 11th week, before the EWC will, if they fulfil the qualifying conditions, have their contract extended, to enable them to receive their contractual rights and payment in line with Appendix B.

Where an employee employed on such a contract does not satisfy the qualifying conditions for entitlement to OMP, they may be entitled to SMP or ShPP. In such cases where the contract expires after the 15th week before the EWC, but before 26 weeks, after the expected week of childbirth, the contract shall be extended to allow payment of SMP or ShPP.

Where the employee has no right to return to work, because their contract would have ended if pregnancy and childbirth had not occurred, the repayment provision set out in Appendix B of this policy will not apply.

## 8 MATERNITY AND ADOPTION LEAVE PAYMENTS

### 8.1 Occupational Maternity Pay (OMP)

An employee working full-time or part-time who has 12 months continuous NHS service by the 11th week, before the EWC will be entitled to OMP. A table setting out payment entitlements can be found at **Appendix B**.

### 8.2 Occupational Adoption Pay (OAP)

An employee working full-time or part-time who has 12 months continuous NHS service, ending with the week in which they are notified of being matched with child for adoption and who intends to return to work for the Trust in exceptional circumstances for another NHS employer, will be entitled to occupational adoption pay. Calculation of occupational adoption pay is the same as for occupational maternity pay (**see Appendix B**), with the exception that these employees may be eligible to received SAP instead of SMP.

### 8.3 Statutory Maternity and Adoption Pay (SMP/SAP)

Employees may be eligible to receive 39 weeks SMP / SAP in accordance with their statutory rights, if they satisfy the following criteria:

- they have been employed by the same employer continuously for a period of at least 26 weeks, at the end of the Qualifying Week (*QW - the 15th week before the expected week of childbirth*);
- the period must include at least one day's employment in the QW **N.B.** in respect of adoptive parents, they must have worked continuously for the Trust for at least 26 weeks before the beginning of the week when they are to be matched with a child;
- they have average weekly earnings which are at least equal the lower earnings limit (LEL) which applies on the Saturday at the end of the QW;
- the LEL is the amount the employee must earn before they are treated as paying National Insurance contributions. The employee's gross earnings over a period of at least eight weeks up to and including the last payday before the end of the qualifying week is averaged (*Depending on how the employee is paid this may vary*);
- they have notified their employer of their pregnancy and planned date of maternity leave on or before the QW **N.B.** in the case of adoption, within 7 days of having been matched with a child for adoption;
- they give 28 days notice should they wish to vary the date on which they want to commence their maternity / adoption leave, if this is reasonably practicable. They

provide medical evidence of the expected date of childbirth usually in the form of a MAT B1. **N.B.** or in the case of adoption a Matching Certificate;

- they are still pregnant at the 11th week before the expected week of childbirth or have given birth by that time. **N.B.** intend to take adoption leave in respect of a newly matched child; and
- SMP/SAP will cease if the employee returns to work (except where the employee is simply keeping in touch, in accordance with section 15).

This would be paid at;

- 6 weeks at 90% of average gross weekly earnings no upper limit
- 33 weeks at the prescribed standard rate of SMP (or 90% of average gross earnings if this is less).

The prescribed rate is set and reviewed annually by the Department for Work and Pension (DWP).

SMP/SAP is payable by the organisation in which the employee was employed, as at the 15th week before the week their baby is due / the child is placed for adoption. Therefore if a Trust employee has been employed by another organisation at the 15th week before their baby is born, they will need to approach that organisation to obtain their statutory maternity / adoption benefits.

## 9 CALCULATION OF MATERNITY AND ADOPTION PAY

An employee's full pay will be calculated using the average weekly earnings rules used for calculating SMP / SAP entitlements, subject to the following qualifications:

- in the event of a pay award (cost of living uplift) or annual increment being implemented before the paid maternity / adoption leave period begins, the pay should be calculated as though the pay award or annual increment had effect throughout the entire SMP / SAP calculation period. If such a pay award was agreed retrospectively, the pay should be re-calculated on the same basis;
- in the event of a pay award or annual increment being implemented during the paid maternity / adoption leave period, the 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 pay should be re-calculated on the same basis; and
- 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 SMP / SAP purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

**N.B.** Where an employee has a period of back to back maternity / adoption leave, or they return to work only for a short period before taking a further period of maternity / adoption leave, they should contact the Payroll Department to check the implications this may have on the calculation of and their entitlement to maternity / adoption pay, during the further period of leave.

## **9.1 Increments**

Maternity, adoption and shared parental leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. For further information please refer to the NHS Terms and Conditions of Service Handbook.

## **9.2 Promotions**

Employees who are appointed to a promotional post during a period of maternity/adoption leave, should note that the promotional pay band salary may not be taken into account when calculating their maternity/adoption pay. Maternity/adoption pay is calculated, using the EWC and counting back 15 weeks, to determine the average pay that the employee would have been entitled to receive, during that two month period.

## **10 PENSION CONTRIBUTIONS AND DEDUCTIONS FROM SALARY**

Pension contributions are payable during periods of paid and unpaid maternity / adoption leave, to avoid a break in service and the possible loss of pension rights, which have already been accrued. Therefore, members of the NHS Pension Scheme are required to continue to pay pension contributions throughout their paid maternity / adoption leave. Deductions are calculated on the variable amount of pay (occupational and statutory) received each month.

During any unpaid maternity / adoption leave period taken, pension contributions are not deducted but are assessed on the amount of pay received immediately prior to the unpaid leave. These arrears of pension contributions will then be deducted from salary on the employee's return to work, over the same period as the accumulation took place. In the event that an employee decides to return to work on a part-time basis, the period over which repayment takes place can be extended. This can be arranged between the manager and the Payroll Services Department, if so requested by the employee.

Employees should take this into consideration when planning their finances during and after their maternity / adoption leave. Employees may contact the Pensions Section of the Payroll Services Department for advice, prior to the commencement of their maternity / adoption leave.

Should an unpaid period of the maternity / adoption leave necessitate a tax refund, this will automatically be paid through the employee's salary. It should however be noted that the Payroll Services Department will use any such refund due to offset any pension contribution owing. Employees who may have any queries regarding this matter, should contact the Payroll Services Department.

## **10.1 Childcare Vouchers**

Employees in receipt of childcare vouchers will continue to receive vouchers during the period of SMP, SAP and ShPP. In accordance with the Childcare Voucher Policy, childcare vouchers may impact occupational maternity/adoption pay and therefore

employees may wish to withdraw from the scheme prior to commencing maternity/adoption leave.

## **10.2 Salary Sacrifice Schemes / Deductions from Salary**

Should an employee have opted-in to a salary sacrifice scheme (e.g. business lease car, cycle to work etc) or have payments deducted directly from their salary (e.g. union subscriptions, local car parking charges etc), it is their responsibility to inform their union and/or the payroll department that they intend to take unpaid maternity leave. They are also responsible for making any necessary alternative arrangements, which may affect the total amount of maternity/adoption/shared parental pay and/or the benefit in kind. For further information on the impact of such schemes/deductions, please contact the payroll department.

## **11 PATERNITY LEAVE ENTITLEMENTS**

### **11.1 Ordinary Paternity Leave (OPL)**

An employee qualifies for ordinary paternity leave on the birth of a baby or adoptive parents where a child is matched or newly placed with them if they:

11.1.1 have been with the employer for at least 26 weeks by the end of the 15th week before the start of the week when the baby is due or the end of the week in which the employee is notified of being matched with a child(ren);

11.1.2 have, or expect to have responsibility for the baby's upbringing;

11.1.3 are the biological or adoptive father of the baby and/or the mother's husband or partner (including same sex partners or civil partner). A partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative;

11.1.4 have not initiated any periods of shared parental leave prior to the start date of OPL.

11.1.5 notify the Trust no later than the end of the 15<sup>th</sup> week before the EWC /within 7 days of being told by the adoption agency of the match. Notification to include:

- Expected date of the baby's birth/placement;
- Whether they wish to take one or two weeks leave;
- Consider the intention of shared parental leave; and
- When they want this OPL to start (within 56 days of the baby's date of birth / child's placement).

The employee can choose to start OPL on any day of the week on or after the date of the birth/placement and it must be taken within eight weeks of the actual birth / or child's placement.

The leave can be taken in one week or two consecutive weeks, but not odd days. A week is based on the employee's usual working pattern e.g. the employee only works Monday and Tuesday, therefore a week in this instance would be 2 days.

## **11.2 Additional Paternity Leave (APL)**

On 5 April 2015, a new system of shared parental leave (ShPL) was introduced by the Children and Families Act 2014, which effectively allows parents to share the statutory maternity leave and pay that was currently only available to mothers (and adoptive parents to share the adoption leave and pay that was currently only available to the primary adopter).

As a result, APL is no longer available in respect of babies whose EWC was on or after 5 April 2015, or for children who are placed for adoption on or after that date. Unless parents qualify for and opt into the ShPL scheme, the only entitlement that the child's other parent now has is two weeks' OPL (and pay).

## **12 PATERNITY PAY ENTITLEMENTS**

### **12.1 Ordinary Paternity Pay (OPP)**

To qualify for the two weeks occupational ordinary paternity pay (paid at the full pay rate) the employee must:

- 12.1.1. have been continuously employed with one or more NHS employer for a period of no less than one year at the beginning of the week in which the baby is due. In cases of adoption, for a period of no less than one year ending in the week they are notified of being successfully matched with a child.

Those employees who are not eligible to receive the two weeks of occupational paternity pay may still be entitled to statutory paternity pay subject to them meeting the following qualifying conditions;

- 12.1.2 have been with the employer for at least 26 weeks by the end of the 15th week before the start of the week when the baby is due or the end of the week they are notified of being matched with a child(ren);

- 12.1.3 have, or expect to have responsibility for the baby's upbringing;

- 12.1.4 are the biological or adoptive father of the baby/child and/or the mother's husband or partner (including same sex partners or civil partner). A partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative;

- 12.1.2 continue to be employed by the Trust from the QW into the week before the baby is born / child is matched; and

- 12.1.3 be earning an average of the weekly lower earning limits.

## 13 APPLICATION PROCESS

### 13.1 Maternity Leave

An employee may begin maternity leave at any time between the 11<sup>th</sup> week before the EWC provided she gives the required notice.

On becoming pregnant, an employee should notify the line manager as soon as possible, although there is no legal requirement to do so. This is however important to ensure that health and safety assessments are undertaken.

An employee is however required to notify the line manager, in writing before the end of the 15th week, before the EWC, or if this is not possible, as soon as is reasonably practicable thereafter;

- of the fact that she is pregnant;
- of the intention to take maternity leave;
- of the date they wish to start their maternity leave (they can choose when to start maternity leave, this can usually be any date from the beginning of the 11th week before the baby is born);
- consider the intention of whether they intend to curtail maternity leave to facilitate shared parental leave;
- whether they intend to return to work, with the same or another NHS employer, for a minimum period of three months after the maternity leave has ended; and
- provides a MATB1 form from the midwife or GP giving the expected date of childbirth.

This requirement is fulfilled by completing and submitting the Trust's Maternity / Adoption Leave Application Form' (**Appendix E**) to the manager.

The Organisation will respond to the notification of an employee's maternity leave plans, in writing, within 28 days of receipt, confirming the agreed details.

### 13.2 Adoption Leave

An employee is required to notify their manager, in writing, no more than 7 days after they have been matched with a child that they wish to take adoption leave, or if it is not reasonably practicable for them to meet this deadline, they should provide written notification, as soon as is reasonably practicable thereafter;

- that they intend to take adoption leave;
- when they intend the leave to start; and
- the date the child is expected to be placed with them for adoption;
- consider the intention of whether they intend to curtail adoption leave to facilitate shared parental leave;

- whether they intend to return to work with the same or another NHS employer, for a minimum period of three months after their adoption leave has ended; and
- provides documentary evidence from the Adoption Agency that they have been matched with a child e.g. Matching Certificate.

Should an employee not provide at least 7 days written notice, the manager may delay the start of their adoption leave and pay, until they have given appropriate notice. The manager may not however postpone the start of the leave beyond the date of placement. This requirement is fulfilled by completing and submitting the Trust's Maternity / Adoption Leave Application Form (**Appendix E**) to the manager.

### **13.3 Changing the Maternity / Adoption Leave Start Date**

**13.4 Should an employee, after agreeing their maternity/adoption leave start date, subsequently wish to change the date, they should notify their manager in writing. This notification should be provided to the manager at least 28 days before the revised leave start date. If this is not possible, the notification should be submitted, as soon as is reasonably practicable. Paternity Leave**

Employee's who are eligible to apply for Ordinary Paternity Leave as set out in 11.1 above must notify the Trust no later than the end of the 15<sup>th</sup> week before the EWC /within 7 days of being told by the adoption agency that they have been matched with a child. This requirement is fulfilled by completing and submitting the Trust's Ordinary Paternity Leave Application Form (**Appendix F**) to the manager.

## **14 ACCRUAL OF ANNUAL LEAVE**

Annual leave will continue to accrue during maternity / adoption / shared parental leave, whether paid or unpaid, as set out in the NHS Agenda for Change Terms and Conditions of Service. Employees are encouraged to take any accrued annual leave prior to the commencement of their OML / OAL. Annual leave accrued during the paid and unpaid element of the maternity / adoption / shared parental leave may be taken at the end of leave period.

The arrangements relating to the taking of annual leave and / or to request leave to be carried forward should be discussed and agreed between the employee and their manager, prior to the commencement of the period of maternity / adoption leave.

Employees returning to work on reduced hours must take any accrued annual leave either prior to the commencement of maternity leave or prior to their return. Thereafter, annual leave will be calculated pro rata to the new hours worked.

Employees not intending to return to work following maternity / adoption / shared parental leave should take any outstanding accrued annual leave prior to commencement of the leave. The employee's termination date will be their last day of

paid leave. The employee will be paid for any annual leave and bank holidays accrued during the paid maternity / adoption/ shared parental leave period in their final salary payment.

## **15 LEASE CAR USERS AND REGULAR CAR USERS**

Where an employee has a lease car, during the period of paid maternity / adoption / shared parental leave, monthly payments will be deducted as normal from their salary. However, whilst on unpaid maternity / adoption / shared parental leave, the Finance Department will calculate the amount owing for this period of unpaid leave and contact the employee regarding making arrangements for payment. For more information on lease cars and regular car users please refer to Velindre NHS Trust Lease Car Policy and Regular User Car Policy or contact the payroll department.

## **16 KEEPING IN TOUCH DURING MATERNITY AND ADOPTION LEAVE.**

'Keeping in touch' (KIT) days are not obligatory and must therefore be agreed between the employee and their manager. KIT days are intended to help the employee keep in touch with their workplace and enable them to do some work during this period, subject to the needs of the service. An employee may not work a KIT day, during the two weeks of compulsory maternity leave, immediately after the birth of the baby.

An employee may work for up to a maximum of ten KIT days, without bringing the maternity / adoption leave period to an end. Additional KIT days may be agreed throughout periods of shared parental leave (please refer to the Shared Parental Leave Policy). Any KIT days worked will not extend the maternity / adoption leave period. Employees should be aware that any work undertaken as a KIT day, even as little as half an hour for example, will be counted as a whole day for the calculation of the number of KIT days worked, but not for payment purposes.

The employee will be paid at their contractual hourly rate, in respect of the number of hours actually worked, less any maternity / adoption pay received (if the KIT days are worked during the paid leave period).

The work can be undertaken on separate or consecutive days and can include training or other activities, which enable the employee to keep in touch with the workplace.

Before going on leave, the manager should discuss and agree with the employee any voluntary arrangements for keeping in touch, and where appropriate make arrangements for KIT days, prior to the commencement of maternity / adoption / shared parental leave, including:

- arrangements that may help the employee to keep in touch with developments at work and,
  - nearer the time of return, to help facilitate the return to work.

## **17 BANK WORKING DURING MATERNITY/ADOPTION/SHARED PARENTAL LEAVE**

Velindre NHS Trust (and hosted organisations) provides the opportunity for employees (who are also clerical/nurse bank workers) to work a maximum of 50% of their weekly substantive post hours on the clerical/nurse bank during an **unpaid** period of maternity/adoption or shared parental leave. Employees in receipt of any occupational or statutory payment in respect of maternity/adoption/shared parental leave are prohibited from undertaking bank shifts during the relevant pay period.

## **18 RETURN TO WORK**

An employee who intends to return to work at the end of the full maternity / adoption leave will not be required to give any further notification to the employer, once they have completed the Maternity / Adoption Leave Application Form.

Should an employee wish to return early, they must give at least 56 days' notice in writing to the line manager. If appropriate notice is not provided by the employee, the manager will have the discretion to postpone their date of return, until the date on which the appropriate notice would have had effect.

An employee who returns to work at Velindre NHS Trust or another NHS Employer following maternity / adoption leave and works for 13 weeks and then resigns will not be required to refund their occupational maternity / adoption pay.

The employee is normally entitled to return to work in the same position as they held before commencing leave. The employee's terms and conditions will be the same as they would have been had they not been absent.

If however, the employee takes a period of additional maternity /adoption leave and it is not reasonably practicable for the Trust to allow them to return into the same position, they may give the employee another suitable and appropriate job on terms and conditions that are not less favorable.

### **18.1 Rotational Training Contracts (Medical Staff)**

Employees on a planned rotation of appointments with one or more NHS employer as part of an agreed programme of training will 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 may be extended, to enable them to complete their agreed programme of training.

Where necessary the employee should contact their training co-ordinator, to facilitate the additional training programme.

### **18.2 Post Natal Care**

Employees who have recently given birth and returned to work before the end of the ordinary maternity leave period, should be given paid time off work to attend post-natal care e.g. attendance at health clinics.

### **18.3 Flexible Working Requests**

At the end of maternity/ adoption leave, should an employee wish to return to work on amended contractual terms e.g. reduced hours etc. they should submit a formal application, in accordance with the provisions contained in the Flexible Working Policy. The employee's manager will be required to fully consider any such request and provide written reason(s) for their decision, should the request be refused.

Where it is agreed that the employee may return to work on a temporary flexible working arrangement e.g. reduced hours, this will not affect their right to return to their original contractual terms at the end of the agreed temporary flexible working period.

## **19 FAILURE TO RETURN TO WORK**

### **19.1 Refunding Occupational Pay**

Should an employee who has notified their manager of their intention to return to work within the Trust or for a different NHS employer, fail to do so at the end of their agreed maternity / adoption leave period, they will be liable to refund the whole of their maternity / adoption pay, less any SMP / SAP, received. Return to work on an ad hoc NHS Bank arrangement will not constitute a return to work. In such instances the employee would be required to refund the whole of their maternity / adoption pay, less any SMP / SAP, received.

In cases where the Trust considers that to enforce this provision would cause undue hardship or distress, they will have the discretion to waive their rights to recovery.

### **19.2 Termination of Employment**

Should an employee who has notified their manager of their intention to return to work within the Trust, fail to do so at the end of their confirmed period of maternity / adoption leave, it may result in the termination of their contract of employment.

In such an event, the manager will be responsible for writing to the employee, via registered post. This letter will advise the employee that; they were expected to return to work on a given date; request that they contact them to confirm the reason(s), which has prevented them from doing so. If there is a failure to respond within the 14 day timescale this may result in their contract of employment with the Trust being terminated with immediate effect; and that they will be liable to repay any occupational maternity / adoption pay received. In such circumstances, the manager may take advice from the Workforce Department and if appropriate, write to the employee, confirming that their contract of employment had been terminated and the reason for this decision.

## 20 PARENTAL LEAVE

This is a separate provision from maternity / adoption leave or paternity leave. All periods of authorised parental leave will be **unpaid**. **Parental Leave should not be confused and is in addition to Shared Parental Leave (ShPL)**.

The Parental Leave Regulations (2002), as outlined in the Employment Relations Act 1999 and Sections 35.5 – 35.10 of the Agenda for Change: Terms and Conditions of Service Handbook, requires the Trust to grant its employees parental leave.

The purpose of parental leave is to give parents of children the right to take a period of time off work to look after a child or make arrangements for the child's welfare. Employees of the Trust can use parental leave to spend more time with their child/ren and to strike a better balance between their work and family commitments.

Parental leave may be added onto a period of maternity / adoption or paternity leave.

### 20.1 Eligibility Criteria

Employees will need to satisfy the following conditions in order to qualify for parental leave. They must:

- have completed one year's continuous service with the Trust or another NHS organisation.
- have a child aged under 18 provide documentary evidence that they are the parent or the person who is legally responsible for the child. In such instances evidence may take the form of information contained in the child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases, or in the case of a disabled child, the award of disability living allowance for the child.

Foster parents do not have rights to parental leave but may be able to request a flexible working pattern.

### 20.2 Length of Parental Leave

Eligible employees will be entitled to a maximum of 18 weeks unpaid parental leave for each child, which must be taken by their child's 18 birthday.

Parental leave must be taken in blocks of full weeks. A week is based on the employee's usual working pattern. If the employee only work Mondays and Tuesdays, a week in this instance would be 2 days.

If the child has a disability, the employee can take time off in blocks of less than a week, to enable them to use parental leave for regular hospital visits etc.

An employee cannot take more than four weeks' leave for any one child in a year. For these purposes, a year starts when the employee become eligible for parental leave.

### 20.3 Applying for Parental Leave

To apply for parental leave, the employee is required to:

- complete an Application for Parental Leave Form (**Appendix H**), which must be submitted to their manager, at least 21 days in advance of the proposed commencement leave date
- request the leave in a block or multiples of one week. However, where the employee is the parent of a disabled child, they can request to take the leave in blocks or multiples of one week or as individual days.

In accordance with the Parental Leave Regulations, the employee may only request up to a maximum of four weeks' parental leave, in any leave year, in respect of each individual child.

### 20.4 Postponing Parental Leave

Employees should be aware that their manager can postpone parental leave, for up to six months, where the activities of the department / ward would be particularly disrupted if the leave were taken at the time requested.

However, managers cannot postpone a parental leave request, where an employee gives notice to take it immediately after the birth of a child or a child is to be placed with the employee's family for adoption.

Where a manager is unable to grant the parental leave requested by the employee, due to service needs (e.g. due to winter pressures, where a significant proportion of the workforce applies for parental leave at the same time; or, when the employee's role is such that their absence at a particular time would unduly harm service delivery) they should discuss the matter with the employee and confirm the postponement arrangements in writing **no later than 7 days** after receipt of the employee's written request to take leave.

The manager's correspondence must clearly state the service reasons why the request has been turned down and set out the new agreed dates of parental leave. The length of the new leave period should be equivalent to the employee's original request. If the postponement goes past the end of the entitlement period (e.g. after the child's fifth birthday), the employee can still take the leave.

### 20.5 Return to Work Following Parental Leave

During a period of parental leave, the employee retains all of their contractual rights, except remuneration and should return to the same job after the period of leave has ended.

Pension rights and contributions during any period of paternal leave will be in accordance with the NHS Pension Regulations.

Periods of parental leave will be regarded as continuous service.

## **21 BREASTFEEDING IN THE WORKPLACE**

The Trust recognises and supports a woman's right to breastfeed their baby and /or express their milk in the workplace. As such managers are required to support employees who choose to return to work, by providing flexibility which may afford them the opportunity and encouragement, to continue breastfeeding their child.

Prior to returning to work a mother who wishes to continue breastfeeding should inform their manager in writing to discuss and agree, where practical, suitable arrangements. The Trust must carry out a formal risk assessment of the employee's working conditions, to identify any health and safety issues.

The time, which will be unpaid, required to continue breastfeeding maybe given to the employee via agreeing;

- flexible working hours / arrangements;
- time off to feed the baby in a local crèche or local childminders;
- the baby can be brought onto appropriate premises to be fed;
- where appropriate, a private, clean, healthy and safe environment, in which the employee may express breast milk and an appropriate refrigerator to store the milk in.

Breastfeeding mothers should be welcomed in the workplace by managers and staff. The Trust does however recognise that breastfeeding is a sensitive issue and a potential source of embarrassment for some employees. Employees with concerns regarding the practice of breastfeeding or expressing breast milk in the workplace should discuss them with their manager in the first instance. Such concerns should not however, be used as a reason to prevent an employee from exercising the right to breastfeed their baby, unless there are real health and safety concerns or implications.

Where a risk assessment determines that an employee's normal duties would prevent them from successfully breastfeeding their child and they wish to continue to do so, the manager should where reasonably practicable offer suitable alternative work, for which the employee will receive the normal salary related payments. If such an offer cannot be made, the employee should be suspended on full pay, until a solution is found.

## **22 INVITRO FERTILISATION AND OTHER FERTILITY TREATMENTS**

The Trust recognises that infertility can cause considerable distress and is sympathetic to employee who may decide to undertake fertility treatment.

## **22.1 Time off Work Arrangements**

The Trust will provide limited paid leave for this purpose, where the request is supported by documentary evidence, from the employee's GP or Consultant / Specialist.

As fertility treatment can be a lengthy process, managers should discuss with the employee concerned, the likely duration of their treatment, together with the number of occasions and where possible dates, when they are likely to need time off from work, to attend hospital for their fertility treatment appointments.

It should be noted that following implantation, in law the employee will be considered to be pregnant and as such should be treated as pregnant and the normal pregnancy provisions applied. An employee will therefore be entitled to paid time off for antenatal care as per Section 3 of this policy, following successful implantation of the embryo.

Where an implantation is unsuccessful, the pregnancy will have deemed to have ended two weeks following the failed treatment.

## **22.2 Paid Leave Applications**

The Trust will provide an employee who is to receive fertility treatment, with up to three days paid leave and up to 7 days unpaid special leave, in any rolling 12 month period. The employee's manager may also offer leave without pay or annual leave or a mixture of all three. No more than 10 days paid leave should be granted in any rolling 12 month period.

To apply for leave to receive fertility treatment, the employee is required to complete an Application for Special and Parental Leave Form (please refer to the Trust's Special Leave Policy), to facilitate this request. Wherever possible, the employee is required to request the leave at least 7 days in advance of the proposed treatment date.

## **22.3 Sickness Absence**

Where an employee experiences side effects or ill health as a result of their fertility treatment, which renders them unfit for work, such absences must be reported, certificated and recorded in accordance with the Sickness Absence Policy. Should the illness be attributable to pregnancy (i.e. following implantation), it will not be counted towards the trigger of the management of sickness absence.

## **23 POLICY REVIEW**

Review of this policy must be undertaken no later than three years after the date of approval or sooner if required by revised legislation.

**APPENDIX A**

**GLOSSARY OF TERMS**

Summary of abbreviations and terminology used in this policy

<b>AML</b>	<b><i>Additional Maternity Leave</i></b> (further 26 weeks of leave).
<b>Continuous Service</b>	<ul style="list-style-type: none"> <li>• <b><i>Continuous Service</i></b> with any NHS organisations, without a break in service of three calendar months or more. Continuous service is calculated up to the 11<sup>th</sup> week before the expected week of childbirth (EWC) for Occupational Maternity Pay (OMP) or the 15<sup>th</sup> week before the EWC, the Qualifying Week, for Statutory Maternity / Adoption Pay.</li> </ul>
<b>EDC</b>	<b><i>Expected date of childbirth</i></b> is the date the child is expected to be born on
<b>EWC</b>	<b><i>Expected week of childbirth</i></b> is the week starting on a Sunday, during which the employee's doctor or midwife expects her to give birth
<b>KIT</b>	<b><i>Keep in Touch</i></b> Days, employees may work up to 10 during their period of maternity / adoption / additional paternity leave
<b>MA</b>	<b><i>Maternity Allowance</i></b> (paid by Department of Work and Pensions).
<b>MAT B1</b>	Maternity Certificate confirming expected date of childbirth (available from GP or midwife around the 26th week of pregnancy).
<b>OML</b>	<b><i>Ordinary Maternity Leave</i></b> (first 26 weeks of leave)
<b>OMP</b>	<b><i>Occupational Maternity Pay</i></b> (paid by Velindre NHS Trust)
<b>SAP</b>	<b><i>Statutory Adoption Pay</i></b> (paid by Velindre NHS Trust)
<b>ShPL</b>	<b><i>Shared Parental Leave</i></b> (where maternity / adoption leave has been voluntarily curtailed)
<b>ShPP</b>	<b><i>Shared Parental Pay</i></b> (paid by Velindre NHS Trust)
<b>SMP</b>	<b><i>Statutory Maternity Pay</i></b> (paid by Velindre NHS Trust)
<b>QW</b>	<b><i>Qualifying Week</i></b> is the 15 <sup>th</sup> week before the expected week of childbirth

**APPENDIX B**

**MATERNITY PAY ENTITLEMENTS**

<b>Service</b>	<b>Qualifying Period</b>	<b>Intention</b>	<b>Pay Entitlement</b>
< 26 Wks Service	@ 15 <sup>th</sup> week before EWC	Returning/Undecided/ Not returning	Unpaid
26 – 51 Wks Service	@ 15 <sup>th</sup> week before EWC	Returning/Undecided/ Not returning	6 Weeks 90% pay 33 weeks SMP 13 weeks unpaid
52 + Wks service  Fixed Term/Temp	@ 11 <sup>th</sup> week before EWC  If contract expires after 11 <sup>th</sup> week before EWC, contract extended (subject to eligibility criteria in AfC T&Cs Section 15.7) for the paid period of Statutory Maternity Pay	Not returning as contract expires  AfC Section 15.42	8 weeks at full pay 18 weeks ½ pay + SMP (limited to normal full pay) 13 weeks SMP 13 weeks unpaid Contract ends
52 + Wks service	@ 11 <sup>th</sup> week before EWC	Returning	8 weeks at full pay 18 weeks ½ pay + SMP (limited at normal full pay) 13 weeks SMP 13 weeks unpaid
52 + Wks service	@ 11 <sup>th</sup> week before EWC	Undecided/Not returning  <b><i>If decides to return then the difference owed will be paid upon her return</i></b>	6 Weeks 90% Pay 33 weeks SMP 13 weeks unpaid

## APPENDIX C

### PROTECTION FROM EXPOSURE TO RISKS

It is the duty of the Trust to assess any risks to the health and safety of all employees. In particular it is important to assess any possible effect on pregnant or breastfeeding employees. Managers have a responsibility, once they are aware of an employee's pregnancy to undertake a Risk Assessment (**Appendix C**) in accordance with the Health and Safety Obligations for New and Expectant Mothers at Work.

An employee or their manager may seek advice on any possible effects of their normal working conditions during the stages of their pregnancy and after their return to work, including any special assessments if the employee continues to breastfeed following their return. Any such advice will be discussed with the employee to decide if any alterations to 'normal' working are required. Advice may also be sought at any stage from the Occupational Health Department.

The following is not an exhaustive list of risks to be considered in regard to working conditions of a pregnant employee, but is intended to provide some guidance:

**Moving and Handling** – the Manual Handling Regulations (1992) should be used as a basis for risk assessment;

**Standing** – excessive standing should be discouraged;

**Violence** – the risk to pregnant workers who are exposed to violence in the workplace must be assessed and reduced as far as possible;

**Long hours, on call and shift work** - the risks to pregnant workers working long hours must be assessed. Suspension from work may take place if the employee provides a certificate from a medical practitioner or midwife, stating that such a suspension is necessary for their health and safety. Should an employee feel unable to continue working on night shifts on health and safety grounds, advice should be sought from the Occupational Health Department. Managers should make every effort to offer suitable alternative work, in these circumstances;

**Infections** – immunity to normal childhood diseases e.g. rubella (German measles) should be checked and advice sought by the employee from their midwife or Occupational Health Department;

**Radiation** – care should be taken where an employee is required to treat and care for patients who are undergoing treatment with sealed or unsealed radioactive sources. Advice should be sought from the Occupational Health Department;

**Extremes of Temperature** – environmental conditions must be taken into account.

If a pregnant or breastfeeding employee believes that they are not capable of carrying out their full range of duties safely, it may be necessary to temporarily adjust their working conditions or to move them to another job. Should this not be possible then suspension with pay, on maternity grounds, should be considered to protect their health, safety and well being.

**APPENDIX D**

**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**

**Does the risk assessment for the post identify any of the following as being special risks for an employee who is a new or expectant mother? \* Please delete as appropriate**

**Recommendations:** e.g. Role modified, medical recommendations, re-deployment  
(subject to section 67 of the Employment Rights Act 1996)

a. Radiation	Yes/No*		
b. Hazardous substances	Yes/No*		
c. Manual Handling and lifting	Yes/No*		
<i>Training compliant</i>			
d. Ultrasound	Yes/No*		
e. Infection	Yes/No*		
f. Shift work or unsocial hours	Yes/No*		
g. Workstation e.g. Desk, PC	Yes/No*		
<i>DSE Assessment undertaken</i>			
h. Other risks not identified above	Yes/No		
<i>Fire safety - PEEPS</i>			

**Recommendations e.g. Referral date etc**

<b>Is Occupational Health Referral required?</b>	Yes/No		

**Important:** It is the employee's responsibility to inform the Trust should any circumstances change specified within the risk assessment

Employee (Print & Sign)		
Date		
Manager (Print & Sign)		
Date		

**APPENDIX E**

**MATERNITY / ADOPTION LEAVE APPLICATION FORM**

This form must be completed for **ALL** applicants, i.e. returning to work, not returning to work or undecided following maternity / adoption leave, on or before the 15th week before the baby is due or no more than 7 days after they have been matched with a child for adoption, or if that is not practicable, as soon as reasonably practicable to do so.

**Part A - Employee's Details**

Forename		Surname	
Home Address			
		Home Tel:	
Division		Dept	
Staff No:		Contracted Hours	
Date of commencement in Velindre NHS Trust ( <i>or successor Org</i> )			
Date of commencement in NHS			
Any break in service more than 3 months? *Yes / No			
If yes please specify from _____ to _____			

**Part B – Maternity / Adoption Leave Request** (*please tick one box only*)

I wish to apply for Maternity Leave  **or** Adoption Leave

I will be returning to work following maternity / adoption leave and I intend to work for the Trust or another NHS employer for a minimum period of 3 months	
I will not be returning to work following maternity / adoption leave	
I am undecided whether to return to work following maternity / adoption leave	

	Date
Expected date of childbirth/placement <i>As stated on the MAT B1 Form or Matching Certificate</i>	
Proposed date of commencement of maternity leave	
Proposed date of placement for adoption	
Form MATB1 / Matching Certificate attached:	*Yes/No
Are you in receipt of childcare vouchers:	*Yes/No

Full year Annual leave entitlement	
Annual Leave already taken	

Annual Leave remaining at the time of application	
---	--

I wish/do not wish\* to apply to take.....days/hours annual leave prior to commencing my Maternity Leave (\*Delete as appropriate)

I would like the annual leave to commence from.....to.....

I confirm that I agree to adhere to the Velindre NHS Trust Policy and Procedure:

Applicant Signed.....Date.....

**Part C - Authorisation by Manager**

I confirm the maternity / adoption leave as indicated above has been checked and approved and will run as follows:

.....weeks Paid Maternity / Adoption Leave from.....to.....

.....weeks Unpaid Maternity / Adoption Leave from.....to.....  
(Maximum 13 weeks)

I can confirm that I have discussed with the employee their right to 'keep in touch' days and have agreed to discuss these with the applicant at her convenience.

Manager Print Name..... Signed.....

Job Title..... Date.....

*Following authorisation please send this form along with the MATB1 Form / Matching Certificate to the Workforce Department as soon as possible. Please ensure the employee retains a copy for their records.*

**Part D – For Completion by the Line Manager/Payroll**

Based on the information received you \*are / \*are not eligible for maternity /adoption leave / pay:

.....weeks Paid Maternity / Adoption Leave from.....to.....

.....weeks Unpaid Maternity / Adoption Leave from.....to.....  
(Maximum 13 weeks)

Workforce Rep Print Name.....Signed.....

Job Title..... Date.....

<b>Copy of the maternity / adoption leave form and Maternity / Matching certificate must be forwarded to Payroll Services Department. A copy also retained on the personal file</b>
---

**APPENDIX F**

**ORDINARY PATERNITY LEAVE APPLICATION FORM**

Employee's applying for Paternity Leave must complete this form

**Employees Details:**

Forename		Surname	
Home Address			
Division		Dept	

**Paternity Leave Request:**

	Date
I confirm that the expected week of child birth is	
I confirm the child was born / placed with the adopter on <i>(*delete)</i>	
I would like my OSPP/OPL to start on	
The date the baby is born / placed with the adopter within 8 weeks of the date of birth / placement	
I shall be returning to work from my Paternity Leave on	
I want to apply for <i>(tick appropriate box)</i>	
One week	
Two weeks	

**Eligibility:**

Please read through the following eligibility requirements for Paternity Leave carefully, prior to signing the declaration section below. Employees must be able to tick all five boxes below to qualify for Paternity Leave, as a birth or adoptive parent or partner.

I am the child's biological father, or married to or in a civil partnership with the mother, or living with the mother in an enduring family relationship, but am not an immediate relative	
I have responsibility for the child's upbringing	
I have been continuously employed with one or more NHS employers for a period of no less than 12 months <b>either</b> at the beginning of the week in which the baby is due <b>or</b> ending with the week I have been notified of a successful match with a child/ren.	
I have been continuously by the Trust for at least 26 weeks by the end of the 15 <sup>th</sup> week before the week the baby is due or in which I have been notified of being matched with the child for adoption	
I am taking time off work to support the mother and care for the child	
I have provided a MAT B1/ letter from the GP or Midwife confirming my partners pregnancy or provided a 'Matching Certificate' from the adoption agency	

## Declaration

I declare that I have read the eligibility criteria for paternity leave above and confirm that I meet all of the relevant conditions, as to the relationship with the child and the child's mother / adopter.

I understand that by giving false information it may disqualify me from payment and will be regarded as a serious disciplinary offence by the Trust.

**Applicant's Signature:** \_\_\_\_\_

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

**Evidence:** Please tick one box only

<b>Paternity Leave - Child Birth Applications</b>	
I attach a MAT B1 Form / Letter from GP / Midwife as evidence of my application	<input type="checkbox"/>
<b>Paternity Leave – Adoption Applications</b>	
I attach a Matching Certificate from the adoption agency, as evidence of my application	<input type="checkbox"/>

## Paternity Leave Approval:

**Managers Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Following approval please send this form along with the MATB1 Form / Matching Certificate to the Workforce Department as soon as possible. Please ensure the employee retains a copy for their records.*

**Please send a copy of this form along with the MATB1 Form / Matching Certificate to the Payroll Department**

## APPENDIX G



The Parental Leave Regulations (2002), as outlined in the Employment Relations Act 1999 and Sections 35.5 – 35.10 of the Agenda for Change: Terms and Conditions of Service Handbook, requires the Trust to grant its employees parental leave.

**Part A - Employee's Details**

Forename		Surname	
Home Address			
		Home Tel:	
Division		Dept	
Staff No:		Contracted Hours	
Date of commencement in Velindre NHS Trust			
Date of commencement in NHS			
I wish for the parental leave to commence on			
I will return to work on			

**Declaration:**

I have completed one year's continuous service with the Trust or another NHS organisation	
I have a child under the age of 18 five	
I enclosed documentary evidence that I am the parent/person legally responsible for the child	

I understand that by giving false information it may disqualify me from payment and will be regarded as a serious disciplinary offence by the Trust.

**Applicant's Signature:** \_\_\_\_\_

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