

Family Leave Policy
Incorporating
Maternity Leave
Adoption Leave
Shared Parental Leave
Paternity Leave
Parental Leave

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7.2	Reference to excess travel entitlements included and appendix 2, 5 & 10 amended to capture. All references to Childcare & Carer Coordinator removed and New Government Tax-Free Scheme included. Appendix 8 Childcare Voucher notification form removed	Sophie Coutts	HR Advisor	March 2017
8.0	Full policy review – change of 'confinement' to 'child birth'. Update of KIT days from AfC. Unpaid leave re-worded to align with AfC. Inland Revenue available from HMRC website not Workforce Services. Statutory amounts removed from appendix 1. Appendix 9 shared parental leave definitions removed	Sophie Coutts	Workforce Advisor	October 2017
8.1	Minor amendment following HMRC changes on the age range for children eligible for tax free childcare vouchers from 2-3 years to all those under 12. – Page 12, Section 1.14	Sophie Coutts	Workforce Advisor	March 2018
9	Minor amendment to appendix 1 and appendix 2 to incorporate an additional entitlement to maternity/adoption leave in the instance of an employee having 12 months continuous service within the NHS but not with LCHS.	Lyndsey Clapham	Health & Wellbeing Co-ordinator	September 2018

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Lincolnshire Community Health Services NHS Trust

Family Leave Policy

Policy Statement

Background	<p>This policy is intended as a guide for both employees and managers and contains details about the Trust's provision for maternity, adoption, paternity and parental leave. Having children is fundamental to family life in the majority of relationships and this policy aims to remove any worries about work that parents may have and encourage them to return to work with Lincolnshire Community Health Services NHS Trust.</p> <p>The policy outlines at what point employees may begin their leave and the process to follow to ensure the period before, during and after is well planned and goes smoothly. The policy also provides information about benefits employees will be entitled to and how to obtain these.</p>
Statement	<p>The Trust recognises the contribution of its employees make to the future development and success of the Trust and is therefore committed to recruit and retain staff of the highest calibre.</p> <p>This policy has been written with care to make it as accurate and reliable as possible, however in the case of any conflict, the statutory and legal provisions as they relate to the issue in question will prevail.</p>
Responsibilities	<p>Implementation and compliance with the policy will be the responsibility of all managers.</p>
Training	<p>This policy is a reference document and will be amended in light of any new legislation. Specific training is not necessary; however managers should keep themselves aware of the processes required.</p>
Dissemination	<p>Website</p>
Resource implication	<p>The Trust will be required to provide payment as per the policy to employees on leave and will ensure adequate provision in budgets to cover family leave. Appropriate facilities will need to be provided to ensure staff health and safety in line with any risk assessment actions which need to be implemented e.g. breast-feeding quiet room.</p>

Lincolnshire Community Health Services NHS Trust

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Family Leave Policy

Introduction

Inherent within all of its practices the Trust is committed to the principles of diversity, equality of treatment and equality of opportunity and believes that direct or indirect discrimination against any person is unacceptable.

All claims for family leave will be validated and any suspected abuse of this policy will be referred to the Local Counter Fraud Specialist, for investigation, and may result in disciplinary proceedings and/or a criminal investigation being carried out.

This policy aims to ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, civil partnership/marital status, colour, race, nationality, ethnic or national origins, creed, religion/belief, disability, age or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the job.

1. Maternity Leave

1.1 Introduction

It is the policy of the Trust to ensure that all pregnant employees can make informed decisions regarding their pregnancy and employment and are therefore advised of their maternity rights, regardless of whether they work full or part time or their length of service.

The actual pay entitlement will be dependent on the length of service.

This document provides guidance for both managers and staff as to the procedure to be followed and the calculation of individual entitlements including maternity leave/pay and Statutory Maternity Pay (SMP).

12 Notification of Pregnancy

An employee must inform their manager and Workforce Services of the pregnancy by the end of the 15th week before the expected week of child birth (EWC) and should include her intention to take maternity leave at their earliest opportunity. Failure to do so could result in late salary payments. Workforce Services will email this policy and a parental pack

It is in the best interest of the employee to notify her manager as soon as possible for Health and Safety reasons. Notice should be given in writing/email, and if possible, an indication given of the expected week of child birth. The manager must notify Workforce Services in writing/email as soon as they become aware.

13 Risk Assessment

As soon as written notification is received, it is the responsibility of the manager to complete a risk assessment of the work condition of the employee concerned. This must be carried out in accordance with the procedure outlined and a completed risk assessment form (Appendix 3) forwarded to Workforce Services. Further risk assessments must be carried out every 3 months up to the commencement of maternity leave.

14 Maternity Leave Application

The employee must complete and return the Maternity Leave Application Form (Appendix 2). This must be forwarded to Workforce Services no later than 28 days before her absence is due to begin.

Upon receipt of the application form Workforce Services will confirm the following

- I. the employees paid, unpaid and/or statutory leave entitlements
- II. the expected return date based on her entitlements
- III. the need for the employee to give at least 8 weeks' notice if she wishes to return to work before the specified return date

1.5 Form MatB1 (Maternity Certificate)

Medical evidence of the expected date of child birth must be provided by the GP or midwife on a maternity certificate (MATB1). This can be issued from the 20th week of pregnancy onwards. It is essential that the employee forward the original Mat B1 certificate to Workforce Services as soon as possible as no maternity entitlements can be given until this form is received.

1.6 Ante-Natal Care

All employees have the right to reasonable time off with pay for ante-natal care, which includes medical examination, relaxation and parent craft classes. Employees should plan these periods of absence with their managers and the employee must provide evidence of all appointments. This should be recorded on the Special Leave Policy Form.

1.7 Prior to Maternity Leave

Before going on leave, the manager and the employee should discuss and agree:-

- a) any voluntary arrangements that the employee may find helpful to help them keep in touch with developments at work and, nearer the time of their return, to help facilitate the return to work
- b) using up of annual leave before going off on maternity leave and then annual leave arrangements when they return.
- c) Communication
- d) Keeping in Touch (KIT) days

1.8 Commencement of Maternity leave

The employee may commence maternity leave at any time after the 11th week prior to the expected week of birth.

The employee may, at her request, work up to the expected date of child birth unless a health and safety risk has been identified during the risk assessment, in which case, management will seek to take appropriate action as detailed in the risk assessment section.

If the employee subsequently wants to change the date from which she wishes her leave to start she must discuss this with her manager at least 28 days beforehand.

1.9 Entitlements to maternity leave, maternity pay and benefits

Within the NHS, all employees have the right to a maximum of 52 weeks maternity leave regardless of length of service.

The entitlement to maternity pay and other benefits is dependent on length of service. Appendix 1 provides a guidance table for the employee to calculate the leave, pay and benefit entitlements they are eligible to receive.

By prior agreement with the manager and Payroll the entitlement may be paid in a different way, for example a combination of full and half pay or a fixed amount spread equally over the maternity leave period.

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay (SMP) – (Agenda for Change Handbook section 15.12). – subject to the following:-

- (i) if a pay award or annual increment is implemented anytime between the start of the set period and the end of the employee's paid maternity leave the maternity pay entitlement should be recalculated.

“Maternity Leave” means either Ordinary Maternity Leave or Additional Maternity Leave (reference Alabaster ECJ Judgement ruling, Department for Works and Pensions)

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

Please note that the rate of SMP changes on an annual basis and payment will be made at the relevant SMP rate at the time of maternity leave.

Rights to pay (both salary and SMP) during maternity leave are shown in Appendix 1, but there is one important condition to note called the **Lower Earnings Limit (Earnings Rule)**. This states that Statutory Maternity Pay is only payable where income meets the minimum earnings criteria where average weekly earnings for an 8 week period prior to the 15th week before birth are not less than the lower earnings limit for national insurance contributions. Thus, if basic national insurance contributions are not paid over the 8 weeks period there is not entitlement to receive Statutory Maternity Pay. Workforce Services can obtain this calculation from the Payroll Department on behalf of the individual if necessary.

Employees not entitled to SMP may be eligible for 39 weeks maternity allowance payable from their Job Centre Plus Office if they have paid the required national insurance contributions.

If an employee is not entitled to SMP the Salaries and Wages Department will refer the employee to the Job Centre Plus Office for them to ascertain the employee's eligibility for maternity allowance from the DSS.

Any employee who is receipt of excess travel expenses will have their entitlements frozen for the duration of the maternity leave, not to include any annual leave or sickness/absence that may occur either side.

1.10 Keeping In Touch Days (KIT)

To facilitate the process of keeping in touch, it is important that the employer and employee have early discussion to plan and make arrangements for “keeping in touch days” (KIT days) to provide reasonable notice, ensuring that contact details are up-to-date.

KIT days are intended to facilitate a smooth return to work for women returning from maternity leave. An employee may work for up to a maximum of 10 KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity leave period.

An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby. The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.

The employee will be paid at their basic daily rate for the hours worked less appropriate maternity leave payment for KIT days worked. Working for part of any day will count as one KIT day.

KIT days provide a number of advantages to both the employee and the Trust.

- They enable employees to stay in touch with workplace issues and changes e.g. restructure or consultations.
- It enables the employee to undertake the odd day's training e.g. mandatory training.
- A KIT day may also be used by an employee who was involved in a work project prior to their leave and wishes to attend work to continue their involvement in this project.
- The nature of the work performed on a KIT day must be the type of work the employee normally performs under their employment contract. It is not for the continuation of external study.

A social visit made by an employee to the workplace does not constitute a KIT day. An employer who meets an employee to discuss their return to work arrangements may also do this without this constituting a KIT day.

1.11 Returning to Work

An employee who has notified their intention to return to work in accordance with the guidance notes and appropriate policies and procedures has the right to return to work under her original contract of employment and on no less favorable terms and conditions. However, if this is not practicable the employer may offer suitable alternative employment.

In accordance with the Flexible Working Opportunities Policy the employee may return to work on any basis when agreed with their manager, including part-time working, annualised hours, job sharing etc. The manager may allow a return to work on a part-time basis unless there are reasonable and justifiable conditions for not doing so. If an employee wishes to change their existing working pattern on their return to work they should refer to the Flexible Working Opportunities Policy and complete Appendix 1, Application to change working arrangements form. If the change is agreed by the manager they should then complete a Change /Transfer form (EF2).

An employee has the right not to return to work, and dependent on eligibility, may still receive maternity benefits (Appendix 1).

If an employee fails to return to work after indicating her intention to do so (or where she has made a commitment to return to work for another NHS employer and failed to return/respond to an appointment letter) they will be asked to refund the difference between that paid and the entitlement had they indicated their wish to leave initially.

If an employee expresses a wish to return to work after indicating a non-return, the employee is requested to notify their manager and Workforce Services in writing, as soon as possible following the birth. Every consideration will be given to assist the request, although no guarantees can be given by the Trust.

In the event of an employee not returning to work with the Trust for a period of at least three months, they will be expected to refund the pay received during the period of additional absence.

It is the manager's responsibility to ensure that Payroll is notified of the employees return to work outlining any changes as agreed on an EF2 Change/Transfer Form.

It is also necessary to take into account any risks to new mothers (who have recently given birth or are breastfeeding). Where there are significant risks to the employee or child it may be necessary to temporarily adjust working conditions/hours or where appropriate, offer suitable alternative work. In these situations the employee will continue to receive their normal rate of pay.

If neither of these options is reasonably practical, the employee shall be given authorised absence from work on full pay for an agreed period of time at the end of which a further risk review will be carried out.

1.12 Breastfeeding for Working Mums

Process - Discussion between employees and their managers regarding their wish to continue breastfeeding and/or expressing breast milk whilst at work may take place at any time, however, an employee must inform their manager in writing 4 weeks prior to returning to work to confirm their wish. This will allow time for the employee and manager to meet to carry out a specific risk assessment (Appendix 4) and identify suitable reasonable options to meet the request.

An employee must inform their manager in writing if circumstances change with regard to breastfeeding and / or expressing breast milk.

Facilities - Line managers, will identify suitable facilities that are available for employees who are breastfeeding and/or expressing breast milk whilst at work.

Suitable facilities would include:

- Use of a room that is warm, clean, private and appropriate for use
- A comfortable chair, that can be easily cleaned in case of spillages
- A clean sink to wash your hands, breast pump and other items
- Provide appropriate cleaning materials to ensure correct cleaning of equipment. Use of a fridge for the safe storage of labeled bottles of expressed milk which should be placed in a lidded labeled box within the fridge. If you do not have access to a fridge please contact the facilities team who may be able to source the loan of one for you.
- A power point for electric breast pump
- A cool box and ice pack may be advantageous for community workers wishing to store expressed milk.

There is no statutory right to time off work for breastfeeding. However, the Trust will take all reasonable steps to enable breastfeeding to take place

You may wish to consider flexible working hours for breastfeeding mothers but service requirements will need to be taken into consideration.

If your work is affected by breastfeeding, please discuss this with your line manager or other appropriate party. Similarly, your line manager may raise this with you and discuss with you options which can be supported to enable breastfeeding to continue.

1.13 Deferring the decision to return to work

An employee may wish to defer making a final decision about returning to work until after the birth of the baby, in which case she should sign the relevant section of the Maternity Application Form (Appendix 2) confirming this.

If the decision to defer is taken, the employee will initially receive maternity payment based on the length of continuous service. This can be ascertained from the section 'Employee wishes not to return to work' in Appendix 1. Following the birth, if the employee subsequently decides that they will return to work, any additional pay/benefits for which they are eligible will be paid following her return to duty of a minimum of three months.

1.14 Terms and Conditions of Contract during Maternity Leave

An employee on maternity leave has the right to continue to benefit from all of her terms and conditions of employment except remuneration, just as if she was still at work. Below are some of the areas that cause most concern to pregnant employees, detailing any adjustments that may arise:

Annual Leave

Annual leave entitlement will continue to accrue at the contractual level during maternity leave.. Where the amount of accrued annual leave would exceed normal carry over provision, it may be mutually beneficial to both manager and employee for the employee to take annual leave 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 must be discussed and agreed between the manager and employee at an early stage, and confirmed in writing. This will enable the manager to plan staffing levels in the absence of the employee. Where it is not practical to take annual leave entitlement prior to commencing maternity leave, contractual entitlement can be carried over into the following annual leave year. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

Pension

The Trust will continue to pay employers contributions on the same basis as before maternity leave started. Employees only pay contributions on the amount of remuneration or statutory maternity pay they receive. Any period of unpaid leave can be pensionable for the whole period. This allows for the period to reckon towards pension benefits. Contributions would be deducted based on the amount of pay actually received immediately before the unpaid period started. Unpaid contributions will be recovered on return to work over the same period as they accrued.

Increments

Where an employee is on an incremental scale for remuneration, all absence on maternity leave, whether paid or unpaid shall count towards the annual increment progression. Incremental dates shall not be affected and will be counted towards the service qualification period for additional annual leave, sickness pay and redundancy.

Fixed Term Contracts

Employees subject to fixed-term or training contracts which expire before the 11th week before the expected week of child birth will not be entitled to maternity leave but may have an entitlement to Statutory Maternity Pay. Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of child birth, and who satisfy the eligibility criteria shall have their contract extended so as to allow them to receive the 26 weeks paid contractual maternity and 26 weeks unpaid. Termination of employment will therefore coincide with the last day of ordinary maternity leave.

Employees on fixed-term contracts who do not meet the twelve months continuous service condition may still be entitled to Statutory Maternity Pay.

Childcare Vouchers

A new Government Tax-Free Childcare Scheme, alternative to Childcare Vouchers is being introduced to parents during 2017. From April 2018 membership of an employer's childcare voucher scheme will be limited to current active members as the government is introducing the new Tax-Free Childcare Scheme. Information regarding the Childcare Service which is supporting both Tax-Free Childcare and extended funding can be found here: <https://childcare-support.tax.service.gov.uk/>. An employee in receipt of Childcare Vouchers can choose to opt out at any time and opt into the Government Tax-Free Childcare Scheme once available. Please see the staff intranet for further useful contacts.

An employee currently receiving childcare vouchers will be entitled to continue to receive them throughout their maternity leave, if they so wish (conditions apply)

It is important that employees receiving Childcare Vouchers should contact the provider at www.fideliti.co.uk or 0800 288 8727 customer support by the sixteenth week of pregnancy or sooner for guidance on whether to continue with the scheme during maternity leave. Failure to do this may have financial implications for the employee.

If an employee is not already receiving Childcare Vouchers before maternity leave they cannot opt in until the maternity leave has ended. If this is after 31st March 2018 then the Tax-Free Childcare scheme would apply.

With effect from 5th October 2008, if an employee is receiving Childcare vouchers when they become pregnant they may opt to stay in the scheme. They will be entitled to receive the current order value of childcare vouchers during both ordinary maternity leave (weeks 1 – 26) and additional maternity leave (weeks 27 – 52). This will be paid for from occupational pay whilst available

The Trust will pay for any short fall in the monetary value to equal what was paid prior to maternity leave commencing. Employees who choose to remain in the scheme during maternity leave will continue to receive the full non cash benefit entitlement as set down in the childcare voucher scheme contract.

Salary Sacrifice Schemes

Effect on the calculation of Statutory Maternity Pay and entitlement to non-cash benefit during Statutory leave:

Effect on calculation of Statutory Maternity Pay – Statutory Maternity Pay (SMP) is calculated on the amount of average weekly earnings during the 8 week period, 15 weeks prior to the expected date of child birth (weeks 17-25). A salary sacrifice arrangement will reduce the amount of salary that is liable to National Insurance (NI) contributions. Therefore any salary sacrifice entered into during this 8 week period will reduce the entitlement to SMP. Employees entitled to take SMP are entitled to continue to receive their contracted non-cash benefit (childcare vouchers) throughout statutory leave.

Entitlement applies during Ordinary Maternity Leave (OMP) weeks 1-26 and Additional Maternity Leave weeks 27-52. Whilst available OMP under salary sacrifice conditions will be used to pay for the monthly childcare voucher, when there is insufficient OMP the monthly voucher will be funded by the employer.

Entitlement to non-cash benefit (childcare vouchers) also applies to Adoption Leave.

Employees entitlement to continue to receive non-cash benefit during maternity/adoption leave – The qualifying criteria is that all employees on Statutory Maternity leave are entitled to the non-cash benefits they were entitled to as a term of their employment contract. Where they are in receipt of SMP, Maternity allowance or receiving no maternity pay.

Employees receiving childcare vouchers and taking Statutory Maternity or Statutory Adoption leave are entitled to continue to receive their current value of childcare vouchers if they have a current salary sacrifice agreement in place when starting Statutory Leave.

Childcare Vouchers can be taken from Occupational Maternity or Adoption Pay whilst available.

Childcare vouchers must not be taken from Statutory Maternity or Adoption Pay.

When there is insufficient occupational pay childcare vouchers will then be met by the employer in full until the employee returns from the chosen period of maternity leave (up to 52 weeks).

As this is contractual law employees are not required to pay back the value of childcare vouchers received when returning from Statutory Leave.

The childcare voucher scheme allows employees to opt in and out on a calendar month basis.

If an employee has taken up the option of a salary sacrifice scheme prior to pregnancy, the Trust will pay for any short fall in the monetary value to equal what was paid prior to maternity leave commencing. Employees will continue to receive the full non cash benefit entitlement as set down in the salary sacrifice scheme contract during maternity leave.

Car User Allowance/Leased Vehicles

Where an employee is in receipt of regular car user allowance, the lump sum payment will be paid for the remainder of the month in which the car is out of use and for a further three months after that. Following this 50% of the lump sum payment will be made for a further three months or until the end of the maternity leave (whichever is less). Employees not returning will have any payment limited to the period of paid maternity leave.

An employee who has contracted for private use of a lease car may choose to continue the private use of that vehicle at the contracted charge, or to return the vehicle to the Trust, at which point the early termination charge will apply. In the case of the latter option being taken, the employee must inform the Trust at her earliest possible convenience.

Any lease car contracted for business use only will ordinarily be returned to the Trust on the commencement of maternity leave.

Knowledge and Skills Framework (KSF)

As stated within the Development Review/Pay Progression Policy "Staff undertaking extended/maternity leave from the workplace should, wherever possible, have their Development Review prior to taking leave. Where this is not possible, this should take place within 3 months of their return.

Managers must ensure that a Development Review takes place in order to ensure natural progression through the pay band. Automatic progression through the gateway will occur if the Development Review does not take place."

This applies equally to staff newly appointed to the bottom of band 5 and eligible for accelerated progression. Keeping in Touch days could be used to support individuals' Personal Development Plans to enable them to acquire knowledge and skills and so progress through gateways at Development Reviews.

1.15 Sickness during Pregnancy

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 sickness absence in accordance the Your Attendance Matters Policy.

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

If the illness is not pregnancy related, the employee may be eligible to receive sick pay until the date of birth to satisfy the regulations concerning sick pay.

In the event of sickness following the date the employee was due to return to work normal sick leave provisions will apply as necessary.

1.16 Still Birth, Miscarriage and Premature Birth

There are some occasions when pregnancy may not continue until the expected date of child birth and the following provisions are appropriate for these circumstances. The Trust will also support staff through these times where required:

Stillbirth – if an employee suffers a stillbirth which occurs in or after the 25th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

Miscarriage - where an employee has a miscarriage before the end of the 24th week of pregnancy normal sick leave provisions will apply as necessary.

Premature 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. Medical evidence of the baby's birth must be given to Workforce Services within 21 days of the start of SMP pay period but no later than 13 weeks after the start of the SMP period.

Where an employee's baby is born prior to or during the qualifying 11th week before the expected week of childbirth, and the employee has worked during the actual week of childbirth, maternity leave will commence on the first day of the employee's absence.

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

Where an employee's baby is born prior to the 11th week before the expected week of childbirth and the baby is in hospital the employee may split her maternity leave entitlement – taking a minimum period of 2 weeks leave immediately after childbirth and the rest of her leave following the baby's discharge from hospital.

1.17 Redundancy regulations for employees on Maternity leave

Consulting employees at risk who are on maternity leave (or off work with pregnancy-related sickness) about proposed redundancies, giving as much warning as possible. This includes employees on fixed-term contracts.

Selection criteria used must not disadvantage employees because of sex, pregnancy or maternity leave.

Adoption Leave

2.1 Introduction

Adoption is an important service in the community and it is recognised that the needs of adoptive parents are at least as great as those of natural parents in establishing a relationship with the child and in developing new routines. Indeed, they can be greater when, as frequently happens, adoptive parents have only a few days' notice of a child's arrival or where the child is older and may have had a difficult family background as well as several changes of foster parents and children's homes.

The adoption leave scheme is therefore to enable an employee who wishes to adopt a child to take a period of leave to help the child settle into the family and adjust to new circumstances. Where the child is below the age of 18 adoption leave and pay will be modeled on the same principles as Maternity Leave.

2.2 Eligibility for Adoption leave

The scheme shall apply to staff whether full-time or part-time, requiring leave of absence for the purpose of adopting a child. Where both adoptive parents are employed by Lincolnshire Community Health Services NHS Trust, only one, to be agreed by the couple, will be eligible for leave under this scheme. The other partner may qualify for paternity leave under the special leave scheme.

To qualify for adoption leave an employee must:

- a) have worked continuously for the Trust for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.
- b) be "newly" matched with a child for adoption by an adoption agency.

Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example where fostering prior to adoption or a step parent is adopting a partner's child. In these cases there is scope for local arrangements on the amount of leave and pay in addition to time off for official meetings.

2.3 Applying for adoption leave

An employee who intends to apply for adoption leave must notify their line manager in writing as soon as they are advised by an adoption agency that they have been accepted by the agency. They must notify the manager of the date they wish to commence adoption leave.

The employee must continue to be employed until the child becomes available for placement and must also notify the manager that they intend to return to work for the Trust following adoption leave for a minimum period of three months. Where consistent with the needs of the service, a member of staff may be able to return to work for fewer hours than those worked prior to adoption and the hours of work may be adjusted accordingly.

The manager should respond to the employee setting out the date on which they expect the employee to return to work if the full entitlement to leave is taken and copy to the HR department.

The employee must provide documentary evidence, from their adoption agency, as evidence of their entitlement to Statutory Adoption Pay (SAP) which will be paid by the Trust.

2.4 Entitlements on adoption leave

Subject to the above conditions the adoptive parent will be entitled to:

- Paid time off to attend meetings about the child to be adopted (the manager will require advance notice and evidence of appointments i.e. appointment card or letter). This should be recorded on the Special Leave Policy Form SL.
- 39 weeks leave of absence with pay (for staff with a minimum of 26 weeks continuous employment with the Trust or another NHS employer). The prospective parent can choose to have adoption pay paid from either the date of the placement or from a fixed date up to 14 days before the expected date of placement prior to the child's availability. This is referred to as ordinary adoption leave.
- Remain absent for up to 52 weeks in total. The period between 39 weeks and 52 weeks is called additional adoption leave (AAL) and will be unpaid.

An employee currently receiving childcare vouchers will be entitled to continue to receive them throughout their adoption leave, if they so wish.

It is important that employees receiving Childcare Vouchers should contact the provider at www.fideliti.co.uk or 0800 288 8727 customer support at the earliest possible time prior to placement for guidance on whether to continue with the scheme during adoption leave. Failure to do this may have financial implications for the employee.

Any employee who is receipt of excess travel expenses will have their entitlements frozen for the duration of the adoption leave, not to include any annual leave or sickness/absence that may occur either side.

2.5 Returning to work

The employee who has notified the Trust that they intend to return to work following adoption leave will have the right to return to their job under their original contract and on no less favorable terms and conditions.

Adoptive parents who intend to return to work at the end of their full adoption leave entitlement do not have to give further notification to the Trust. However an employee who wishes to return to work before the end of the full period must give their manager 8 weeks' notice of the date they intend to return.

If the child's placement ends during the adoption period, the employee can continue adoption leave for up to 8 weeks after the end of the placement.

Where consistent with the needs of the service, a member of staff may be able to return to work for fewer hours than those worked prior to adoption and the hours of work may be adjusted accordingly. This should be requested using the Flexible Working Opportunities Policy and the appropriate form completed by the employee and the line manager.

In the event of an employee not returning to work for a period of at least three months, they will be required to refund the pay received during the period of adoption leave. This liability may be varied at the discretion of the Trust depending on mitigating circumstances.

It is the manager's responsibility to ensure that Payroll is notified of the employees return to work outlining any changes as agreed on an EF2 Change/Transfer Form.

2.6 Sickness absence

Adoption leave will not be treated as sickness absence and will not therefore be taken into account for the calculation of occupational sick pay entitlement in accordance with the appropriate terms and conditions.

If the employee fails to return to work on the notified date because of sickness they must submit a doctor's statement and the provisions of the occupational sick pay schemes will apply.

27 Annual Leave, Pensions, Increments, Fixed Term Contracts, Lease cars

Annual leave entitlement will continue to accrue at the contractual level during adoption leave.. Where the amount of accrued annual leave would exceed normal carry over provision, it may be mutually beneficial to both manager and employee for the employee to take annual leave 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 must be discussed and agreed between the manager and employee at an early stage, and confirmed in writing. This will enable the manager to plan staffing levels in the absence of the employee. Where it is not practical to take annual leave entitlement prior to commencing maternity leave, contractual entitlement can be carried over into the following annual leave year. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

Pensions – the Trust will continue to pay employers contributions on the same basis as before adoption leave started. Employees only pay contributions on the amount of remuneration or statutory adoption pay they receive. Any period of unpaid leave can be pensionable for the whole period. This allows for the period to reckon towards pension benefits. Contributions would be deducted based on the amount of pay actually received immediately before the unpaid period started. Unpaid contributions will be recovered on return to work over the same period as they accrued.

Please note that added years are taken on the same rate as the employer i.e. not on reduced pay as the basic contribution is. For advice on any aspects of the pension scheme please contact the Pensions Department at Gervas House, Lincoln.

Increments - where an employee is on an incremental scale for remuneration, all absence on adoption leave, whether paid or unpaid, shall count towards the annual increment progression. Incremental dates shall not be affected and will be counted towards the service qualification period for additional annual leave and sickness pay.

Fixed Term Contracts - Employees subject to fixed-term or training contracts which expire prior to the 14th day before the expected date of the placement of the child for adoption will not be entitled to adoption leave but may have an entitlement to Statutory Adoption Pay.

Employees subject to fixed-term or training contracts which expire after the 14th day before the expected date of the placement of the child for adoption, and who satisfy the eligibility criteria shall have their contract extended so as to allow them to receive the 26 weeks paid contractual adoption pay. Termination of employment will therefore coincide with the last day of ordinary adoption leave.

Employees on fixed-term contracts who do not meet the twelve months continuous service condition may still be entitled to Statutory Adoption Pay.

Childcare Voucher Scheme

With effect from 5th October 2008, If an employee is receiving Childcare vouchers when they adopt a child, they may opt to stay in the scheme. They will be entitled to receive the current order value of childcare vouchers during both ordinary adoption leave (weeks 1 – 26) and additional adoption leave (weeks 27 – 52). This will be paid for from occupational pay whilst available.

The Trust is required to pay for any short fall in the monetary value to equal what was paid prior to adoption leave commencing. Employees who choose to remain in the scheme during adoption leave must continue to receive the full non cash benefit entitlement as set down in the contract.

Salary Sacrifice Schemes

If an employee has taken up the option of a salary sacrifice scheme prior to adoption, the Trust is required to pay for any short fall in the monetary value to equal what was paid prior to adoption leave

commencing. Employees must continue to receive the full non cash benefit entitlement as set down in the contract during adoption leave.

Car User Allowance/Leased Vehicles - Where an employee is in receipt of regular car user allowance, the lump sum payment will be paid for the remainder of the month in which the car is out of use and for a further three months after that. Following this 50% of the lump sum payment will be made for a further three months or until the end of the adoption leave (whichever is less). Employees not returning will have any payment limited to the period of paid adoption leave.

An employee who has contracted for private use of a lease car may choose to continue the private use of that vehicle at the contracted charge, or to return the vehicle to the Trust, at which point the early termination charge will apply. In the case of the latter option being taken, the employee must inform the Trust at her earliest possible convenience.

Any lease car contracted for business use only will ordinarily be returned to the Trust on the commencement of adoption leave.

3. Shared Parental Leave

Shared Parental Leave (SPL) gives parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay (ShPP) in accordance with statutory entitlements

3.1 Eligibility for Shared Parental Leave

SPL can only be used by two people:

- The mother/adopter **and**
- One of the following:
 - the father of the child (in the case of birth)or
 - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

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

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the organisation at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the employee must correctly notify the organisation of their entitlement and provide evidence as required.

Any employee who is receipt of excess travel expenses will have their entitlements frozen for the duration of the shared parental leave, not to include any annual leave or sickness/absence that may occur either side.

32 Discussions regarding Shared Parental Leave

Employees considering/taking SPL should contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

Advice from Workforce may be gained by contacting the relevant Workforce Advisor.

For details of employee entitlements and how to apply for SPL/ShPP, please refer to Appendix 9.

Upon receiving a leave booking notice from an employee the line manager will usually arrange a meeting to discuss it. 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 employee's notice booking leave, a meeting may not be necessary.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative or even a personal friend or family member.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. 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.

33 Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give 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.

Employees may submit up to 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.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

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, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work 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 “Discussions regarding Shared Parental Leave” above).

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 giving it, or can take the leave in a single continuous block.

34 Responding to a Shared Parental Leave notification

Once the Line 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.

All notices for continuous 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 business.

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 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.

3.5 Variations to arranged Shared Parental Leave

An employee may vary or cancel an agreed and booked period of SPL, provided that they advise the organisation 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.

3.6 Terms and conditions during Shared Parental Leave

During the period of SPL, employee's contracts of employment continue and employees will continue to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when an employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.

37 Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. Annual leave entitlement will continue to accrue at the contractual level during shared parental leave.. Where the amount of accrued annual leave would exceed normal carry over provision, it may be mutually beneficial to both manager and employee for the employee to take annual leave 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 must be discussed and agreed between the manager and employee at an early stage, and confirmed in writing. This will enable the manager to plan staffing levels in the absence of the employee. Where it is not practical to take annual leave entitlement prior to commencing maternity leave, contractual entitlement can be carried over into the following annual leave year. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

3.8 Shared Parental Leave in Touch days

An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

An employee taking a SPLIT day will receive full pay for this day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

39 Returning to work after Shared Parental Leave

If an employee wishes to return to work earlier than the expected return date, they must give the organisation at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If an employee has already used their three notifications to book and/or vary leave then the organisation may not accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

4 Paternity leave

4.1 Introduction

Paternity leave with pay is a benefit designed to allow the employee to attend the birth of a child with their partner and to provide care and support to the mother and baby during the period immediately before and/or after the birth. Paternity leave cannot be taken for any other purpose.

Application for paternity leave should be made (using Appendix 6) in writing at the earliest opportunity to their line manager and Workforce Services. As much notice as possible should be given although it is recognised that the dates may need to be amended. An employee must complete a

form SC3 "Becoming a Parent" at least 28 days before they want leave to start. This is an Inland Revenue form and can be obtained via the HMRC website.

In order to substantiate an application for paternity leave documentary proof of the expected date of child birth, signed by a medical practitioner or a midwife will need to be given to the employee's manager.

4.2 Eligibility

An employee is eligible for paternity leave if they have or expect to share responsibility for the baby's upbringing as husband or partner to the mother of the baby i.e. biological or adoptive parent. Paternity leave can also apply to nominated carers, same sex partners and adoptive parent partners.

Paid paternity leave will be granted to members of staff who have 26 weeks or more continuous employment with Lincolnshire Community Health Services NHS Trust or another NHS employer ending with the 15th week before the baby is due (the qualifying week) or 14 days prior to the placement of an adopted child.

Staff with less than 26 weeks continuous employment will be granted unpaid paternity leave.

4.3 Entitlement

A maximum of 15 working days (pro rata for part time staff) will be granted. Such leave will normally be agreed in advance and in blocks of a minimum of 1 week (pro rata equivalent).

Full pay will be calculated on the basis of the average weekly earnings rules for calculating occupational maternity/adoption pay entitlements (i.e. the entitlement will be the same as SMP/SAP). The employee will receive full pay less any statutory paternity pay receivable.

Leave can start on any day of the week on or following the child's birth or date of placement if adopted but must be completed within 56 days of the actual date of birth/placement of the child. Only one period of paternity leave/occupational paternity pay is ordinarily available in the event of a multiple birth/adoption.

Guidance for time off with pay to allow employees to accompany their partner to attend antenatal appointments, child-care classes or adoption meetings will be at the discretion of managers up to a maximum of 10 attendances in exceptional circumstances. The employee must produce evidence of appointment, including time and length of appointment.

A qualifying employee will be entitled to paid leave if the baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will still be entitled to paid paternity leave.

Where leave is required to support mother and new baby/adopted child then paternity leave is the first option rather than other types of special leave. Additional leave (paid or unpaid) may be granted in exceptional circumstances by the manager following consultation with your HR Advisor. In such cases the granting of carers/parental leave may be appropriate.

Additional Statutory Paternity Pay (ASPP), Additional Paternity Leave

Fathers of babies born, or, in the case of adoption, adoptive parents who have been matched for adoption, on or after April 3rd 2011 may be entitled to Additional Statutory Paternity Pay (ASPP) and/or Additional Paternity Leave (APL) if the mother of the baby is entitled to Statutory Maternity Pay (SMP), or Statutory Adoption Pay (SAP), or Maternity Allowance (MA).

The right to ASPP and/or APL applies to not only fathers but also to a spouse, partner or civil partner of the baby's mother who is not the baby's father. *"Partner" means the person who lives with the mother and the baby in an enduring family relationship but is not a relative of the mother.*

Additional Paternity Leave (APL)

The new right to APL can be taken in addition to an employee's existing right to two weeks Ordinary Paternity Leave (OPL).

APL can be taken provided the mother or adopter returns to work before their statutory maternity or adoption leave ends. APL has to be taken in continuous weeks, employees can apply for a minimum of two weeks and a maximum of 26 weeks. APL can only be taken once the child is 20 weeks old and can continue only up to the child's first birthday.

To claim APL the employee needs to meet the following eligibility conditions:-

- Be continuously employed by the same employer for at least 26 weeks before the end of the 15th week prior to the expected week of childbirth, or, in the case of adoption, calculated as at the week in which the employee was notified as having been matched with the child.
- Still be employed by the employer at the start of APL
- Have, or expect to have, main responsibility for the upbringing of the child apart from the mother.
- The child's mother must have been entitled to SMP, SAP or MA and have returned to work.

Those employees who wish to apply for APL need to notify their employer in writing of the following at least eight weeks before their leave starts:

- The proposed start and end dates for APL
- The expected week of childbirth and the actual birth date, or, in the case of adoption, the date of the child's placement for adoption with the employee. The employee must also sign a declaration confirming their eligibility,
- their relationship to the mother and child, and when their leave will start.
- The mother should also provide a signed declaration to include information such as when she intends to return to work, and that the employee applying for APL is the father/partner/civil partner.

The employee may be eligible for unpaid APL if the mother was eligible for Statutory Maternity Leave or Statutory Adoption Leave but not eligible for SMP or MA.

Additional Statutory Paternity Pay (ASPP)

Eligibility to ASPP is exactly the same as the conditions for APL but with one more condition in that:-

- The employee must have average earnings over a set period above a set amount.

ASPP can only be paid during the mother's SMP/SAP/MA pay period, i.e. the period of 39 weeks from the start of her maternity leave. Any leave taken at the end of the mother's SMP/SAP/MA pay period will be unpaid leave.

ASPP is paid at the weekly rate of SMP/SAP/MA which, from April 2011, is £135.45 per week, or 90% of the employee's average weekly earnings, whichever is less.

The earliest an employee can start their APL/ASPP is 20 weeks after the child is born, or, in the case of adoption, 20 weeks after the child was placed with the employee for adoption.

The employee cannot start their APL/ASPP before the mother of the child has returned to work and has stopped receiving her SMP, SAP or MA. If the mother takes annual leave or is sick at the end of her maternity pay period this does not count as a return to work. At the time the mother returns to work she must have at least two weeks SM P/SAP/MA remaining. Any remaining SMP/SAP/MA will be transferred to the father/partner/civil partner at the same rate. Payment will only be made for the balance of the 39 week payment period to which the mother is entitled. Once APL/ASPP has begun the mother will not be entitled to any further statutory maternity leave or pay.

The employee can change their mind about taking APL/ASPP, but they will need to give their employer at least six weeks written notice before the original start date, or the new start date, whichever is earlier.

If the employee needs to change the dates of their APL/ASPP with less than six weeks' notice, they will need to discuss this with their employer, as if it is not reasonable for the employer to accommodate the change, they can require that the employee keeps to the original date (or dates if both the start and end dates are within six weeks of notice being given).

If, after applying for APL/ASPP, the employee no longer satisfies any of the conditions, or the mother of the child no longer intends to return to work, the employee needs to tell their employer in writing as soon as possible.

Once a request for APL/ASPP is received the employer must write to the employee within 28 days confirming the start and end date of APL. Any further information the employer requires must be requested within 28 days of the original notice. If at least six weeks written notice of a change of start and end dates of APL/ASPP is given to the employer, then the employer, once again within 28 days, must notify the employee of their changed start and end dates.

The employer may ask for a copy of the child's birth certificate, or adoption matching certificate, and also the name and business address of the mother's employer or, if self-employed, her business address.

These should be sent within 28 days of the date of the request for APL/ASPP. Paternity Rights

The employee continues to be employed during the whole of the APL period, and will have the same contractual benefits that they would normally receive as if they were at work.

Employees have the right not to be subjected to a detriment, or dismissed for having taken or sought to take a period of APL.

The employer may have reasonable contact with the employee during APL.

The employee and the employer can agree for the employee to take up to 10 days of "Keep in Touch" (KIT) days during their APL. KIT days are paid times when an employee can return to work, negotiated with their employer, for various reasons. An employee on APL is not obliged to take KIT days nor is the employer obliged to offer KIT days.

On return from APL the employee is entitled to return to the same job on the same terms and conditions as if they have not been away.

Penalties may be charged where a person, either fraudulently or negligently, gives incorrect information or makes a false statement or declaration for the purpose of claiming entitlement to statutory adoption, ordinary statutory paternity, additional statutory paternity, statutory maternity or statutory sick pay.

5 Unpaid Parental Leave

5.1 Entitlement

Parental Leave is a separate provision from maternity, adoption or paternity leave and provides an un-transferable individual right to 18 weeks unpaid leave for every child (including each child of a multiple birth/adoption). This can usually be taken up to the child's 18th birthday.

Parental leave will be unpaid, however, the parent will remain employed, pensions and other accrued rights will be aggregated.

5.2 Eligibility

An employee is eligible to Parental Leave if they meet the following criteria:

- They are named on the child's birth or adoption certificate or they have, or expect to have, parental responsibility.
- They are not a foster parent (unless they have secured parental responsibility through the courts).
- The child is under the age of 18 years old.
- Has at least 12 months service in the NHS. Outstanding leave will transfer from previous non-NHS employers, but the individual will have to re-qualify with a year of employment within Lincolnshire Community Health Services NHS Trust.

During parental leave the employee retains all their contractual rights, except remuneration and should return to the same job. Pension rights and contributions shall be dealt with in accordance with the NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

5.3 Conditions

Leave arrangements need to be as flexible as possible with leave being taken in a variety of ways by mutual agreement in accordance with the needs of the service and the circumstances of the parent and the following conditions:-

- Parental leave can be added to periods of paternity or maternity leave.
- Leave has to be taken in periods of one week; however, parents of disabled children may take leave in one-day periods.
- No more than 4 weeks parental leave may be taken in any 12 month period for each child or adopted child.

Applications for parental leave must give notice of at least 1 calendar month, in writing, to the appropriate manager.

Managers should only postpone leave in exceptional circumstances and give written reasons. Employees may also postpone or cancel leave that has been booked with local agreement.

NHSLA Monitoring

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/ group/ committee	Frequency of monitoring/audit	Responsible individuals/ group/ committee (multidisciplinary) for review of results	Responsible individuals/ group/ committee for development of action plan	Responsible individuals/ group/ committee for monitoring of action plan
To ensure equity of advice.	Audit of Special Leave Forms	Operational Managers	Annual	SHRBPs	Operational Managers	Operational Managers SHRBPs

Appendix 1

Maternity/Adoption Leave - A Guide to Entitlements

The table below provides guidance for managers and staff as to the eligibility to individual benefits.

Firstly, look to the columns at the left of the table which show the period of continuous service required for the different entitlements, ascertain the category into which you fall, and follow this across the columns on the right of the table to identify the correct entitlement.

Employee Wishes to Return to Work

Continuous service of:	Leave entitlement:	Pay and benefits:	
OVER 12 months service by the beginning of the 11 th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption	Entitlement 1 gives a maximum of 52 weeks maternity leave. This leave cannot commence prior to the 11 th week before the expected date of child birth or prior to 14 days before the expected date of placement of the child for adoption.	<p>a) The first 8 weeks of maternity/adoption leave will be paid at full pay[^].</p> <p>b) the next 18 weeks will be paid at half pay plus Statutory Maternity/Adoption Pay (SMP/SAP) if eligible* so long as this does not exceed full pay.</p> <p>c) then up to a further 13 weeks SMP/SAP</p> <p>d) then a further 13 weeks unpaid Additional Maternity/Adoption Leave (AML/AAL)</p> <p>e) Childcare Vouchers see section 1.2</p>	ENTITLEMENT 1 a) [^] this includes SMP/SAP
<p>If you do not have over 12 months' continuous service within LCHS but you do have over 12 months continuous service within the NHS by the eleventh week before the expected week of childbirth, you are entitled to occupational pay followed by 18 weeks half pay.</p> <p>To qualify for statutory maternity pay an employee must have 26 weeks continuous service with LCHS by the beginning of the fifteenth week before the expected week of childbirth.</p>	Entitlement 2 gives a maximum of 52 weeks maternity leave. This leave cannot commence prior to the 11 th week before the expected date of child birth or prior to 14 days before the expected date of placement of the child for adoption.	<p>Occupational Pay only. The first 8 weeks of maternity/adoption leave will be paid at full pay, followed by 18 weeks half pay.</p> <p>You do not qualify for statutory maternity pay. An employee has to have 26 weeks continuous service with the current employer by the beginning of the fifteenth week before the expected week of childbirth to receive SMP/SAP. You are required to apply to the Department of Social Security for these payments.</p>	ENTITLEMENT 2 This only includes Occupational pay, not payment of SMP/SAP.

		a)	
6 –12 months service by the end of the 15 th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption	Entitlement 2 gives a maximum of 52 weeks maternity leave. This cannot commence prior to the 11 th week before the expected date of birth or 14 days before expected date of placement of child for adoption	<p>b) the first 6 weeks maternity/adoption leave SMP/SAP will be paid at a rate of 9/10 of average pay if eligible*</p> <p>c) SMP/SAP will be paid for the weeks if eligible*.</p> <p>d) the remaining weeks of maternity/adoption leave will be unpaid.</p> <p>e) Childcare Vouchers See section 1.2</p>	ENTITLEMENT 3
0 – under 6 months (26 wks) service by the end of the 15 th week before the expected week of childbirth. or prior to 14 days before expected date of placement of child for adoption.	Entitlement 3 gives a maximum of 52 weeks maternity leave UNPAID. This leave cannot commence prior to the 11 th week before the expected date of birth. or prior to 14 days before expected date of placement of child for adoption	<p>Not eligible for SMP/SAP. May be eligible for Maternity /Adoption Allowance</p> <p>Eligible to continue to receive Childcare Vouchers whilst on maternity/Adoption leave, the value of vouchers to be paid for in full by the employer</p>	ENTITLEMENT 4

Employee DOES NOT wish to Return to Work/Defer Decision

<p>6 months (26 weeks) service and over by the end of the 15th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption</p>	<p>Entitlement 4 gives a maximum of 52 weeks maternity leave to those employees not wishing to return to work, and who fulfill the continuous employment requirements or prior to 14 days before expected date of placement of child for adoption</p>	<p>the first 6 weeks of maternity/adoption leave will be paid SMP/SAP at a rate of 9/10 of average pay if eligible* SMP/SAP will be paid for the remaining 33 weeks if eligible*. c) Childcare Vouchers see section 1.2</p>	<p>ENTITLEMENT 5</p>
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*Eligibility for SMP/SAP relies upon the statutory provisions in force at the time. The current provisions include that the employee earnings must be at or above the Lower Earnings Limit (LEL) and that the employee has provided the employer with 28 days' notice of the commencement of maternity leave/adoption leave unless this has not been practicable.

Appendix 2 Maternity Leave/Pay Application Form

Please complete this form and send to Workforce Services as soon as possible in order for your entitlements to be confirmed.

Full name:					
Home address:					
Telephone number:					
Post held:					
Base:					
Hours per week:		Are you in receipt of excess travel expenses?			Yes / No
Manager's name					
Manager's Job title:					
Lincolnshire Community Health Services NHS Trust start date					
Continuous NHS service commenced (where applicable):					
Expected date of child birth:					
In accordance with the conditions of service I wish to apply for maternity leave entitlement (insert Entitlement 1, 2, 3, 4 or 5 as indicated in Appendix 1 of Policy guidance notes). I agree to the conditions that are relevant to the entitlement I have indicated:	1	2	3	4	5
I intend to commence maternity leave on:					
Working up to the		week before the expected date of birth.			

Option 1

I intend to return by (date)..... (no more than 12 months from the maternity leave start date).

I will notify my manager in writing to confirm this date and/or to notify of any change to this date at least 8 weeks before my return.

If I am prevented from returning to work until after the notified date, I will undertake to inform my manager as soon as practicable, and where appropriate, provide a medical certificate.

Failure to return

In the event of my failing to return to work I agree to repay the overpayment based on lesser entitlement and where I have received maternity pay based on my returning to work.

Option 2

I wish to defer the decision to return to work

I do not wish to make a final decision about returning to work until after the birth.

In this event you will only receive your entitlement to Statutory Maternity Pay. Any additional pay to which you are due will be made following your return to duty.

Option 3

I do not intend to return to work for this NHS organisation, but intend to work for another NHS organisation

I anticipate my last day of employment with LCHS to be:.....

Option 4

I do not intend to return to work

Upon completion of maternity leave I do not intend to return to work. I anticipate my last day of employment with LCHS to be:.....

Please see entitlements – EF3 will not be completed until the manger receives written notification of final notice.

I have chosen Option

Print Name:.....

Signed:.....Date:

Appendix 3 Risk Assessment and Report Form for Expectant or New Mothers

Employees name:.....Job title:.....

Department:.....Expectant date of birth:.....
.....

Place of work:.....Name of Manager:.....

BRIEF DESCRIPTION OF ROLE TO INCLUDE A SUMMARY OF DUTIES UNDERTAKEN, WHETHER TRAVELLING IS INVOLVED AS PART OF THE ROLE AND A SUMMARY OF WORKING ENVIRONMENTS:

DESCRIPTION OF PERSONAL FACTORS:

Number of weeks for existing pregnancy:

Have any difficulties been experienced or are currently being experienced with the pregnancy? YES/NO

Please give details:.....
.....

Any previous pregnancies experienced? YES/NO

Have any difficulties been experienced with previous pregnancies? YES/NO

Please give details:.....
.....

Do you intend to breastfeed your baby? YES/NO

Date you intend to return to work from maternity leave? YES/NO

Any other comments regarding existing or previous pregnancies that may assist in identifying, eliminating or reducing the risk to you and your unborn child.

IDENTIFY AND GIVE

Details of any hazards identified within the individuals working environment (to also include premises visited outside the organisation).

a. hazards covered by COSHH. Please specify.....

Appendix 4 Risk Assessment for Breastfeeding Mothers

Name of Employee:

Post: _____

Department:

Base: _____

Manager:

Baby's date of birth:

Date of Return: _____

Breastfeeding

Expressing breast milk

Date of Assessment:

Hazard / Risk (e.g. Infection control, manual handling, environmental demands etc.)**	Who or what is affected by the risk? (Mother / Baby / Department)	Further action to remove/reduce risk

Have you checked whether or not the member of staff requires any specific equipment, changes to facilities or other support when accessing or using the planned facilities for breastfeeding? (Ensure that you consider factors such as disability, current medical conditions, English language skills.)

YES/NO

What actions are planned or have already been taken to ensure that the planned facilities for breastfeeding and/or storing/expressing breast milk are fully accessible taking into account all relevant factors?

YES/NO

** Please continue on a separate sheet if required

Signed by employee _____ Date

Signed by manager _____ Date

Copy to: Employee
 Workforce Services

Appendix 5 Adoption Leave/Pay Application Form

Please complete this form and send to Workforce Services as soon as possible in order for your entitlements to be confirmed.

Full name:					
Home address:					
Telephone number:					
Post held:					
Base:					
Hours per week:		Are you in receipt of excess travel expenses?			Yes / No
Manager's name					
Manager's Job title:					
Lincolnshire Community Health Services NHS Trust start date					
Continuous NHS service commenced (where applicable):					
Expected date of placement of child/children:					
In accordance with the conditions of service I wish to apply for adoption leave entitlement (insert Entitlement 1, 2, 3 or 4 as indicated in Appendix 1 of Policy guidance notes). I agree to the conditions that are relevant to the entitlement I have indicated:					
I intend to commence adoption leave on:					
Working up to the		week before the expected date of placement.			

Option 1

I intend to return by (date)..... (no more than 12 months from the adoption leave start date).

I will notify my manager in writing to confirm this date and/or to notify of any change to this date at least 8 weeks before my return.

If I am prevented from returning to work until after the notified date, I will undertake to inform my manager as soon as practicable, and where appropriate, provide a medical certificate.

Failure to return

In the event of my failing to return to work I agree to repay the overpayment based on lesser entitlement and where I have received adoption leave pay based on my returning to work.

Option 2

I wish to defer the decision to return to work

I do not wish to make a final decision about returning to work until after the adoption leave commences.

In this event you will only receive your entitlement to Statutory Adoption Pay. Any additional pay to which you are due will be made following your return to duty.

Option 3

I do not intend to return to work for this NHS organisation, but intend to work for another NHS organisation

I anticipate my last day of employment with LCHS to be:.....

Option 4

I do not intend to return to work

Upon completion of adoption leave I do not intend to return to work. I anticipate my last day of employment with LCHS to be:.....

Please see entitlements – EF3 will not be completed until the manger receives written notification of final notice.

I have chosen Option

Print Name:.....

Signed:.....Date:

Appendix 6 Paternity Leave Application Form

Please retain the guidance notes for your information.

On completion of this form please return to Workforce Services as soon as possible.

Full name:	
Home address:	
Telephone number:	
Post held:	
Base:	
Hours:	
Manager's name	
Manager's Job title:	
Lincolnshire Community Health Services NHS Trust start date	
Continuous NHS service commenced (where applicable):	
Date of birth of child(ren):	
Relationship to child(ren): (Please enclose copy of MAT B1/ Birth Certificate/Matching Certificate as proof)	

In accordance with the conditions of service I wish to apply for Paternity leave

I agree to the conditions that are relevant to the entitlement as stated in the Family Leave Policy. I request approval to commence paternity leave (no later than 56 days after the baby(s) birth:

From:.....

Until.....

I have read and understand the section on paternity leave in the Family Leave Policy and all information provided is correct to the best of my knowledge

Employee Signed:..... Date

I agree to the above employee receiving the stated time off with/ without pay and that they fit the criteria stipulated in the Family Leave policy:

Managers signature:.....Date.....

Appendix 7

Unpaid Parental Leave Application Form

Please complete this form and send to Workforce Services as soon as possible in order for your application to be approved.

Full name:	
Home address:	
Telephone number:	
Post held:	
Base:	
Hours:	
Manager's name	
Manager's Job title:	
Lincolnshire Community Health Services NHS Trust start date	
Continuous NHS service commenced (where applicable):	
Date of birth of child/Date of placement of adopted child (Please enclose a copy of your child's birth certificate/matching certificate when returning your application form):	
Please indicate if your child is registered disabled:	Yes / No

Dates of unpaid parental leave applied for:

From:.....

To:.....

Please note the maximum entitlement for unpaid parental leave is 18 weeks. No more than 4 weeks unpaid parental leave may be taken in any 12 month period.

Please indicate below the dates of any previous unpaid parental leave already taken:

.....

Employee Signature:.....

Manager Signature:.....

Date:.....

Appendix 8 Keeping in Touch (KIT) Days Completion Form

Following completion of a mutually agreed KIT day(s) the following details should be completed so that payment can be made.

Completed forms should be sent to the Payroll Department, Gervas House, Lincoln. A copy should also be sent to Workforce Services and copies retained by the employee and manager.

Employee Name:

Home address:

.....

Post held:

Base:.....

Manager's name and title:

Date maternity leave commenced:

Expected date of return to work:.....

Details of KIT day(s) worked:

Date(s) worked:	Number of hours worked on each day:

Number of KIT days now taken (max 10)

I confirm that the above work was undertaken as detailed above. Please arrange for the employee to receive payment accordingly.

Employee Signature:..... Date:

Manager Signature:..... Date:

Appendix 10 Shared Parental Leave in Touch (SPLIT) Days Completion Form

Following completion of a mutually agreed SPLIT day(s) the following details should be completed so that payment can be made.

Completed forms should be sent to the Payroll department, Gervas House, Lincoln. A copy should also be sent to Workforce Services, Bridge House and copies retained by the employee and manager.

Employee Name:

Home address:

.....

Post held:

Base:.....

Manager's name and title:

Date Shared Parental Leave commenced:

Expected date of return to work:.....

Details of SPLIT day(s) worked:

Date(s) worked:	Number of hours worked on each day:

Number of SPLIT days now taken (max 20)

I confirm that the above work was undertaken as detailed above. Please arrange for the employee to receive payment accordingly.

Employee Signature:..... Date:

Manager Signature:..... Date:

Equality Analysis

Title: Family Leave Policy

Relevant line in:

What are the intended outcomes of this work?

This policy is intended as a guide for both employees and managers and contains details about the Trust's provision for maternity, adoption, paternity and parental leave. Having children is fundamental to family life in the majority of relationships and this policy aims to remove any worries about work that parents may have and encourage them to return to work with Lincolnshire Community Health Services NHS Trust.

The policy outlines at what point employees may begin their leave and the process to follow to ensure the period before, during and after is well planned and goes smoothly. The policy also provides information about benefits employees will be entitled to and how to obtain these.

Who will be affected? Staff and Managers

Evidence *The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment.*

The Trust recognises the contribution of its employees make to the future development and success of the Trust and is therefore committed to recruit and retain staff of the highest calibre.

This policy has been written with care to make it as accurate and reliable as possible, however in the case of any conflict, the statutory and legal provisions as they relate to the issue in question will prevail.

What evidence have you considered? *List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence, state what you will do to close them in the Action Plan on the last page of this template.*

Disability *Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.*

None identified

Sex *Consider and detail (including the source of any evidence) on men and women (potential to link to carers below).*

None identified

Race *Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.*

None identified

Age *Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.*

None identified

Gender reassignment (including transgender) *Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.*

None identified

Sexual orientation *Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people.*

None identified
Religion or belief Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.
None identified
Pregnancy and maternity Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.
None identified
Carers Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities.
None identified
Other identified groups Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.
None identified

Engagement and involvement
Was this work subject to the requirements of the Equality Act and the NHS Act 2006 (Duty to involve) ? Yes
How have you engaged stakeholders in gathering evidence or testing the evidence available? Circulation of draft documents trust wide including staff side.
How have you engaged stakeholders in testing the policy or programme proposals? Circulation of draft documents trust wide including staff side.
For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:.
Employees and staff side representation

Summary of Analysis Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.
No potential for differential impact identified but any required alterations will be managed through Employment policy Group if they emerge.
Eliminate discrimination, harassment and victimisation Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).
None identified
Advance equality of opportunity Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).
None identified
Promote good relations between groups Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).
None identified

What is the overall impact? Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?

None identified

Addressing the impact on equalities Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.

None identified

Action planning for improvement Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Actions to improve the policy/programmes need to be summarised (An action plan template is appended for specific action planning). Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.

Please give an outline of your next steps based on the challenges and opportunities you have identified. Include here any or all of the following, based on your assessment

- Plans already under way or in development to address the **challenges** and **priorities** identified.
- Arrangements for continued engagement of stakeholders.
- Arrangements for continued monitoring and evaluating the policy or service for its impact on different groups as the policy/service is implemented (or pilot activity progresses)
- Arrangements for embedding findings of the assessment within the wider system, other agencies, local service providers and regulatory bodies
- Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results
- Arrangements for making information accessible to staff, patients, service users and the public
- Arrangements to make sure the assessment contributes to reviews of DH strategic equality objectives.

For the record

Name of person who carried out this assessment:

Karla Richardson

Date assessment completed:

October 2018

Name of responsible Director/Director General:

Maz Fosh

Date assessment was signed:

October 2018