

FAMILY LEAVE POLICY

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FAMILY POLICY

This policy explains:

- your rights when you are pregnant, on maternity leave and on your return to work after your baby is born
- your rights to paternity leave when your partner gives birth or adopts a child (and you are not taking adoption leave)
- your rights if you are an adoptive parent, to take adoption leave from work
- your rights to Shared Parental Leave
- your entitlement, as a parent to take time off work to look after your child
- your rights when fostering to adopt.

We aim to ensure a consistent and fair approach to expectant and return to work parents showing sensitivity and consideration of your individual circumstances and personal preferences. We will assist and support employees, taking account of safe working, continuation of duties during the expectant time, and satisfactory return to work where applicable.

The law relating to parental rights is complex. We have tried to simplify the rules, as far as possible but you should not hesitate to contact your AGEM HR team if you have any questions.

The LICB is committed to promoting equality of opportunity in employment.

Who does the policy apply to?

This policy applies to all our employees. Your eligibility for maternity, paternity, adoption, parental or fostering rights are detailed within the policy.

MATERNITY

1. Telling us about your pregnancy

- 1.1 We encourage you to tell us about your pregnancy as soon as you feel comfortable doing so. This gives us a chance to deal with any health and safety issues and provide any other relevant support.
- 1.2 When you decide to tell us about your pregnancy, you should contact your line manager. A New Parent Form (HR5) is available from your line manager or the LICB Intranet for you to use.
- 1.3 You must tell us about your pregnancy by the start of the 15th week before the week in which the baby is due. This is the latest date that you can tell us that you plan to take maternity leave.

2. Taking time off during pregnancy

- 2.1 If you are pregnant you can take reasonable time off work with pay for antenatal care. This includes appointments with your doctor or midwife, hospital appointments connected with your pregnancy or other appointments advised by your doctor, midwife or health visitor.
- 2.2 You should give your line manager as much notice as possible of the appointment.
- 2.3 Except for your first appointment, you may be asked for a certificate from your doctor, midwife or health visitor stating that you are pregnant; and an appointment card or some other documents confirming your appointment.
- 2.4 You will be paid at your normal hourly rate for your time off for ante-natal care. Your partner is entitled to take unpaid time off work to accompany you to up to two of your ante-natal appointments. Further information is provided in section 20 of this policy.

3. Maternity leave

3.1. Ordinary and Additional Maternity Leave

- 3.1.1 You are entitled to 52 weeks maternity leave, regardless of your hours of work or length of employment with us. However, it is important that you give us the correct notice. This is explained in more detail below.
- 3.1.2 Maternity leave is made up of 26 weeks Ordinary Maternity Leave immediately followed by 26 weeks Additional Maternity Leave. We refer to these as OML and AML in this policy.
- 3.1.3 In accordance with relevant legislation you must take a minimum of 2 weeks' leave after giving birth.

3.2. Notification requirements

- 3.2.1 To ensure that you are entitled to take maternity leave you must comply with certain notification requirements explained in this section.
- 3.2.2 You must give us the following information by the start of the 15th week before the week in which your baby is due (or as soon as you can if it was not reasonably practical for you to tell us before then). You will need to tell us:

- that you are pregnant;
- when the baby is expected to be born; and
- when you want your maternity leave to start.

3.2.3 You should make sure that you tell us in writing about the date on which you expect to start your maternity leave and submit your MATB1 form which will be given to you by a doctor or a midwife confirming your baby's expected birth date.

3.3. Starting maternity leave

3.3.1 You cannot start your maternity leave earlier than 11 weeks before the week in which your baby is due, unless, of course, your baby is born prematurely before then.

If you are away from work on sick leave for a reason related to your pregnancy at any time after the start of the 4th week before the week in which your baby is due, this will automatically trigger the start of your maternity leave.

3.4. Changing the start date of your maternity leave

3.4.1 If you want to change the start date of your maternity leave, you must tell us about the new start date either 28 days before the new date, or, if earlier, 28 days before your original start date (unless this is not reasonably practical, in which you should tell us as soon as you can).

3.5. Confirmation from us

3.5.1 We will write to you within 28 days of receiving your notification, confirming the date on which we expect you to come back to work if you take your full entitlement to maternity leave.

4. Statutory Maternity Pay

4.1. Rights to Statutory Maternity Pay (SMP)

4.1.1 The qualifying conditions for SMP are different from the conditions for maternity leave. You will be entitled to SMP if:

- you have been continuously employed by us for 26 or more weeks by the end of the 15th week before the week in which your baby is due; and
- you stop working for a reason connected with your pregnancy; and
- you are still pregnant 11 weeks before the week in which your baby is due, or have had your baby by then; and
- your average earnings (based on an 8-week reference period prior to the 15th week before the week in which your baby is due) are not below the lower earnings limit set by the Government
- you have given at least 28 days' notice of the date you expect to start receiving SMP (which, in practice, will be the date you expect to start your maternity leave).

If you are not entitled to SMP, perhaps because you have not worked for us for 26 weeks or more, you may be entitled to maternity allowance. Your local Jobcentre Plus will be able to help you with this.

4.2. Amount of SMP

- 4.2.1 SMP is payable for 39 weeks in total. If you are eligible for SMP, you will receive it during all of your OML and for the first 13 weeks of your AML (assuming you have not come back to work by then).

SMP is paid at a higher and lower rate. For the first six weeks of maternity leave, SMP is paid at 90% of your average weekly earnings. The lower rate of SMP is payable for the remaining 33 weeks and is a fixed statutory amount set each year by the Government.

If you come back to work before the end of the 39-week period during which SMP is payable, your entitlement to SMP will stop on your return to work.

You will receive SMP through the normal payroll. The usual deductions for tax and national insurance apply.

SMP replaces your usual salary while you are on maternity leave.

5. Occupational Maternity Pay

5.1. Eligibility for Occupational Maternity Pay

- 5.1.1 Eligibility for Occupational Maternity Pay will be 12 months' continuous service with one or more NHS employer at the beginning of the eleventh week before the expected week of childbirth and you have complied with notification requirement.

- 5.1.2 Where you intend to return to work with the same or another NHS employer for a minimum period of 3 months after your Maternity Leave has ended, you will be entitled to occupational maternity pay, receivable as follows:

Occupational pay will be made up of:

8 weeks	Full pay
18 weeks	Half pay
Remaining 26 weeks	Unpaid leave

However, if you qualify for both SMP and NHS OMP this will be made up of:

8 weeks	Full pay less any SMP/SMA receivable
18 weeks	Half pay plus the flat rate of SMP (or average weekly earnings, whichever is lower) providing the total does not exceed full pay

13 weeks	Flat rate SMP (or 90 per cent of their average weekly earnings, whichever is the lower)
Remaining 13 weeks	Unpaid leave

Please refer to 13.5 if you decide not to return to work following your maternity leave.

5.2. Agreeing to pay Occupational Maternity Pay differently

- 5.2.1 By prior agreement with payroll, Occupational Maternity Pay can be paid in a different way, for example fixed amounts spread equally over the Maternity Leave period. Although, please note it is not normally possible to change the method of payment for SMP, therefore the first 6 weeks of Maternity Pay would be paid at the higher rate.

6. Employees participating in a Salary Sacrifice Schemes

- 6.1 If you are participating in the Childcare Voucher Scheme you should contact the Childcare Voucher provider and take advice on the impact of salary sacrifice on the calculation of Maternity Pay. This should be done before you are 15 weeks pregnant.
- 6.2 If you have you have entered a salary sacrifice scheme i.e, Lease Car, Home Electronics or Cycle to Work scheme, this should be entered this onto your HR5 New Parent form. If you have a lease car, please contact the Lease Car provider.

7. Alternative Contracts e.g., Fixed-Term

- 7.1 If you are subject to a fixed-term contract which expires after the 11th week before the expected week of childbirth and you satisfy the conditions in paragraphs **3.2 and 5.1** above, you shall have your contract extended so as to allow you to receive the 52 weeks entitlement, which includes paid Occupational and Statutory Maternity Pay and the remaining 13 weeks of unpaid Maternity Leave.
- 7.2 If your contract is due to expire and there is no entitlement to Occupational Maternity Pay, but you satisfy the qualifying conditions to receive Statutory Maternity Pay, your contract will be extended to facilitate the payment of SMP and a further 13 weeks unpaid Maternity Leave.
- 7.3 Where your partner takes Shared Parental Leave your contract will only be extended to the date that your Maternity Leave ends.
- 7.4 If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions will not apply.

8. Terms and conditions during maternity leave

- 8.1 During both Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML) all your normal terms and conditions of employment remain unchanged, except for your right to remuneration which is explained above.

9. Accrual of annual leave

- 9.1 Annual leave is accrued during the Maternity/Adoption Leave period (paid and unpaid) at the

normal entitlement rate. This includes the accrual of bank and public holidays you would normally be entitled to.

- 9.2 Annual leave will continue to accrue as normal during maternity leave but paid annual leave cannot be taken during maternity leave. A maximum of five days annual leave may be carried forward to the next leave year (pro-rata for part-time staff). Where the amount of accrued annual leave would exceed normal carry over provisions, you and your line manager should make arrangements for the annual leave to be taken before and/or after the formal (paid and unpaid) Maternity Leave period.

10. Pensions (Maternity)

The following will apply if you are a member of the NHS Pension Scheme.

10.1. Employee contributions

- 10.1.1 While you are on maternity leave and receiving SMP and/or any additional contractual maternity pay (e.g., occupational maternity pay), you will pay contributions as a percentage of the pay that you actually receive, i.e. if your percentage rate for member contributions is 5% gross, these will be calculated as 5% gross of the amount you actually receive.

10.2. Employer contributions

- 10.2.1 While you are on maternity leave and receiving SMP and/or any additional contractual maternity pay (e.g., occupational maternity pay) we pay contributions that are based on the pay that you would have received had you not been on maternity leave, i.e. your basic salary (and any other regular payments but not including bonuses, expenses or overtime), at the percentage relevant to you.

10.3. Unpaid maternity leave – making up contributions

- 10.3.1 Any period of unpaid maternity leave will not be treated as pensionable service under the pension scheme. When you return to work you will be offered the opportunity to pay the contributions for such period of unpaid maternity leave so that it is treated as pensionable. The contributions will be based on the amount of pay you were receiving immediately before you went on to nil pay.
- 10.3.2 If you have any other pension queries you should discuss these with a NHS Pensions Manager.

11. Lease Car

- 11.1 If you have a lease car you should contact the car leasing company for further information.

12. Keeping in Touch

- 12.1 Before you start your maternity leave, we will discuss with you the options for keeping in touch while you are away from work.
- 12.2 The law allows you to do up to 10 days work for the ICB during your maternity leave, should you and the ICB wish this to happen. There is no obligation on you to do this and no obligation on us to provide you with any work. These days of work are known as 'keeping in touch days'.

12.1. Payment issues

SMP

- 12.1.1 If you do any work for us your statutory maternity pay will not be at risk (this would have been the case in the past). Instead, your SMP will be topped up to reflect the time you have spent doing work for us. So, for example, if you work for us for three days in one week, we will calculate what three days' pay would normally be, deduct your SMP from this amount and make a payment to you of the balance on your normal pay day.
- 12.1.2 If you work for us for only a part of a day, we will calculate an hourly rate and use this to work out how much is due to you. Your SMP will always count as part of your remuneration in any week and will be deducted before any extra payment is made to you.
- 12.1.3 Time spent travelling to and from the office will not count as working time when we are calculating pay due to you.

12.2. Reasons for working for us

- 12.2.1 There may be several reasons why we will ask you whether you are willing to attend work. These might include:
- Training
 - Team away days
 - Updates on developments in the ICB
 - Involvement in recruitment issues such as interviewing new staff
 - Annual appraisals.
- 12.2.2 This is not an exhaustive list and the kinds of work we might ask you to do will vary according to your role. We stress that whether or not, you do such work is very much a matter for discussion between us and there is no obligation on you to do so and no expectation on our part that you will.

12.3. Location of work

- 12.3.1 A keeping in touch day will often involve coming into the office, but this will not always be the case and we may ask if you are willing to undertake some work from home.
- 12.3.2 We will contact you during your maternity leave if an opportunity arises for you to work a keeping in touch day and will give you as much notice as possible. If you are aware of an event or meeting that you would like to attend on a keeping in touch day, please contact your line manager to discuss it.
- 12.3.3 Please remember that you cannot work more than 10 keeping in touch days during your maternity leave period (which includes ordinary and additional maternity leave).
- 12.3.4 If you have any queries, please contact your line manager or the HR Team.

13. Returning to work after maternity leave

13.1. Returning on the Expected Return Date

- 13.1.1 If you are returning to work at the end of your maternity leave ("Expected Return Date"), you don't need to notify us in writing, although it would be helpful if you would do so.

13.2. Returning before your Expected Return Date

- 13.2.1 If you decide to come back to work before your Expected Return Date you must give us at least 8 weeks' notice. We can postpone your return date until 8 weeks after you gave notice, or your Expected Return Date, if earlier. A standard notification form is available from your line manager or the AGEM HR team if you would like to use it.

13.3. Returning after your Expected Return Date

- 13.3.1 Your entitlement to maternity leave is to 52 weeks' leave. If you want to apply for further time off, you should either request parental leave or annual leave. We will consider your request in line with our policies and usual practice for parental and annual leave.

13.4. Sickness Absence

- 13.4.1 If you are unable to come back to work because of sickness or injury, your absence will be treated as sickness absence and our usual sick leave policy will apply.

13.5. Deciding not to return

- 13.5.1 If you decide you do not wish to return to work at all, you must give us written notice as required by your contract of employment.
- 13.5.2 If you fail to return to work with the ICB or a different NHS employer within 15 months of the beginning of your maternity leave, you will be liable to refund the whole of your maternity pay, less any Statutory Maternity Pay, received. In cases where the ICB considers that to enforce this provision would cause undue hardship or distress, the ICB will have the discretion to waive its rights to recovery.

14. Your rights on return to work

14.1. Returning after OML

- 14.1.1 If you return to work at the end of your OML, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been away (unless a redundancy situation has arisen in the meantime).

14.2. Returning after AML

- 14.2.1 If you return during or at the end of your AML you are entitled to come back to the same job on the same terms and conditions of employment as if you had not been away unless it is not reasonably practicable for you to return to the same job. In this case you will be offered a similar job that is suitable and appropriate (unless a redundancy situation has arisen).

15. Breast-feeding

- 15.1 If you intend to breastfeed following your return to work, you should discuss with your line manager how this can be facilitated. Where you intend to breastfeed following your return to work a risk assessment should be undertaken prior to your return to work.

16. Health and safety

- 16.1 As your employer, we have a general duty to take care of your health and safety. As part of that duty, we are required to carry out an assessment of the risks in the workplace to pregnant women, those who have given birth in the last six months or who are still breastfeeding.

16.2 If we identify any risks that might affect you, we will discuss these with you and any steps we believe are necessary to protect your health and safety (Appendix 4).

17. Unplanned end of Pregnancy/Premature birth

17.1. In the event that the baby is born early

17.1.1 Should the baby be born earlier than the 11th week before it is due, Maternity Leave will normally commence from the day following the birth.

17.2. In the event of a Stillbirth

17.2.1 Where an employee's baby is stillborn after the 24th week of pregnancy the employee will be entitled to the same amount of Maternity Leave and pay as if their baby was born alive.

17.3. Miscarriage

17.3.1 Should miscarriage occur before the 25th week of pregnancy then normal sick leave provisions will apply. Please refer to the LICB Managing Attendance Policy (HR005).

18. Help and advice

18.1 If you need any more information about your maternity rights, you should ask your line manager or HR representative who will be pleased to help.

PATERNITY

19. How long is paternity leave

19.1 Ordinary Paternity Leave is for either one week or two consecutive weeks', but not individual days. If you choose to take one week, you cannot take a second week at a later date.

20. Ante-natal leave

20.1 The partner of a pregnant person, is entitled to take unpaid time off work to accompany the mother to up to two ante-natal appointments. "Partner" includes spouse, or civil partner, and a person (of either sex) in a long-term relationship.

20.2 If you are the partner of the pregnant person, then you are entitled to unpaid leave to accompany them to up to two ante-natal appointments. This time off is capped at six and a half hours per appointment.

20.3 You may be asked for confirmation of the date and time of the ante-natal appointment(s).

21. Birth or adoption related paternity leave

21.1 There are two types of paternity leave – birth related, and adoption related, paternity leave. The rules relating to each are different and are described below.

22. Birth related paternity leave

22.1. Are you eligible for paternity leave on the birth of a child?

- 22.1.1 You are eligible for paternity leave on the birth of a child if you meet the following conditions:
- you have worked for us as an employee continuously for at least 26 weeks by the end of the 15th week before the week in which your baby is due and you are still employed by us when the baby is born
 - you are the baby's biological father, or the husband or partner (including same sex partners)
 - you have, or expect to have, responsibility for the child's upbringing; and
 - you comply with the notification requirements set out below.

22.2. When can paternity leave start?

- 22.2.1 You can start your paternity leave:
- on the date of the child's birth (whether this is earlier or later than expected); or
 - from a number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), as chosen by you; or
 - from some other date chosen by you that is after the expected date of birth.
- 22.2.2 Leave can start on any day of the week on or following the child's birth but must be completed:
- within 56 days of the actual date of birth of the child; or
 - if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.
- 22.2.3 You can only take one period of paternity leave even if your partner has more than one child from the same pregnancy.

22.3. Notification requirements

- 22.3.1 It is important that you comply with the following notification requirements. If you do not, you may lose your entitlement to take paternity leave. A New Parent Form (HR5) is available from your line manager or the AGEM HR team.

You must notify us:

- when the baby is expected to be born
 - when you want your paternity leave to start, and
 - whether you want to take one or two weeks leave.
- 22.3.2 You should also confirm that you are taking leave for the purpose of caring for the child or supporting the child's mother and confirm you meet the eligibility conditions set out in 21.1 above.
- 22.3.3 You must provide the notification by the start of the 15th week before the week in which the baby is due (or as soon as you can if it was not reasonably practical for you to tell us then).

23 Adoption related paternity leave

23.1 Are you eligible for paternity leave on the placement of a child for adoption?

- 23.1.1 You are eligible for paternity leave on the placement of a child for adoption if you meet the following conditions:
- you have worked for us as an employee continuously for at least 26 weeks by the time

your spouse or partner is notified of being matched with a child for adoption and you are still employed by us when the child is placed for adoption

- you are married to, or the partner of, the child's adopter (including same sex partners);
- you are not taking adoption leave
- you have, or expect to have, responsibility for the child's upbringing
- you comply with the notification requirements set out below.

23.2 When can adoption related paternity leave start?

23.2.1 You can start your paternity leave:

- on the date of the child's placement with the adopter (whether this is earlier or later than expected); or
- from a number of days or weeks after the date of the child's placement for adoption (whether this is earlier or later than expected) as chosen by you; or
- from some other date chosen by you that is after the expected date of placement.

23.2.2 Leave can start on any day of the week on or following the child's placement for adoption but must be completed within 56 days of the actual date of placement of the child for adoption.

23.2.3 You can only take one period of paternity leave even if your partner has more than one child placed with them for adoption as part of the same adoption arrangement.

23.3 Notification requirements

23.3.1 It is important that you comply with the following notification requirements. If you do not, you may lose your entitlement to take paternity leave. A standard notification form is available from your line manager or the AGEM HR team.

You must notify us:

- of the date of placement for adoption
- when you want your adoption related paternity leave to start; and
- whether you want to take one or two weeks leave.

23.3.2 You should also confirm that you are taking leave for the purpose of caring for the child or supporting the child's adopter and confirm you meet the eligibility conditions set out in 22.1 above.

23.3.3 You must provide the notification no later than seven days after the date of notification that the child is being placed for adoption (or as soon as you can if it was not reasonably practical for you to tell us then).

23.4 Adoption Appointments

23.4.1 You will be entitled to take unpaid time off for up to two adoption appointments.

24 Changing the start date of your paternity leave

24.1 You can change your mind about the date you want your leave to start providing you tell us at least 28 days in advance (unless this is not reasonably practicable).

25. Statutory Paternity Pay

25.1 Rights to Statutory Paternity Pay (“SPP”)

25.1.1 You will be entitled to SPP if you meet the qualifying conditions for paternity leave (above) and, in addition:

- your average earnings (based on an 8-week reference period prior to the 15th week before the baby is due) are not below the lower earnings limit set by the Government; and
- you comply with the notification requirements set out below.

25.2 Notification Requirements for Statutory Paternity Pay

25.2.1 As explained above, the notification requirements for paternity leave and paternity pay are slightly different. To receive SPP, you must confirm the information required to take paternity leave and, in addition, confirm the following:

For paternity pay relating to the birth of a child:

- whether you want to receive SPP for one or two weeks and when you want your pay to start; and
- that you are the baby’s biological father or mother’s partner and that you will have responsibility for the child’s upbringing and that you will care for the child or support the child’s mother while getting SPP.

For paternity pay relating to the adoption of a child:

- whether you want to receive SPP for one or two weeks and when you want your pay to start
- that you are married to, or the partner of, the child’s adopter and that you will have responsibility for the child’s upbringing and that you will care for the child or support the child’s adopter while getting SPP; and
- that you are not receiving statutory adoption pay.

25.3 Timing

25.3.1 You must notify us at least 28 days in advance of when you want your SPP to begin. If you cannot give 28 days’ notice you must give us as much notice as possible and tell us why there has been a delay.

It is important that you comply with these notification requirements. If you do not, you may lose your entitlement to paternity pay.

25.4 Amount of SPP

25.4.1 SPP is payable for the length of your paternity leave – either one week or two weeks. SPP is paid at a fixed statutory rate set each year by the Government. If you come back to work before the end of your paternity leave period during which SPP is payable, your entitlement to SPP will stop on your return to work.

25.4.2 You will receive SPP through the normal payroll. The usual deductions for tax and national insurance apply.

- 25.4.3 SPP replaces your usual salary while you are on paternity leave. All other contractual benefits remain unchanged.

26. Occupational pay during paternity leave

- 26.1 There will be an entitlement to two weeks' occupational ordinary paternity pay. Full pay will be calculated based on the average weekly earnings rules used for calculating occupational maternity pay entitlements. You will receive full pay less any statutory paternity pay receivable. Only one period of occupational paternity pay is ordinarily available when there is a multiple birth.
- 26.2 Eligibility for the two weeks of occupational paternity pay will be 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due.
- 26.3 If you are not eligible for the two weeks of occupational paternity pay, you may still be entitled to statutory paternity pay subject to meeting the qualifying conditions found in Section 25 of this policy.

27. Pensions (Paternity)

If you are a member of the NHS Pension Scheme the following will apply.

27.1 Employee contributions

- 27.1.1 If you are a pension scheme member, when you are on paternity leave and receiving SPP or contractual paternity pay, you will pay contributions as a percentage of the pay you actually receive. For example, if your percentage rate for member contributions is 5% gross, these will be calculated as 5% gross of the amount of pay you actually receive.

27.2 Employer contributions

- 27.2.1 While you are on paternity leave and receiving SPP and/or any additional statutory paternity pay or additional contractual paternity pay, we pay contributions that are based on the pay that you would have received had you not been on paternity leave, i.e. your basic salary (and any other regular payments but not including bonuses, expenses or overtime)², at the percentage relevant to you.

27.3 Making up contributions

- 27.3.1 Any period of unpaid paternity leave will not be treated as pensionable service under the pension scheme. When you return to work you will be offered the opportunity to pay the contributions for such period of unpaid paternity leave so that it is treated as pensionable. The contributions will be based on the amount of pay you were receiving immediately before you went on to nil pay.
- 27.3.2 If you have any other pension queries you should discuss these with NHS Pensions.

28. Return to work after paternity leave

- 28.1 You are entitled to return to the same job following paternity leave.

29. Help and advice

- 29.1 If you need any more information about your paternity rights, you should ask your line manager or a HR representative who will be pleased to help.

ADOPTION

30. Adoption Leave

The adoption provisions of this policy apply to all our employees who meet the eligibility conditions below. It doesn't matter how many hours per week you work.

Although similar provisions apply to adoptions from overseas, the detailed operation of the scheme is slightly different. If you are adopting from overseas, you should contact the AGEM HR team for advice on your rights to adoption leave and pay.

30.1 Ordinary and Additional Adoption Leave

30.1.1 If a child is due to be placed with you for adoption, and you meet the eligibility conditions explained below, you are entitled to 52 weeks adoption leave, regardless of your hours of work. However, it is important that you give us the correct notice. This is explained in more detail below.

30.1.2 Adoption leave is made up of 26 weeks Ordinary Adoption Leave immediately followed by 26 weeks Additional Adoption Leave. We refer to these as OAL and AAL in this policy.

30.2 Are you entitled to adoption leave?

30.2.1 You are eligible for adoption leave if you meet the following conditions:

- you are newly matched with a child for adoption by an approved adoption agency; or
- you are a member of a couple jointly matched with a child for adoption by an approved adoption agency (and your partner is not taking adoption leave)
- you have notified the agency that you are accepting the placement and agreed a date for it to start
- your fostering a child permanently and becoming their legal parent, therefore you are 'fostering to adopt'
- you are an employee at the beginning of the week in which you are notified that you are being matched with a child for adoption; and
- you comply with the notification requirements set out below.

You are not eligible for adoption leave or pay if you already know the child, for example, as a step-parent or foster carer.

30.3 Notification requirements

30.3.1 The notification requirements for adoption leave and adoption pay are slightly different. Set out below are the requirements for adoption leave. Additional notification requirements for adoption pay are dealt with later and to help you we have a New Parent Form (HR5) for you to complete that satisfies the legal requirements for both adoption leave and pay.

30.3.2 It is important that you comply with the following notification requirements. If you do not, you may lose your entitlement to take adoption leave.

You must notify us:

- when the child is expected to be placed with you; and
- when you want your adoption leave to start.

You must do this within seven days of being told by your adoption agency that you have been matched with a child for adoption, or if this is not reasonably practicable, as soon as you can.

We will need to see a “matching certificate” from the adoption agency. The matching certificate should include the following information:

- the name and address of the agency
- the name and date of birth of the child
- the date on which you were notified that you had been matched with the child; and
- the date on which the agency expects to place the child with you or, if the placement has already occurred, the date the placement occurred.

30.4 Starting adoption leave

30.4.1 Your adoption leave can start from:

- the date the child is placed with you; or
- a date of your choice, up to 14 days before the date you expect the child to be placed with you.

30.5 Changing the start date of your adoption leave

30.5.1 If you need to change the date on which you want to start your adoption leave you must give us 28 days’ notice.

Please note that you cannot start your adoption leave later than the day after the placement or more than 14 days before the expected placement date.

30.6 Confirmation from us

30.6.1 We will write to you within 28 days of receiving your notification, confirming the date on which we expect you to come back to work if you take your full entitlement to adoption leave.

31 Surrogate parents

Intended Parents in Surrogacy agreements that use parental orders may qualify for Adoption Leave and Pay, in line with ACAS guidance.

32 Fostering for Adoption

32.1 The Scheme

32.1.1 The Fostering for Adoption scheme, also known as concurrent planning, enables a child to be placed with potential adoptive parents rather than temporary foster carers at a much earlier stage in the process. If the court later decides that the child should be adopted and the adoption agency approves the ‘match’ between these carers as adopters and the child, the placement becomes an adoption placement.

32.2 Entitlement

32.2.1 If you are fostering a child under the Fostering for Adoption scheme, you may be entitled to Adoption Leave and Pay, in line with ACAS guidance.

32.3 Providing Evidence

- 32.3.1 If you are fostering to adopt, you must provide evidence of the placement e.g., a letter from the adoption agency.

33 Statutory Adoption Pay

33.1 Rights to Statutory Adoption Pay (“SAP”)

- 33.1.1 You will be entitled to SAP if you meet the qualifying conditions for adoption leave (above) and, in addition:
- your average earnings (based on an 8-week reference period prior to you being notified of the adoption) are not below the lower earnings limit set by the Government; and
 - you comply with the notification requirements set out below.

33.2 Notification requirements for adoption pay

- 33.2.1 As explained above, the notification requirements for adoption leave and adoption pay are slightly different. To receive adoption pay, you must confirm the information required to take adoption leave and, in addition, confirm:
- your name and address; and
 - the fact that you intend to take statutory adoption pay and not statutory paternity pay.

You must notify us at least 28 days in advance of when you want your SAP to begin.

It is important that you comply with these notification requirements. If you do not, you may lose your entitlement to adoption pay.

33.3 Amount of Statutory Adoption Pay

- 33.3.1 SAP is payable for 39 weeks in total. If you are eligible for SAP, you will receive it during all of your OAL and for the first 13 weeks of your AAL (assuming you have not come back to work by then).

SAP is paid at a higher and lower rate. For the first six weeks of adoption leave, SAP is paid at 90% of your average weekly earnings. The lower rate of SAP is payable for the remaining 33 weeks and is a fixed statutory amount set each year by the Government.

If you come back to work before the end of the 39-week period during which SAP is payable, your entitlement to SAP will stop on your return to work.

You will receive SAP through the normal payroll. The usual deductions for tax and national insurance apply.

SAP replaces your usual salary while you are on adoption leave.

34. Occupational Adoption Pay “OAP”

There will be entitlement to paid occupational adoption leave for employees wishing to adopt a child who is newly placed for adoption.

OAP will be available for people wishing to adopt a child and has primary carer responsibilities for that child.

Eligibility for OAP will be 12 months' continuous NHS service ending with the week in which you are notified of being matched with the child for adoption providing compliance with notification requirements. This will cover circumstances where you are newly matched with the child by an adoption agency.

Where you intend to return to work with the same or another NHS employer for a minimum period of 3 months after your Adoption Leave has ended, you will be entitled to occupational maternity pay, receivable as follows:

- for the first 8 weeks of absence the employee will receive full pay, less any Statutory Adoption Pay or maternity allowance (including any dependents' allowances) receivable.
- for the next 18 weeks the employee will receive half of full pay, plus Statutory Adoption Pay or maternity allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay.
- for the next 13 weeks, the employee will receive any Statutory Adoption Pay or maternity allowance that they are entitled to under the statutory scheme.

Please refer to 39.5 if you decide not to return to work following your adoption leave.

34. Agreeing to pay Occupational Adoption Pay differently

34.3.1 By prior agreement with Pay Services, Occupational Adoption Pay can be paid in a different way, for example fixed amounts spread equally over the Adoption Leave period. Although, please note it is not normally possible to change the method of payment for SAP, therefore the first 6 weeks of Adoption Pay would be paid at the higher rate.

35. Employees participating in a Salary Sacrifice Scheme

35.3.1 If you are participating in the Childcare Voucher Scheme should contact the Childcare Voucher provider and take advice on the impact of salary sacrifice on the calculation of Adoption Pay. This should be done as soon as you have been informed that you have been matched with a child.

35.3.2 If you have you have entered a salary sacrifice scheme i.e., Lease Car, Home Electronics or Cycle to Work scheme, this should be entered this onto your HR5 New Parent form. If you have a lease car, please contact the Lease Car provider.

36. Adoption appointments

You are entitled to take paid time off for up to five adoption appointments.

37. Disruption to adoption leave

If, during OAL or AAL

- the adoption agency informs you that the child will not be matched with you; or
- the child dies; or
- the child's placement with you ends.

Your adoption leave will end eight weeks after the end of the week in which the disruption took place or the end of your SAP if sooner. Your right to SAP will also end at the same time.

38. Terms and conditions during adoption leave

During Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL) all your normal terms and conditions of employment remain unchanged, except for your right to remuneration which is explained above.

39. Pensions (Adoption)

The following will apply if you are a member of the NHS Pension Scheme.

39.1 Employee contributions

39.1.1 While you are on adoption leave and receiving SAP and/or any additional contractual adoption pay, you will pay contributions as a percentage of the pay that you actually receive, i.e., if your percentage rate for member contributions is 5% gross, these will be calculated as 5% gross of the amount you actually receive.

39.2 Employer contributions

39.2.1 While you are on adoption leave and receiving SAP and/or any additional contractual adoption pay, we pay contributions that are based on the pay that you would have received had you not been on adoption leave, i.e., your basic salary (and any other regular payments but not including bonuses, expenses or overtime), at the percentage relevant to you.

39.3 Making up contributions

39.3.1 Any period of unpaid adoption leave will not be treated as pensionable service under the pension scheme. When you return to work you will be offered the opportunity to pay the contributions for such period of unpaid adoption leave so that it is treated as pensionable. The contributions will be based on the amount of pay you were receiving immediately before you went on to nil pay.

If you have any other pension queries you should discuss these with the NHS Pensions.

40. Keeping In Touch

Before you start your adoption leave, we will discuss with you the options for keeping in touch while you are away from work.

The law allows you to do up to 10 days work for the ICB during your adoption leave, should you and the ICB wish this to happen. There is no obligation on you to do this and no obligation on us to provide you with any work. These days of work are known as 'keeping in touch days'.

40.1 Payment issues

SAP

40.1.1 If you do any work for us your statutory adoption pay will not be at risk (this would have been the case in the past). Instead, your SAP will be topped up to reflect the time you have spent doing work for us. So, for example, if you work for us for three days in one week, we will calculate what three days' pay would normally be, deduct your SAP from this amount and make a payment to you of the balance on your normal pay day.

40.1.2 If you work for us for only a part of a day, we will calculate an hourly rate and use this to work

out how much is due to you. Your SAP will always count as part of your remuneration in any week and will be deducted before any extra payment is made to you.

40.1.3 Time spent travelling to and from the office will not count as working time when we are calculating pay due to you.

40.2 Reasons for working for us

40.9.1 There may a number of reasons why we will ask you whether you are willing to attend work. These might include:

- Training
- Team away days
- Updates on developments in the ICB
- Involvement in recruitment issues such as interviewing new staff
- Annual appraisals.

40.9.2 This is not an exhaustive list and the kinds of work we might ask you to do will vary according to your role. We stress that whether or not you do such work is very much a matter for discussion between us and there is no obligation on you to do so and no expectation on our part that you will.

40.3 Location of work

40.10.1 A keeping in touch day will often involve coming into the office, but this will not always be the case and we may ask if you are willing to undertake some work from home.

40.10.2 We will contact you during your adoption leave if an opportunity arises for you to work a keeping in touch day and will give you as much notice as possible. If you are aware of an event or meeting that you would like to attend on a keeping in touch day, please contact [state name] to discuss it.

40.10.3 Please remember that you cannot work more than 10 keeping in touch days during your adoption leave period (which includes ordinary and additional adoption leave).

40.10.4 If you have any queries, please contact your line manager or the AGEM HR Team.

41 Returning to work after adoption leave

41.1 Returning on the Expected Return Date

41.1.1 If you are returning to work at the end of your adoption leave (“Expected Return Date”) you don’t need to notify us in writing, although it would be helpful if you would do so.

41.2 Returning before your Expected Return Date

41.2.1 If you decide to come back to work before your Expected Return Date you must give us at least 8 weeks’ notice. We can postpone your return date until 8 weeks after you gave notice, or your Expected Return Date, if earlier. A standard notification form is available from your AGEM HR team if you would like to use it.

41.3 Returning after your Expected Return Date

41.3.1 Your entitlement to **adoption** leave is to 52 weeks’ leave. If you want to apply for further time off, you should either request parental leave or annual leave. We will consider your request in

line with our policies and usual practice for parental and annual leave.

41.4 Sickness absence

- 41.4.1 If you are unable to come back to work because of sickness or injury, your absence will be treated as sickness absence and our usual sick leave policy will apply.

41.5 Deciding not to return

- 41.5.1 If you decide you do not wish to return to work at all, you must give us written notice as required by your contract of employment.
- 41.5.2 If you fail to return to work with the ICB or a different NHS employer within 15 months of the beginning of your adoption leave, you will be liable to refund the whole of your adoption pay, less any Statutory Adoption Pay, received. In cases where the ICB considers that to enforce this provision would cause undue hardship or distress, the ICB will have the discretion to waive its rights to recovery.

42. Your rights on return to work

42.1 Returning after OAL

- 42.1.1 If you return to work by the end of your OAL you are entitled to return to the same job on the same terms and conditions of employment as if you had not been away (unless a redundancy situation has arisen in the meantime).

42.2 Returning after AAL

- 42.2.1 If you return to work during or at the end of your AAL you are entitled to come back to the same job on the same terms and conditions of employment as if you had not been away unless it is not reasonably practicable for you to return to the same job. In this case you will be offered a similar job that is suitable and appropriate (unless a redundancy situation has arisen).

43. Miscellaneous

If there is an established relationship with the child, such as fostering, prior to the adoption, or when a step-parent is adopting a partner's children, there is scope for arrangements on the amount of leave and pay in addition to time off for official meetings.

If we employ both parents, the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer might be entitled to Shared Parental leave and pay.

44. Help and advice

- 44.1 If you need any more information about your adoption rights, you should ask your line manager or a AGEM HR team who will be pleased to help.

SHARED PARENTAL LEAVE

45. What is Shared Parental Leave?

Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption. It provides both parents with the opportunity to consider the best arrangements to care for their child during the child's first year.

The amount of leave available is calculated using the mother's entitlement to Maternity / Adoption Leave, which allows them to take up to 52 weeks' leave. If they reduce their Maternity / Adoption Leave entitlement, then they and / or their partner may opt into SPL and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother is still on Maternity / Adoption Leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike Maternity / Adoption Leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

46. What happens to Maternity / Adoption / Paternity Leave

Parents will remain entitled to take Maternity, Adoption and Paternity Leave. However, an eligible mother or adopter may now choose to reduce their Maternity / Adoption Leave early and opt into SPL.

A birth mother or adopter must take at least two weeks Maternity / Adoption Leave following the birth of a child or date of placement, but otherwise can end their Maternity / Adoption Leave at any stage.

47. Key Terms

Mother	the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female)
Partner	the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child
SPL	Shared Parental Leave
ShPP	Statutory Shared Parental Pay
SML	Statutory Maternity Leave
SMP	Statutory Maternity Pay
Continuous Leave	a period of leave that is taken in one block e.g., four weeks' leave
Discontinuous Leave	a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months
SPLIT day	Shared Parental Leave in Touch Day
Unpaid	separate to SPL, entitles employees to take up to 18 weeks off work to
Parental Leave	look after a child's welfare, this leave is normally unpaid
Match	when an adopter is approved to adopt a named child or children

Curtail	where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early.
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48. Eligibility for Shared Parental Leave and Pay

To qualify for SPL a mother must:

- have a partner
- be entitled to either Maternity/Adoption Leave **or** to Statutory Maternity/Adoption Pay or maternity allowance
- have curtailed, or given notice to reduce, their Maternity/Adoption leave, or their pay/allowance (if not eligible for Maternity/Adoption leave).

You must:

- be an employee
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.
- meet the continuity of employment test (below)

In addition, your partner must meet the 'employment and earnings test'.

Continuity of Employment test	Employment and Earnings test
<p>The individual has worked for the same employer for at least 26 weeks by the end of the 15th week before the child's due or the adoption match date.</p> <p>Is still working for the same employer a week before the start of each block of leave they take at the start of each leave period.</p>	<p>In the 66 weeks leading up to the baby's expected birth date or adoption matching date, the other parent must have worked for at least 26 weeks of the 66 weeks and earned an average of at least £30 a week in any 13 weeks (£390 in total).</p>

48.3 Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves, but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

48.4 If both parents are employees and both meet the qualifying requirements, then there will be a joint entitlement and the parents determine how to divide the leave entitlement once the mother has decided to curtail their Maternity / Adoption Leave.

48.5 The mother can share her leave with only **one** other person. SPL can:

- start on any day of the week
- only be taken in complete weeks (so if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday)
- be taken using three separate notices to book leave (more could be allowed at the Managers discretion)
- be taken by the partner, while the mother is still on Maternity / Adoption Leave if the mother reduces their entitlement to Maternity / Adoption Leave.

49. Shared Parental Pay (ShPP)

A mother, subject to certain criteria, will be entitled to Statutory Maternity Pay / Adoption Pay / Maternity Allowance for up to 39 weeks. If the mother gives notice to reduce their entitlement before they will have received it for 39 weeks, then any remaining weeks could become available as ShPP. ShPP is paid at the same rate as Statutory Maternity Pay (SMP).

If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.

To qualify for ShPP you must:

- meet the 'continuity of employment test'
- have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date/matching date
- still be employed with the same employer at the start of the first period of ShPP

Your partner must:

- meet the 'employment and earnings test'

If an employee's employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

50. Continuous and Discontinuous Leave

- 50.1 Each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks.

A **continuous block** means taking an unbroken period of leave. For example, this could be a notification for a period of six weeks' leave. Eligible employees have a statutory right to take SPL in this way and the organisation cannot refuse it.

A **discontinuous block** means asking for leave over a period of time, with breaks between the leave where you return to work. For example, four weeks' SPL followed by three weeks back at work, followed by a further four weeks' SPL. Discontinuous leave, in a single notice, can only be taken with the employer's agreement. The Organisation must discuss the request with you within 14 calendar days of this being received.

If a request for a discontinuous leave block is not agreed within 14 calendar days:

- the total amount of leave in the request must be taken as one continuous block, at a date chosen by you, no sooner than eight weeks from the date the original notification was given or if you don't choose, the date the requested discontinuous leave would have first started
- or
- you may withdraw your discontinuous leave notification. If you do withdraw the request, it will not count as one of their three notices to book leave.

Having an early discussion with your manager can be helpful to explore options and find out what discontinuous leave arrangements the organisation may be agreeable to.

For example,

Soraya and her partner are adopting a child and whilst her partner will take the main caring role, Soraya would like to be at home for the first few months. They have agreed that her partner's adoption leave will finish after six months, and that Soraya will take three months SPL.

Soraya works in a shop and knows that she will be able to earn more money during the Christmas period compared to the rest of the year. She discusses the situation with the owner and explains that she is thinking about taking leave in October and November, will work December (while family will be around to help with the care of the child), and will then take SPL again in January when the shop is quieter. The owner thinks the proposal is a good one, especially as it takes into account the needs of the business.

51. Notification requirements

If you are eligible for Shared Parental Leave and / or Pay:

- the mother must have curtailed or given notice to reduce their Maternity/Adoption Leave, or their pay/allowance (if not eligible for Maternity/Adoption leave).
- You must provide the **Notification of Entitlement Form (Appendix 7) and New Parent Form (HR5)**, along with the Child's Birth Certificate (if available) to your Line Manager and HR, at least eight weeks before commencement of leave, detailing your intention to take Shared Parental Leave and/or Pay
- If you do not provide confirmed dates on the **Notification of Entitlement Form**, you must provide confirmation in writing, dated and clearly set out what leave you intend to take, to your Line Manager and HR, at least eight weeks before commencement of leave
- You are entitled to submit three separate notices to book leave (within the Child's first year), although the organisation may allow more in exceptional circumstances.

If the child has not yet been born, then a booking can specify that it will commence after a period of time following birth. For example, an employee could book two weeks' leave to begin "two weeks after the child's birth".

In most circumstances (all continuous leave notifications and agreed discontinuous leave requests) an employee will not need to take any further action and will proceed to take their leave as notified.

What happens if parents change their minds about how they divide their SPL?

If there is a joint entitlement to SPL, parents will have notified their respective employers of how much leave they each intend to take as part of the entitlement notice. They can vary this allocation of leave between them at any stage with a minimum of 8 weeks' notice of when the dates varied begin. To vary this, both parents must notify each employer in writing of the following:

- details of their original division of leave
- advising of the fact they are changing it
- advising how they now intend to take the available SPL.

Both parents must sign the notice to confirm that they agree with the variation. This will count as one of the three notices.

52. Shared Parental Leave in Touch (or SPLIT) days

You can work up to 20 days during Share Parental Leave without bringing it to an end. These are called 'Shared Parental Leave in Touch' (or SPLIT) days. These days are optional.

These days are in addition to the 10 'Keeping in Touch' (or KIT) days already available to those on maternity or adoption leave.

Payment for SPLIT days will be paid upon return to work and will be paid at the employees' hourly rate, minus any ShPP already received.

53. Your rights on Return

If your total Shared Parental Leave taken is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks, you are entitled to return to the same job.

If your total Shared Parental Leave taken is more than 26 weeks in aggregate, you are entitled to return to the same job, or if that is not reasonably practicable, a similar job on no less favorable terms and conditions.

If you need any more information about your Shared Parental rights, you should ask your HR Business Partner who will be pleased to help.

54. Annual Leave during Shared Parental Leave

You will continue to accrue annual leave whilst on Shared Parental Leave.

55. Childcare Vouchers

Childcare Vouchers will continue to be made available to you during Shared Parental Leave.

Shared Parental Pay cannot be sacrificed to fund the payment of Childcare Vouchers. If you do choose to continue to take the vouchers, whilst in receipt of Shared Parental Pay only or on no pay, the organisation will meet the costs (please contact HMRC for further information).

56. Surrogate parents

- 56.1 Intended parents in Surrogacy agreements who use parental orders may qualify for Shared Parental Leave and Pay, in line with ACAS guidance.

PARENTAL LEAVE

57. Who can take parental leave?

To be eligible for parental leave, you must be able to answer “yes” to the following questions.

- Have you worked for us continuously for at least a year before the start of your parental leave?
- Do you have, or expect to have “parental responsibility” for the child?
- Is your child aged under 18?

Your AGEM HR team can help you if you are unsure about whether you have “parental responsibility” for a child.

58. How much leave is available in total?

- If you qualify for parental leave, you can take up to 18 weeks’ leave for each eligible child. So, if you have twins, you are allowed 18 weeks for each twin. In the case of a disabled child, it is 18 weeks per child.
- If you work part-time, your period of leave is reduced in proportion to the number of hours you work.
- Remember that the right to parental leave is a right to a total of 18 weeks per child. This is your maximum entitlement per child and is not the entitlement per child from each of your employers if you change jobs. For example, if you have taken 10 weeks’ parental leave with your previous employer for one of your children, and you then become eligible for parental leave while working with us, you are entitled to a maximum of 8 further weeks’ leave for that same child.

59. How much leave can be taken at a time?

- You must take your parental leave in blocks of 1 week, or, if your child is disabled, in single days if you wish.
- You can’t take more than 4 weeks parental leave per child in any 12-month period.

60. When can parental leave be taken?

- You can apply to take parental leave as soon as your child is born or adopted, as long as, by then, you have worked continuously for us for a year. If your child is born or adopted before then, you will have to wait until you have completed your first year of employment with us before taking parental leave.
- You can only take parental leave up until your child’s 18th birthday
- If we decide to postpone your parental leave (as we may do in some cases), you will not lose your right to take parental leave, even if you have to take it after the cut-off dates we mention in this section.

61. Can parental leave be postponed by the ICB?

We will always allow you to take parental leave when you ask for it to coincide with the birth of your child, or, in the case of an adopted child, when that child is first placed with you for adoption.

In other cases, we will do our best to allow you to take parental leave when you ask for it. However, we may need to postpone your leave if:

- you have not given us 21 days' notice of when you would like your leave to start and end; or
- our business would be particularly disrupted because of the dates you have requested.

If we do need to postpone your leave, we will discuss your request with you. We will then write to you within 7 days of receiving your request, explaining why we are postponing your leave and advising you when you may take parental leave. Even if we change the start date for your parental leave, the length of your period of leave will be the same as in your original request.

We will not postpone your parental leave for more than six months.

62. Applying for parental leave

62.1 Request for Parental Leave form

62.1.1 If you want to apply for parental leave, you should complete the HR5 New Parent - Paternity leave form available on the LICB intranet.

62.2 Timing

62.2.1 You must give us at least 21 days' notice of when you would like your leave to start and end.

We recognise that, in some circumstances you may not be able to give us a precise date. For example, if you are a parent who wishes to take parental leave immediately after your child is born, or, in the case of an adopted child, immediately after the child is placed with you for adoption, where you don't yet know the date of the placement. In those circumstances, you should give us at least 21 days' notice of when you expect the birth or adoption is likely to be, or if that isn't possible, as much notice as you can.

62.3 Supporting Evidence

62.3.1 The first time you apply for parental leave with us, you must include evidence of the following:

- your responsibility for the child;
- the child's date of birth, or, if you have adopted the child, the date of adoption;

62.3.2 You must also tell us whether you have previously taken parental leave for the same child and, if so, how much parental leave you took while working for any previous employers.

63. What rights apply during a period of parental leave?

- Parental leave is unpaid.
- For all other purposes, your contract of employment remains in place.

64. What rights apply on return to work after parental leave?

64.1 Parental leave only

64.1.1 After parental leave of 4 weeks or less, you have the right to come back to the same job as before.

64.2 Parental leave after maternity or adoption leave

64.2.1 If you are taking parental leave after maternity or adoption leave, your rights depend on the length of your maternity or adoption leave.

- If you take 4 weeks or less parental leave immediately after Ordinary Maternity Leave or Ordinary Adoption Leave you can return to the same job you had before your maternity leave.
- If you take 4 weeks or less parental leave immediately after Additional Maternity Leave or Additional Adoption Leave and it is not reasonably practicable for you to return to the same job, you can return to another suitable job that is appropriate for you.

65. Pensions (Parental)

65.1 If you are a member of the NHS Pension Scheme, any period of unpaid parental leave will not be treated as pensionable service under the pension scheme. When you return to work you will be offered the opportunity to pay the contributions for such period of unpaid parental leave so that it is treated as pensionable.

66. Help and advice

66.1 If you need any more information about your parental leave rights, you should ask your line manager or a AGEM HR team who will be pleased to help.

FOSTERING

67. Fostering

If you are fostering to adopt, please refer to Adoption 32. Fostering to Adopt.

Where you or your partner are engaging in becoming a foster carer, be it for long-term fostering or as a foster carer you should give your line manager no less than 4 weeks' notice of your intention to train as a foster carer or will have new caring responsibilities. This is to ensure that the team and line manager can provide encouragement and support. It also provides adequate notice, should you wish to request any special leave to care for the child/children, to make the necessary cover arrangements.

67.1 Period of leave for care of new foster children

You may need to take time off work to attend training courses, meetings with professional or other appointments and to help the placed child/children to settle into the new environment.

If you require time off to attend training or meetings, or to care for the child/children at the start of the foster-care arrangements, you may request 'special leave' to do so. The request must be made in writing, and you must specify the period off that you require for this purpose. You will be paid for the special leave for up to 5 days, in addition to your normal leave entitlement. (See LICB Leave Policy HR007)

68. Due Regard

This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to: eliminate discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations.

70. Equality Statement

The ICB aims to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

In carrying out its function, the organisation must have due regard to the Public Sector Equality Duty (PSED). This applies to all activities for which the organisation is responsible, including policy development, review and implementation.

Links

[HR5 New Parent Form – Pre maternity/adoption leave.](#)

[HR5a New Parent Form – Shared parental leave.](#)

[HR5b New Parent Form – Paternity leave.](#)

New Mother Risk Assessment.