

New Parent Support Leave and Pay Policy

Version No: 3

Document Summary:

The purpose of this document is to meet the statutory and regulatory requirements of the Trust in providing staff with consistent ‘user friendly’ accessible policy documents and provide guidance to colleagues in training regarding New Parent Support leave and pay.

Document status	Approved	
Document type	Policy	Trust wide
Document number	Document Control will provide document number if a new document	
Approving body	Commercial Services Council	
Date approved	22/10/2024	
Date implemented	01/11/2024	
Review date	22/10/2027	
Accountable Director	Director of Human Resources	
Policy Author	HR Business Partner	
Target audience	Specific staff group	

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments

Document Control

Section 1 – Document Information

Title	New Parent Support Leave and Policy		
Directorate	Corporate		
Brief Description of amendments			
Amended reference from STHK to MWL Amended reference from HEE to NHSE Updated 6.1.15 to advise that colleague's in training will be placed on special leave whilst host organisation implement reasonable adjustments. Please state if a document has been superseded.			
Does the document follow the Trust agreed format?	Yes		
Are all mandatory headings complete?	Yes		
Does the document outline clearly the monitoring compliance and performance management?	Yes		
Equality Analysis completed?	Yes		
Data Protection Impact Analysis completed?	Yes		

Section 2 – Consultation Information*

*Please remember to consult with all services provided by the Trust, including Community & Primary Care

Consultation Completed	<input type="checkbox"/> Trust wide <input checked="" type="checkbox"/> Local <input checked="" type="checkbox"/> Specific staff group		
Consultation start date	Click here to enter a date.	Consultation end date	Click here to enter a date.

Section 3 – Version Control

Version	Date Approved	Brief Summary of Changes
3	Click here to enter a date.	Policy reviewed
	Click here to enter a date.	
	Click here to enter a date.	
	Click here to enter a date.	

Section 4 – Approval – *To be completed by Document Control*

Document approved	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with minor amendments
--------------------------	--

Assurance provided by author & Chair		<input checked="" type="checkbox"/> Minutes of meeting <input type="checkbox"/> E-mail with Chair's approval	
Date approved	22/10/2024	Review date	22/10/2027

Section 5 – Withdrawal – *To be completed by Document Control*

Reason for withdrawal	<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded
Assurance provided by author & Chair	<input type="checkbox"/> Minutes of meeting <input type="checkbox"/> E-mail with Chair's approval
Date Withdrawn:	Click here to enter a date.

1. Contents

Document Control	2
2. Scope.....	6
3. Introduction	6
4. Statement of Intent	6
5. Definitions	7
6. Duties, Accountabilities and Responsibilities.....	7
6.1 Chief Executive.....	7
7. Policy Information	10
7.1 Maternity, SPL and Adoption Leave and Pay	10
7.1.1 Eligibility for Maternity Leave and Pay	10
7.1.2 Eligibility for SPL and Pay	10
7.1.3 Eligibility for Adoption Leave and Pay	12
7.1.4 Pay Entitlement.....	13
7.1.5 Calculation of Maternity, Shared Parental and Adoption Pay	15
7.1.6 Commencement and duration of Maternity/Adoption Leave	15
7.1.7 Commencement and duration of Shared Parental Leave	16
7.1.8 How to curtail maternity or adoption leave	17
7.1.9 Notifying the Lead Employer HR of an entitlement to Shared Parental Leave.....	18
7.1.10 Discussions regarding Shared Parental Leave	18
7.1.11 Booking Shared Parental Leave	19
7.1.12 Responding to a Shared Parental Leave Request.....	21
7.1.13 Variations to arranged Shared Parental Leave	22
7.1.14 Fostering to Adopt.....	22
7.1.15 Health and Safety Pre and Post Birth.....	23
7.1.16 Ante-Natal Leave	24
7.1.17 Leave for Adoption Appointments	24
7.1.18 Sickness and Absence Prior to the Birth	25
7.1.19 Premature Births.....	25
7.1.20 If Adoption Leave is Cut Short	25
7.2 Keeping in Touch during the Maternity, Shared Parental or Adoption Leave period	26

7.3	Return to work.....	27
7.3.1	Change to working hours	27
7.3.2	Failure to Return to Work	27
7.4	Terms and conditions during Maternity, Adoption or Shared Parental Leave	28
7.4.1	Pension.....	28
7.4.2	Annual leave	28
7.4.3	Salary Sacrifice Schemes	28
7.5	Paternity/New Parent Support Leave and Pay	29
7.5.1	Eligibility.....	29
7.5.2	Entitlement.....	29
7.5.3	Notice.....	29
7.5.4	Ante-Natal Leave	30
7.5.5	Contractual Benefits.....	30
7.5.6	General Principles	31
8.	Training.....	31
9.	Monitoring Compliance	31
9.1	Key Performance Indicators (KPIs) of the Policy.....	31
9.2	Performance Management of the Policy.....	31
10.	References/Bibliography/Relevant Legislation/National Guidelines	32
11.	Related Trust Documents	32
12.	Equality Analysis Screening Tool	34
13.	Data Protection Impact Assessment Screening Tool	37
14.	Appendix 1 – Frequently asked questions & answers	39
15.	Appendix 2- TABLE OF ENTITLEMENTS	2644

2. Scope

This Policy applies to all medical and dental colleagues in training employed by MWL Lead Employer, including those training in Public Health, employed under Agenda for Change Terms and Conditions.

3. Introduction

The Trust has a duty to follow legislation in relation to the amount of Maternity/New Parent/Shared Parental Leave (SPL)/Paternity/Adoption Leave that may be taken and also to NHS Terms and Conditions of Service Handbook for colleagues in training with regard to eligibility for the amount and type of leave and pay for new parents.

4. Statement of Intent

This policy is designed to ensure that all colleagues in training are aware of their entitlement to New Parent leave and pay, and to ensure that colleagues in training who qualify understand those rights.

This policy is designed to inform colleagues in training and Host Organisations about the entitlements, eligibility and application process for Maternity/Shared Parental Leave/Adoption/Paternity/New Parent Support leave and pay.

The Trust takes a zero tolerance approach to discrimination and will make every effort to ensure that no colleague in training is discriminated against either directly or indirectly on the grounds of pregnancy/maternity race, gender, disability, age, religion/ belief, sexual orientation, gender identity or reassignment, marital or civil partnership status,

The objectives of the policy are to ensure that the Trust

- is legally compliant
- complies with NHS Terms and Conditions of Service Handbook (Section 15 Leave and pay for new parents)
- promotes the Policy within the organisation
- provides an easily understood process for staff to follow when applying for Maternity/Shared Parental Leave/Adoption/Paternity/New Parent Support leave

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	6 of 45

5. Definitions

Term/Abbreviation	Definition/meaning
Colleague in training	Resident doctors, dentists, foundation dentists and public health registrars working across the NHS
NHSE	NHS England Education
Host Organisation	The location where the colleague in training is undertaking their current training placement
Host Manager	The designated individual within the Host Organisation who is allocated responsibility for the management of Colleagues in training, for example Clinical Supervisor, Practice Manager or Medical HR, to be determined via local policy and processes
SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
EDC	Expected Date of Childbirth. The date is confirmed in the MATB1 Certificate
EWC	Expected Week of Childbirth. This is calculated from Sunday to Saturday, i.e. the week in which the baby is due
KIT	Keeping in touch
MA	Maternity Allowance
OshPP	Occupational Shared Parental Pay
SAP	Statutory Adoption Pay
SPL	Shared Parental Leave
ShPP	Shared Parental Pau
SPLIT	Shared Parental Leave In Touch
OAP	Occupational Adoption Pay
EWM	Expected Week of Matching
ONP SP	Occupational New Parent Support Pay
SPP	Statutory Paternity Pay
SRTT	Supported return to training
Qualifying Week	is the 15th week prior to your EWC (i.e. 25 weeks pregnant)

6. Duties, Accountabilities and Responsibilities

6.1 Chief Executive

The ultimate responsibility in the area of legislative adherence lies with the Chief Executive.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	7 of 45

5.2 Executive Directors

The Board are responsible for ensuring that the policy is being adhered to, both collectively and by the management and staff in their area of responsibility. The monitoring of the impact of the policy will be delegated to the Commercial Services Council (CSC) and the auditing to the HR management team, however the HR Director and CSC will highlight any areas of significant shortfall identified to the Board.

5.3 Director of Human Resources

The Director of Human Resources has a responsibility to ensure all legislation in this area is adhered to at all times. Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the function but the final responsibility remains with the Director. The senior management team within the Lead Employer HR are responsible for escalating any areas of concern following monitoring to the HR Director who, where necessary, will highlight to the Board.

5.4 Host Managers

N.B For the purposes of this policy the term 'Host Manager' will be applied to the designated individual within the Host Organisation who is allocated responsibility for the management of Colleagues in training, for example Clinical Supervisor, Practice Manager or Medical HR, to be determined via local policy and processes.

The Host Organisation has a responsibility to ensure that the colleague in training can take their Maternity/Paternity/New Parent Support/Adoption/Shared Parental leave as their entitlement. Host Organisations must ensure that they complete a Risk Assessment as soon as is reasonably practicable after being informed that a colleague in training on placement with them is pregnant. Once completed, a copy of this risk assessment must be sent to the Lead Employer Human Resources Department by the colleague in training.

5.5 Colleagues in training

It is the responsibility of the colleague in training to inform the Lead employer and their Host Organisation as soon as reasonably practicable and no later than 28 days before the

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	8 of 45

intended start date of Maternity/Shared Parental Leave/Adoption/Paternity/New Parent Support leave that they wish to take this leave. It is also the responsibility of the colleague in training to ensure that the relevant documentation as outlined below is submitted to the Lead Employer Human Resources Department to process in line with the timescales set out below.

NB: The Trust can, where there is a suspicion that fraudulent information may have been provided, investigate the matter further in accordance with the Lead Employer Handling Concerns Policy.

5.6 Lead Employer Human Resources

It is the responsibility of the Lead Employer Human Resources Department to confirm to the colleague in training their eligibility for Occupational Maternity/ Shared Parental Pay/Adoption Pay/New Parent Support or Statutory Maternity/Shared Parental / Adoption / New Parent Support. Human Resources must also inform the Payroll Department of any leave that is to be taken by colleagues in training so that their pay can be calculated in a timely manner.

The Lead Employer HR has the responsibility for liaising and meeting with the colleague in training (on the phone if necessary) in relation to their application for Occupational Maternity/Shared Parental/ Adoption / New Parent Support pay

It is the responsibility of the Lead Employer Human Resources Department to liaise with Host Organisations and NHSE with regards to applications received and to confirm to the colleague in training their eligibility for Occupational Maternity/Shared Parental / Adoption /New Parent Support pay. Lead Employer Human Resources must also inform Payroll Services of any Occupational Maternity / Shared Parental / Adoption / New Parent Support leave that is to be taken by colleagues in training so that their pay can be calculated in a timely manner.

5.7 Payroll Services

It is the responsibility of the Lead Employer Payroll Team to confirm to the colleague in training details of the amount of pay that will be received during the period of Maternity/ Shared Parental / Adoption / New Parent Support Leave 6 weeks prior to the commencement of leave.

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	9 of 45

7. Policy Information

7.1 [Maternity, SPL and Adoption Leave and Pay](#)

7.1.1 Eligibility for Maternity Leave and Pay

Occupational Maternity Pay (OMP) may be granted to colleagues in training who have 52 weeks continuous service with the Trust or another NHS organisation at the beginning of the 11th week before the expected week of childbirth (EWC). The colleague in training must;

- Notify the Lead Employer in writing before the 15th week before the EWC stating the date that she wishes to start maternity leave;
- provide a MATB1 certificate; and
- confirm whether she intends to return to work with the Lead Employer or another NHS employer for a minimum period of three months at the end of the Occupational Maternity Leave period.

To be eligible for Statutory Maternity Pay (SMP) The colleague in training must have completed 26 weeks continuous service with the Trust by the 15th week before the expected week of childbirth.

If a colleague in training elects to take Shared Parental Leave, she will cease her Maternity Leave and will no longer be entitled to claim either OMP or SMP.

7.1.2 Eligibility for SPL and Pay

SPL enables eligible parents, adopters, carers, etc. to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. SPL can be used either concurrently or consecutively between both parents.

Eligible parents who are sharing responsibility for a child can get SPL in the first year after:

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	10 of 45

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

Eligibility criteria

A colleague in training 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;
- Colleagues in training must still be working for the Lead Employer at the start of each period of SPL;
- Colleagues in training must have 52 weeks continuous service with one or more NHS Employers at the beginning of the 11th week before the expected week of childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement;
- The colleague in training's partner must meet the 'employment and earnings test', which requires 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 a week in any 13 of those weeks (This amount can be amended from time to time by the Secretary of State)
- Colleagues in training must correctly notify the Lead Employer HR of their entitlement and complete the application forms as required providing at least 8 weeks notice of their intention to take SPL.

Eligible colleagues in training may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	11 of 45

Eligibility Criteria

In addition to meeting the eligibility requirements for SPL, a colleague in training seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The colleague in training must intend to care for the child during the week in which ShPP is payable;
- The colleague in training must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The colleague in training must remain in continuous employment with the Trust until the first week of ShPP has begun;
- The colleague in training must give appropriate notification in accordance with the rules set out below:

Where a colleague in training is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give the HR Lead Employer a completed Notification of Entitlement form.

From the 1st April 2019 shared parental pay will be paid at the same levels of OMP. Please note: Mothers who curtail their Maternity Leave in order to take SPL will be entitled to ShPP in replace of OMP, in line with the below entitlements.

7.1.3 Eligibility for Adoption Leave and Pay

Occupational Adoption Pay (OAP) may be granted to colleagues in training who have 52 weeks continuous service with the Trust or another NHS Organisation at the beginning of the week in which they are notified of being matched with a child for adoption and has primary care responsibilities for that child. The colleague in training must;

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	12 of 45

- Notify the Lead Employer in writing before the 15th* week before the EWM stating the date they wish to start their adoption leave
- Provide a Matching certificate (or placement order under fostering to adopt); and
- Confirms that they intend to return to work with the Trust or another NHS employer for a minimum period of three months following adoption leave.

*Please note: In the exceptional circumstance whereby the colleague in training is unable to provide notice within this time period in line with the above time frames due to changes in the date of placement or, where there is limited time between the date the colleague in training was matched and the date the child was placed, the colleague in training should give notice as soon as reasonably practicable. If acceptable notice is not provided, the date of the start of the colleague in training's leave and pay may be delayed. This will not, however, impact on the colleague in training's start of leave after the date of placement.

To be eligible for **Statutory Adoption Pay (SAP)** the colleague in training must have completed 26 weeks continuous service with the Trust ending with the week in which they were notified of being matched with a child for adoption.

7.1.4 Pay Entitlement

Occupational Maternity Pay (OMP), Occupational Shared Parental Pay (OShPP) and Occupational Adoption Pay (OAP)

Colleagues in training who fulfil the eligibility criteria outlined above, the amount of OMP, OShPP and OAP are entitled to the following:-

For the first 8 weeks of leave - full pay (less any SMP/ShPP/SAP to which they may be entitled)

For the next eighteen weeks of leave - half of full pay plus SMP/ShPP/SAP (reduced only to the extent that half pay and SMP/ShPP/SAP do not exceed full pay)

For the next 13 weeks of Leave – SMP/ShPP/SAP only (Extension of Maternity/Shared Parental/Adoption Pay)

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	13 of 45

For the next 13 weeks - staff may take additional unpaid maternity/shared parental/adoption leave making a total of 52 weeks

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

Colleagues in training who are eligible for **SMP/SAP/ShPP** only will be entitled to the following:-

For the first 6 weeks of leave - 90% of salary

For the next 33 weeks of leave - standard rate of SMP/SAP (please check here for current SMP/ShPP/SAP rate) or 90% of the colleagues in training average weekly earnings if lower

The additional 13 weeks of additional maternity/shared parental/adoption leave -will be unpaid.

An NHS employer will not pay more than 26 weeks, 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational maternity or adoption or shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

Colleagues in training who are not eligible for SMP may be entitled to **Maternity Allowance (MA)**.

MA - either 90% of your average weekly earnings (before tax) or the current statutory rate which can be found here – whichever is the lower. Maternity Allowance is tax free and you will normally also receive National Insurance credits during the period that you receive the allowance, which is important because they count towards your State Pension entitlement.

MA is paid for a maximum of **39 weeks**, and you can start claiming 11 weeks before your baby is due.

To claim Maternity Allowance, contact your Jobcentre Plus, Call Jobcentre Plus on 0800 055 6688 or download a claim form from www.gov.uk.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	14 of 45

7.1.5 Calculation of Maternity, Shared Parental and Adoption Pay

Full pay periods will be calculated using the average weekly earnings rules used for calculating SMP/ShPP/SAP entitlements. Calculation of full pay is based upon the applying parents average weekly earnings.

In the event of a pay award or annual increment being implemented before the paid maternity or adoption leave period begins the maternity or adoption pay should be calculated as though the pay award or annual increment had effect throughout the entire SMP/ShPP/SAP calculation period.

If such a pay award was agreed retrospectively, the maternity, shared parental or adoption pay should be re-calculated on the same basis.

In the event of a pay award or annual increment being implemented during the paid maternity, shared parental or adoption leave period, the maternity, shared parental or adoption pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity, shared parental or adoption pay should be re-calculated to include this. In the event that an Annual Review of Competency Progression (ARCP) is due during a period of maternity, shared parental or adoption leave, the ARCP will take place upon return to work from maternity, shared parental or adoption leave. Should the ARCP result in a move up to the next nodal point, this would be back dated to the date that the ARCP would have taken place had there not been a period of maternity, shared parental or adoption leave, pay will therefore be recalculated to reflect the change in nodal point.

In the case of a colleague in training on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for SMP/ShPP/SAP purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

7.1.6 Commencement and duration of Maternity/Adoption Leave

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	15 of 45

Maternity leave shall not normally commence prior to the 11th week before the EWC (29 weeks pregnant) but can commence at any time from the 11th week before the

EWC up to the EWC (For Premature births, please see 6.1.11).

Within 7 days of being matched with a child, colleagues in training must inform the Lead Employer and their Host Organisation of the following details;

- Expected Placement Date
- Date on which Adoption Leave will begin
- Amount of leave to be taken

Adoption leave will not normally commence prior to 14 days before the expected date of placement.

7.1.7 Commencement and duration of Shared Parental Leave

SPL will be created when an eligible mother or adopter brings their maternity or adoption leave to an end early. This is called 'curtailing' maternity or adoption leave. The untaken weeks of maternity or adoption leave can be taken as SPL if the mother/adopter or their partner is eligible for this, up to a maximum of 50 weeks.

ShPP will be created where an eligible mother or adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. This is called curtailing the maternity or adoption pay period or the maternity allowance period. The period of untaken maternity or adoption pay or maternity allowance will become available to both parents as shared parental pay, up to a maximum of 37 weeks.

Eligible colleagues in training may be entitled to take up to 50 weeks SPL during the child's first year in their family.

The number of weeks available is calculated using the mothers/adopter's entitlement to maternity/adoption leave. This allows them to take up to 52 weeks' leave. If mothers/adopter reduces their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	16 of 45

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust their two weeks occupational paternity leave entitlements as detailed in section 6.6 (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements. Please note: In this situation, the combined period(s) of shared parental leave and maternity leave combined must not exceed 52 weeks in total.

SPL will generally commence on the colleague in training's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the colleague in training is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see Shared Parental Pay (ShPP) below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

At our discretion we may request additional information on the colleagues in training circumstances, where this is reasonable and necessary to determine entitlements.

7.1.8 [How to curtail maternity or adoption leave](#)

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	17 of 45

An eligible mother who wants to take SPL, or who wants to enable her partner to take SPL will be able to end her maternity/adoption leave in one of two ways:

- Returning to work before the end of her maternity/adoption leave period, therefore bringing her maternity/adoption leave to an end; or
- Give notice to the Lead Employer HR to end her maternity/adoption leave on a specified date in the future. Notice must be given at least 8 weeks before her 52 weeks maternity/adoption leave is due to end.

7.1.9 Notifying the Lead Employer HR of an entitlement to Shared Parental Leave

A colleague in training entitled and intending to take SPL must give the Lead Employer HR notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

Part of the eligibility criteria requires the colleague in training to provide the Lead Employer HR with correct notification. The forms for providing notification and/or applying for SPL/ShPP can be found in the Shared Parental Leave Toolkit.

7.1.10 Discussions regarding Shared Parental Leave

A colleague in training considering/taking SPL is encouraged to contact the Lead Employer HR 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.

The Lead Employer HR may, upon receiving a completed notification of entitlement form (see SPL/ShPP Toolkit) seek to arrange an informal discussion with the colleague in training to talk about their intentions and how they currently expect to use their SPL entitlement. This discussion will in most circumstances be over the telephone.

Upon receiving a completed leave booking notice (see SPL/ShPP Toolkit) the Lead Employer HR may arrange to discuss this prior to the request being confirmed with the colleague in training but given the geographical distances involved most frequently this will be on the phone. Confirmation will be provided to the colleague in training within 14 days.

The purpose of the meeting would be to discuss in detail the leave proposed and what

will happen while the colleague in training 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 colleague in training, Host Organisation and NHSE, and what the outcome may be if no agreement is reached. It will be the responsibility of the Lead Employer to liaise with the Host Organisation and NHSE throughout.

7.1.11 Booking Shared Parental Leave

It is imperative that Colleagues in training wishing to book Shared Parental Leave follow the steps detailed below; this is to ensure that pay is calculated correctly during periods of SPL.

The colleague in training has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either

- a) a single period of weeks of leave; or
- b) two or more weeks of discontinuous leave, where the colleague in training intends to return to work between periods of leave.

Please note: 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 a colleague in training returns to work between periods of SPL, the next period of SPL can also start on any day of the week.

The colleague in training must book SPL by completing the appropriate forms at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP. Please see the separate SPL/ShPP Toolkit.

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).

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	19 of 45

A colleague in training 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.

A colleague in training may submit up to three separate notifications for continuous periods of leave.

A colleague in training is not entitled to withdraw a notice for a single continuous block of leave but may do so with the employer's express permission.

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 colleague in training returns to work (for example, an arrangement where a colleague in training will take six weeks of SPL and work every other week for a period of three months).

A two-week discussion period between the colleague in training, Lead Employer HR, the Host Organisation and NHSE will commence from the date the colleague in training submits the booking notice.

Where there is concern over accommodating the notification, the Lead Employer HR or the colleague in training may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the colleague in training and the department (see "Discussions regarding Shared Parental Leave" above). Again this may be over the phone.

The Lead Employer HR will consider a discontinuous leave notification but has the right to refuse it after consulting with the Host Organisation and NHSE. If the leave pattern is refused, the colleague in training can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks' leave

requested on that notice may be taken as a single continuous block. This should commence on a date specified by the colleague in training but be no less than eight weeks from the date the original notice was provided to the employer. The colleague in training has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the colleague in training specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.

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

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

7.1.12 Responding to a Shared Parental Leave Request

Once the Lead Employer HR 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 requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the colleague in training and to the department against any adverse impact to the Host Organisation/ Lead Employer and on their training following consultation with NHSE.

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 colleague in training to be granted a similar pattern of SPL.

The colleague in training will be informed in writing by Lead Employer HR as soon as is reasonably practicable, but no later than the 14th calendar day after the leave notification was made. The request may be granted in full or in part: for example, the Lead Employer HR may propose a modified version of the request.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	21 of 45

If a discontinuous leave pattern is refused then the colleague in training may withdraw the request without detriment on or before the 15th calendar day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

If the colleague in training chooses to take the leave in a single continuous block, the colleague in training has until the 19th calendar 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 colleague in training does not choose a start date then the leave will begin on the first leave date requested in the original notification.

7.1.13 Variations to arranged Shared Parental Leave

The colleague in training is permitted to vary or cancel an agreed and booked period of SPL up to a maximum of three times, provided that they advise the Lead Employer HR by completing the variation/cancellation of booked leave notice (see SPL/ShPP Toolkit) 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 colleague in training, including notice to return to work early, will usually count as a new notification reducing the colleague in training'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 Lead Employer requesting it be changed, and the colleague in training being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Lead Employer HR.

7.1.14 Fostering to Adopt

Colleagues in training with whom a child is placed under the fostering to adopt scheme will be entitled to Adoption Leave and Pay and these entitlements will be calculated from the first day that the child is placed with the family (or up to 14 days before the expected date of placement) Where more than one child is placed with a colleague in training as part of the same placement (eg twins or siblings of different ages) the colleague in training will be entitled to only one period of adoption leave.

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	22 of 45

In the event that another child is placed with the colleague in training soon after the placement of the first child in a separate placement, the colleague in training will be entitled to a second period of adoption leave. The adoption leave restarts when the second placement begins.

Please note: There is no statutory right to paid time off for colleagues in training who foster a child, except in a "foster to adopt" situation, or if they later adopt the foster child, in which case the regular adoption leave provisions will apply.

Fostering to adopt will commence on the date of the placement order, or up to 14 days before the expected placement date.

7.1.15 Health and Safety Pre and Post Birth

The Management of Health and Safety at Work (Amendment) Regulations 1994 requires employers to make special provision, where necessary, to safeguard the health and safety of new and expectant mothers and their babies.

Colleagues in training must have a risk assessment of their working conditions with their Host Organisation regardless of whether there are any work-related precautions that need to be taken whilst working during pregnancy. The risk assessment must be completed as soon as the colleague in training notifies the Lead Employer and the Host Organisation of their pregnancy.

In the event that a risk assessment identifies that the colleague in training requires adjustments to their duties, the colleague in training shall continue to receive their normal rate of pay. If the host organisation requires time to implement the reasonable adjustments and the colleague in training is unable to remain in the workplace whilst this happens, the colleague in training will be placed on special leave. For further information see <https://www.hse.gov.uk/mothers/index.htm>

On returning from Maternity Leave colleagues in training must have a further health and safety risk assessment particularly for the first six months following the birth and in the event that a colleague in training is breast feeding.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	23 of 45

Should colleague in trainings need breast feeding facilities this should be discussed with their Host Organisation prior to their return to agree a plan. Colleagues in training should discuss breastfeeding facilities with their host organisation.

7.1.16 Ante-Natal Leave

Prior to the birth, pregnant colleagues in training are entitled to paid time off to attend antenatal care, which may include relaxation and parent craft classes when these cannot be arranged outside normal working hours. Colleagues in training must provide evidence to Lead Employer and their Host Organisation that they are attending appointments.

7.1.17 Leave for Adoption Appointments

From day one of employment a colleague in training looking to adopt who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption is entitled to leave to attend adoption appointments arranged by or at the request of the adoption agency which made the notification.

A colleague in training proposing to adopt a child on either their own or jointly having elected to be the primary adopter for the purposes of the adoption is entitled take paid time off for up to 6.5 hours on each occasion to attend up to five such adoption appointments. The colleague in training wishing to use this leave will be asked for a document showing the date and time of the appointment in question and that it has been arranged by the adoption agency.

Secondary adopters are entitled by law to unpaid leave to attend up to 2 appointments with the maximum time capped at 6.5 hours for each appointment. However under this policy a colleague in training is entitled, to claim up to six hours of this time in total across these two appointments as additional paid leave.

The granting of time off for additional appointments will be at the discretion of the colleagues in training host organisation and if granted will be unpaid or covered by annual leave as agreed between the two parties.

Until ESR is modified such paid leave will be entered on ESR as ante natal leave and unpaid as additional unpaid leave hours plus 'other' in the drop down menu.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	24 of 45

7.1.18 Sickness and Absence Prior to the Birth

The normal sick leave provisions apply up to the commencement of maternity leave.

If a colleague in training becomes ill with a pregnancy-related illness during the last four weeks before the EWC then maternity leave will automatically commence.

7.1.19 Premature Births

If a colleague in training's child is born before the elected date for the commencement of maternity leave, their maternity leave will commence the day after the birth. They should inform the Lead Employer as soon as possible in order to ensure that appropriate payments are made.

If a colleague in training's baby is born alive prematurely the colleague in training will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

If a colleague in training's baby is stillborn after 23 weeks and 6 days of pregnancy the colleague in training will be entitled to the same amount of maternity/shared parental leave and pay as if their baby was born alive.

If a colleague in training has a miscarriage before 24th weeks of pregnancy normal sick leave provisions will apply as necessary.

7.1.20 If Adoption Leave is Cut Short

If a child is no longer placed, the adopter continues to be eligible for up to a further 8 weeks of statutory adoption leave and pay (unless leave/pay has already been used up) if adoption leave ends under the following circumstances:

- if the colleague in training has already begun their adoption leave and the adoption agency notifies the colleague in training that the placement will not occur, or
- the child dies during adoption leave, or
- the child is returned to the adoption

After these 8 weeks, the colleague in training would be expected to return to work. It is advisable to keep employers informed if this should happen.

7.2 Keeping in Touch during the Maternity, Shared Parental or Adoption Leave period

Before a colleague in training's Maternity, Shared Parental or Adoption Leave begins, the Host Organisation will discuss the arrangements for them to keep in touch during their leave. The Lead Employer, Host Organisations and NHSE reserve the right in any event to maintain reasonable contact with the colleague in training from time to time during their Maternity, Shared Parental or Adoption Leave. This may be to discuss the colleague in training's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training needs or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Colleagues in training will, with their Host manager's agreement, and after the two-week compulsory maternity leave following the birth, be able to work for up to 10 KIT days without losing their right to Maternity or Adoption Leave. Colleagues in training will be able to work for up to 20 SPLIT days without losing their right to Shared Parental Leave. The type of 'Work' undertaken during a KIT/SPLIT day may include, but is not limited to, training, team meetings etc.

Colleagues in training in receipt of SMP, SAP or ShPP at the time of their KIT/SPLIT day will receive their SMP, SAP or ShPP topped up to the pay rate they would usually get for a full day's pay.

Colleagues in training are not permitted to undertake and be paid for KIT or SPLIT days during the no pay period of Maternity, Shared Parental or Adoption leave, or during the period of accrued annual leave that is taken at the end of Maternity, Shared Parental or leave. Colleagues in training are however permitted to replace any number of KIT or SPLIT days, with Supported Return to Training (SRTT) days, taken in line with NHS England's Supported Return to Training Programme. (refer to region NHSE support website)

If SRTT days are taken during the unpaid period of Maternity, Shared Parental or Adoption leave, the colleague in training will be paid for a day's pay in line with their contract of employment. If the SRTT day is worked on an annual leave day during the period of

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	26 of 45

accrued annual leave, the colleague in training will be taken off from leave and given the day's leave at the end of the accrued annual leave period.

The total number of KIT days and SRTT days combined must not exceed 10 days. The total number of SPLIT days and SRTT days combined must not exceed 20 days.

Colleagues in training wishing to undertake additional work outside of their contract with the Lead Employer should discuss this in the first instance with the Lead Employer and NHSE to discuss any implications that additional paid work may have on their Maternity/Shared Parental/Adoption Leave and Pay.

7.3 Return to work

Colleagues in training should give 8 weeks statutory notice of their return to work date or in any case a minimum of 28 days.

If they are unable to attend work due to sickness or injury, the Lead Employer's Attendance Management Policy and Procedure absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

7.3.1 Change to working hours

If a colleague in training wishes to increase or reduce their working hours upon their return to work at the end of their maternity, shared parental or adoption leave, they should discuss their requirements with the Less Than full Time Team initially. Their new holiday entitlement will be calculated from the date of the contractual change of hours.

7.3.2 Failure to Return to Work

If a colleague in training fails to return to work, after they have informed the Lead Employer that they intend to do so or fails to provide evidence of employment with another NHS employer within 15 months of the beginning of their Maternity, Adoption or Shared Parental leave, they will be liable to repay the whole of the Maternity, Adoption or Shared parental pay less any Statutory Pay to which they were entitled. The Lead Employer will normally expect immediate repayment of outstanding monies.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	27 of 45

However, if there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth / shared parental leave had not occurred or been taken, the repayment provisions will not apply.

7.4 Terms and conditions during Maternity, Adoption or Shared Parental Leave

7.4.1 Pension

If a colleague in training is a member of the NHS Pension Scheme, all service including periods of no pay will be subject to superannuation payments. These will be paid on return to work by payroll deductions over the same period of time as the unpaid leave.

7.4.2 Annual leave

Colleagues in training will continue to accrue annual leave during maternity/ shared parental/adoption leave including Bank Holidays. Colleagues in training are encouraged to take any annual leave accrued during periods of maternity/shared parental/adoption leave prior to their return to work. Colleagues in training will continue to accrue annual leave when taking periods of accrued annual leave.

If possible, colleagues in training should take any outstanding annual leave before they start their maternity/adoption or shared parental Leave.

7.4.3 Salary Sacrifice Schemes

Being enrolled on a Salary Sacrifice Scheme i.e. Car Lease Scheme, Cycle Scheme, etc. will have an effect on your Maternity/Adoption/Shared Parental Pay.

By remaining in the Salary Sacrifice Scheme during the qualifying weeks leading up to the child's expected due date/matching date will reduce the amount of Maternity, Adoption or Shared Parental Pay will be reduced.

You must carefully consider if you would like to remain in Salary Sacrifice Schemes and notify Payroll prior to the 17th week of your pregnancy if you do not wish to continue in the Scheme(s).

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	28 of 45

Advice individual cases can be sought from the Lead Employer Team.

7.5 Paternity/New Parent Support Leave and Pay

7.5.1 Eligibility

Occupational New Parent Support Leave / Pay (ONPSP) New Parents or nominated carers who have 12 months continuous service with the NHS at the beginning of the expected week of childbirth or expected date of adoption.

To be eligible for Statutory Paternity leave / Pay (SPP) the colleague in training must be taking time

off to look after the child and have completed 26 weeks continuous service with the Lead Employer by the 15th week before the expected date of childbirth or expected date of adoption. The colleague in training must also be the biological or adoptive father or the mother's husband or partner (of either sex provided they have an enduring relationship and live with the mother) and in all cases must have or be expected to have responsibility for the child's upbringing.

7.5.2 Entitlement

Colleagues in training who are eligible for New Parent Support Leave (NPS leave) as outlined above will be entitled to 2 weeks leave, paid at their normal rate of pay, this will be inclusive of any SPP to which they may be entitled. New Parent Support Leave and pay can either be taken as one period of two weeks, or can be split in to two non-consecutive periods of leave of one week each. Eligible colleagues in training must provide a copy of their partners MATB1 Certificate and complete / submit their own SC3 form (which will be provided by the Lead Employer Human Resources Department). The leave must be taken during the first 52 weeks of the birth or the placement of the child for adoption.

Note: under Agenda for Change mothers' relatives who are identified as Nominated carers are eligible for NPS Leave and Pay however they are not entitled to SPP.

7.5.3 Notice

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	29 of 45

The New Parent or Nominated Carer must inform their Host Organisation and the Lead Employer Human Resources Department of their entitlement to leave 15 weeks before the expected week of childbirth. Employees are required to give 28 days notice of the specific dates that they wish to take. In the event that it is not possible to provide the required notice due to the child being born before the expected due date, please contact the Lead Employer

7.5.4 Ante-Natal Leave

From day one of employment, a colleague in training with a 'qualifying relationship' is entitled by law to unpaid leave to attend up to 2 ante-natal appointments to 'accompany' a pregnant woman with the maximum time capped at 6.5 hours for each appointment. A 'qualifying relationship' is defined as being 'the woman's husband or civil partner, who lives with the woman in an 'enduring family relationship' or is the expected child's father'. However under this policy a colleague in training in a qualifying relationship is entitled, to claim up to six hours of this time in total across these two appointments as additional paid leave.

The colleague in training wishing to apply for this leave will be asked for a written declaration stating the date and time of the appointment, the nature of the relationship between them and the expectant mother or child and for confirmation that the appointment has been made on the recommendation of a medical professional (such as a doctor, midwife or nurse). This declaration should be provided to the LE HR Team.

The granting of time off for additional ante-natal appointments will be at the discretion of the colleague in training's Host Organisation and if granted will be unpaid or covered by annual leave as agreed between the two parties.

Such paid leave will be entered on ESR as ante natal leave and unpaid as additional unpaid leave hours plus 'other' in the drop down menu.

7.5.5 Contractual Benefits

Staff are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary, throughout their NPS leave. However most staff will be entitled to SPP or OPP for this period.

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	30 of 45

7.5.6 General Principles

Once notified of an entitlement to leave, the Lead Employer Human Resources Department will then send a Paternity/New Parent Support Application form (Appendix 5) and where appropriate an Inland Revenue SC3 Form to the colleague in training to be completed and returned to Lead Employer Human Resources Department to process. The Human Resources Department will confirm the individual's eligibility and entitlement in writing to the colleague in training.

The Host Organisation documents all ante-natal/adoption support leave and Paternity/NPS leave and enters these onto the Electronic Staff Record (ESR)

8. Training

Advice and guidance on the application of this policy will be provided to colleagues in training and managers as required.

There is no mandatory training associated with this policy.

9. Monitoring Compliance

9.1 Key Performance Indicators (KPIs) of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1.	Ensure 14 day response from HR Team to individual, following receipt of application form into HR Office.

9.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations
Ensure 14 day response from HR Team to individual, following receipt	HR Advisors	Audit of application dates and response letter dates	Annually	Commercial Services Council	Head of Human Resources

of application form into HR Office					

10. References/Bibliography/Relevant Legislation/National Guidelines

No	Reference
1.	Working Families Act 2006
2.	Employment Act 2002
3.	Employment Relations Act 1999
4.	The Human Rights Act 1998
5.	Employment Rights Act 1996
6.	EU Directive on Pregnant Workers 1994
7.	Management of Health and Safety at Work (NHSW) Regulations 1992
8.	The Equal Pay (Amendment) Act 1986
9.	Sex Discrimination Act 1975
10.	The Shared Parental Leave Regulations 2014
11.	The Shared Parental Pay (General) Regulations 2014
12.	Child and Families Act 2014
13.	The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
14.	Equality Act 2010

11. Related Trust Documents

[List any procedural documents which are referenced within the text.]

No	Related Document
1.	Annual Leave Policy
2.	Recruitment and Selection Policy
3.	
4.	

5.

--

12. Equality Analysis Screening Tool

The EIA screening must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process. Where the screening identifies that a full EIA needs to be completed, please use the full EIA template.

The completed EIA screening form must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Head of Patient Inclusion and Experience for monitoring purposes via the following email, cheryl.farmer@sthk.nhs.uk. If the assessment is related to workforce a copy should be sent to the workforce Head of Equality, Diversity and Inclusion for workforce equality&diversity@sthk.nhs.uk.

If this screening assessment indicates that discrimination could potentially be introduced then seek advice from either the Head of Patient Inclusion and Experience or Head of Equality, Diversity (Workforce) and Inclusion.

A full equality impact assessment must be considered on any cost improvement schemes, organisational changes or service changes that could have an impact on patients or staff.

Title of function	LE New Parent Support Leave and Pay Policy
Brief description of function to be assessed	Application of the LE New Parent Support Leave and Pay Policy
Date of assessment	15.10.2024
Lead Executive Director	Malise Szpakowska
Name of assessor	Matthew Russell
Job title of assessor	15.10.2024

Equality, Diversity & Inclusion

Does the policy/proposal:

- 1) Have the potential to or will in practice, discriminate against equality groups
- 2) Promote equality of opportunity, or foster good relations between equality groups?
- 3) Where there is potential unlawful discrimination, is this justifiable?

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	34 of 45

	Negative Impact	Positive Impact	Justification/ evidence and data source
Age	No	No	Policy applies to any of age of parent
Disability	No	No	Policy applies to all staff regardless of disability status
Gender reassignment	No	No	Policy applies to all genders
Pregnancy or maternity	No	No	Policy applies to all staff
Race	No	No	Policy applies to all staff
Religion or belief	No	No	Policy applies to all staff
Sex	No	No	Policy applies to all staff
Sexual orientation	No	No	Policy applies to all staff

Human Rights

Is the policy/proposal infringing on the Human Rights of individuals or groups?

	Negative Impact	Positive Impact	Justification/ evidence and data source
Right to life	No	No	
Right to be free from inhumane or degrading treatment	No	No	
Right to Liberty/security	No	No	
Right to privacy/family life, home and correspondence	No	No	
Right to freedom of Thought/conscience	No	No	
Right to Freedom of expression	No	No	
Right to a fair trial	No	No	
Any other of the human rights?	No	No	

Health Inequalities

Is the policy/proposal addressing health inequalities and are there potential or actual negative impact on health inequality groups, or positive impacts? Where there is potential unlawful impacts is this justifiable.

	Negative Impact	Positive Impact	Justification/ evidence and data source
Deprived Populations	No	No	
Inclusion health groups	No	No	
5 child clinical areas	No	No	
5 adult clinical areas	No	No	

Outcome

After completing all of the above sections, please review the responses and consider the outcome.

Is a full EIA required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Please include rationale: No adverse impact recorded
--------------------------------	--

Sign off

Name of approving manager	Matt Russell
Job title of approving manager	HR Business Partner
Date approved	15.10.2024

13. Data Protection Impact Assessment Screening Tool

If you answer **YES** or **UNSURE** to any of the questions below a full Data Protection Impact Assessment will need to be completed in line with Trust policy.

	Yes	No	Unsure	Comments - Document initial comments on the issue and the privacy impacts or clarification why it is not an issue
Is the information about individuals likely to raise privacy concerns or expectations e.g. health records, criminal records or other information people would consider particularly private?		X		
Will the procedural document lead to the collection of new information about individuals?		X		
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?		X		
Will the implementation of the procedural document require you to contact individuals in ways which they may find intrusive?		X		
Will the information about individuals be disclosed to organisations or people who have not previously had routine access to the information?		X		
Does the procedural document involve you using new technology which might be perceived as being intrusive? e.g. biometrics or facial recognition		X		
Will the procedural document result in you making decisions or taking action against individuals in ways which can have a significant impact on them?		X		

Will the implementation of the procedural document compel individuals to provide information about themselves?		X		
--	--	---	--	--

Sign off if no requirement to continue with Data Protection Impact Assessment:
Confirmation that the responses to the above questions are all NO and therefore there is no requirement to continue with the Data Protection Impact Assessment

Policy author Matthew Russell

Date 15.10.2024

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	38 of 45

14. Appendix 1 – Frequently asked questions & answers

Q. What is a MATB1 form?

A. This is the form that officially certifies that you are pregnant and indicates your expected week of childbirth. You should receive this form from your midwife or GP around 20 weeks into your pregnancy. The original MATB1 certificate must be sent by email to lead.employer@sthk.nhs.uk. It is the responsibility of the employee to ensure that the MATB1 certificate is received and no responsibility will be accepted for documents that go missing in the post.

Q. What happens if I decide not to return to work?

A. If you have indicated that you intended to return to work but then decide not to do so, you do not have to pay back payments made to you under Statutory Maternity, Shared Parental or Adoption Pay. However, if you have qualified for and been paid Occupational Maternity, Shared Parental or Adoption Pay you do have to return to work for at least three months, otherwise you would have to pay back those payments (minus your entitlements to SMP/ShPP/SAP).

Q. Can I come back from Maternity/shared Parental/Adoption Leave to reduced or flexible hours?

A. Any request for consideration to changes in your contracted hours when you return to work must be discussed with your local NHSE less than full time team.

Q. Can I change the start date for my maternity/shared parental/adoption leave once I have submitted my forms?

A. Yes, but you must inform your manager and the Employment Services Department as soon as possible, to discuss your circumstances preferably giving them at least 28 days written notice.

Q. Is my incremental date affected by my going on maternity leave?

A. No, your incremental date is not affected at all.

Q. What happens if I am on a fixed term contract that expires during my maternity leave?

Title:	New Parent Support Leave and Policy		
Document Number:		Version:	3
		Page:	39 of 45

A. If you are employed on a temporary or fixed term contract which expires during the period from 11 weeks before your baby is due, to fifteen weeks after the expected week of childbirth, and you would have otherwise have qualified for Occupational Maternity Pay, your contract would be extended to enable you to receive that entitlement. As you would not have the right to return to work because your contract would have expired if your pregnancy had not occurred, you would not have to repay any monies to the Trust.

If you do not qualify for OMP, your contract would be extended to cover any period of SMP you are entitled to.

Q. Will I get the normal cost of living increase if it is awarded whilst I am on maternity/shared parental/adoption leave?

A. You will benefit from any pay increase being implemented whilst you are on maternity/shared parental/adoption leave and your maternity/shared parental/adoption pay entitlement will automatically be re-calculated to take this into account.

Q. Can I return to work earlier than originally planned?

A. Yes. Normally 8 weeks (56 days) written notice is required before returning to work, but clearly if you are planning to return to work earlier than originally planned you should discuss this with your manager at the earliest opportunity. There is also a statutory requirement that colleagues in training take at least two weeks maternity leave following the birth of your baby.

Q. What if I am unsure about returning for work?

A. If you have over one year's continuous service but are not sure about whether or not you wish to return to work following your maternity/shared parental/adoption leave, you will be paid as though you are not returning to work (see section 6.1.4). If you then do return to work you will then receive the difference between that and full Occupational Maternity/Shared Parental/Adpotion Pay once you have been back at work for three months.

Q. Can I return to work with another NHS employer?

A. Yes. Your entitlement to maternity/shared parental/adoption leave and pay is not affected if you return to work with another NHS employer rather than this Trust (the same requirement to return to work for at least three months still applies). This is dependent on your notifying the Trust of this

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	40 of 45

intention no later than 21 days before your maternity leave is due to end. You would also need to provide a copy of your letter of appointment with the other NHS employer to demonstrate that you will commence employment with the other Trust within 15 months of the start of your maternity leave. Failure to do so entitles this Trust to recover any Occupational Maternity/ Shared Parental/Adoption Pay that you had received.

Q. I am breastfeeding are there any facilities I can use?

A. Yes, you must discuss the arrangements with your Host Trust i.e. what times you are feeding etc.

Q. Can I undertake additional work outside of my contract of employment with the Lead Employer whilst on a period of new parent support leave?

A. Colleagues in training wishing to undertake additional work outside of their contract with the Lead Employer should discuss this in the first instance with the Lead Employer and NHSE to discuss any implications that additional paid work may have on their Maternity/Shared Parental/Adoption Leave and Pay.

Title:	New Parent Support Leave and Policy				
Document Number:		Version:	3	Page:	41 of 45

15. Appendix 2- TABLE OF ENTITLEMENTS

<p>Occupational Maternity Pay Entitlement</p> <p>By prior agreement with the employer this entitlement may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period</p>	<p>For the first 8 weeks of leave</p> <p>full pay (less any SMP to which they may be entitled).</p>	<p>For the next 18 weeks of leave</p> <p>half of full pay plus SMP (reduced only to the extent that half pay and SMP do not exceed full pay)</p>	<p>For the next 13 weeks of Leave</p> <p>SMP only (Extension of Maternity Pay)</p>	<p>For the next 13 weeks</p> <p>staff may take additional unpaid maternity leave making a total of 52 weeks</p>
<p>Statutory Maternity Pay (SMP) Entitlement</p>	<p>For the first 6 weeks of leave</p> <p>90% of salary</p>	<p>For the next 33 weeks of leave</p> <p>standard rate of SMP (please check here for current SMP rate) or 90% of the employee's average weekly earnings if lower</p>	<p>The additional 13 weeks</p> <p>will be unpaid</p>	
<p>Staff who are not eligible for SMP may be entitled to Maternity Allowance (MA)</p>	<p>Maternity Allowance</p> <p>a flat rate allowance is paid by the Department of Social Security for up to 39 weeks to individuals who are not entitled to SMP. Staff who do not meet the criteria for SMP but have worked at least 26 weeks in the 66-weeks ending with the week before the EWC may be eligible for this allowance</p>	<p>Employees who are entitled to MA will receive either 39 weeks paid at a rate of 90% of the employee's earning, or at the lesser rate of MA (£136.78 per week 2013/14)</p>	<p>Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements</p>	

Title:	New Parent Support Leave and Policy		
Document Number:	[DC to provide]	Version: 3	Page: 44 of 47

Occupational Shared Parental Pay	For the first 8 weeks of leave full pay (less any SMP/SShPP to which they may be entitled).	For the next 18 weeks of leave half of full pay plus SMP (reduced only to the extent that half pay and SMP do not exceed full pay)	For the next 13 weeks of Leave SShPP only (Extension of Shared Parental Pay)	For the next 11 weeks staff may take additional unpaid shared parental leave making a total of 50 weeks
Shared Parental Pay (ShPP) Entitlement	For the first 6 weeks of leave Standard rate of ShPP (please check here for current ShPP rate) or 90% of the employee's average weekly earnings if lower	For the next 33 weeks of leave standard rate of ShPP (please check here for current ShPP rate) or 90% of the employee's average weekly earnings if lower	The additional 11 weeks will be unpaid	

<p>Occupational Paternity Pay (Ordinary Paternity)</p>	<p>Ordinary Paternity leave</p> <p>will be entitled to 2 weeks Ordinary Paternity Leave, paid at their normal rate of pay. This will be inclusive of any statutory paternity pay to which they may be entitled</p>	<p>Statutory Paternity Pay</p> <p>up to 2 weeks leave at the Statutory Paternity Leave pay rate which can be taken any time within the 56 days following the birth. This allows the leave to be taken in either a one or two week block but not two separate weeks</p>	<p>Note under Agenda for Change whereas relatives who are nominated as carers are eligible for Occupational Paternity Pay they are not entitled to SPP</p>	
---	---	---	---	--

Title:	New Parent Support Leave and Policy		
Document Number:	[DC to provide]	Version:	3
Page:	44 of 47		

<p>Occupational Adoption Leave Adoption Leave Entitlement</p> <p>By prior agreement with the employer this entitlement may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the adoption leave period</p>	<p>For the first 8 weeks of leave</p> <p>full pay (less any statutory adoption pay to which they may be entitled)</p>	<p>For the next 18 weeks of leave</p> <p>half of full pay plus SAP (reduced only to the extent that half pay and SAP do not exceed full pay)</p>	<p>For the next 13 weeks of Leave</p> <p>SAP only (Extension of Adoption Pay)</p>	<p>For the next 13 weeks</p> <p>staff may take additional unpaid adoption leave making a total of 52 weeks</p>
<p>Statutory Adoption Pay (SAP)</p>	<p>For the first 6 weeks of leave,</p> <p>90% of salary</p>	<p>For the next 33 weeks of leave,</p> <p>standard rate of SAP (currently 2007/8 £112.75 per week) or 90% of the employee's average weekly earnings if lower</p>	<p>The additional 13 weeks</p> <p>will be unpaid</p>	
<p>If staff do not meet the criteria for SAP but have worked at least 26 weeks in the 66-weeks ending with the week before the EWA they may be eligible for Adoption Allowance AA</p>	<p>Adoption Allowance, (AA) a flat rate allowance is paid by the Department of Social Security for up to 39 weeks to individuals who are not entitled to SAP</p>	<p>Employees who are entitled to AA will receive 39 weeks paid at a rate of 90% of the employee's earning, or at the lesser rate of AA (£34.90 2007/8)</p>		