

Policy Document Control Page

Title: Maternity, Adoption and Paternity Leave Policy

Version: 7

Reference Number: HR13

Supersedes: V6 and all predecessor policies

Description of amendments:

Updated Bank Holiday entitlement

Originator

Originated By: Liz Cheadle

Designation: HR Business Partner

Equality Impact Assessment (EIA) Process

Equality Relevance Assessment Undertaken by: Liz Cheadle

ERA undertaken on: July 2015

ERA approved by EIA Work group on:

Where policy deemed relevant to equality-

EIA undertaken by Liz Cheadle

EIA undertaken on July 2015

EIA approved by EIA work group on July 2015

Approval and Ratification

Referred for approval by: JCNC

Date of Referral: 18/7/17

Approved by: JCNC

Approval Date: 18/7/17

Date Ratified by Executive Directors: 4th September 2017

Executive Director Lead: Director of Operations

Circulation

Issue Date: 6th September 2017

Circulated by: Information Department

Issued to: An e-copy of this policy is sent to all wards and departments

Policy to be uploaded to the Trust's External Website? NO

Review

Review Date: July 2020

Responsibility of: Kirsty Hood

Designation: Senior HRBP & ER Manager

This policy is to be disseminated to all relevant staff.

This policy must be posted on the Intranet.

Date Posted: 6th September 2017

1. POLICY SUMMARY

	Page
1.1 Aim	5
1.2 Scope	5
1.3 Duties and responsibilities	5
1.3.1 Employee	5
1.3.2 Manager	5
1.3.3 Workforce	6

1. MATERNITY LEAVE / PAY

2.1 Eligibility	6
2.1.1 Maternity	6
2.1.2 Adoption	7
2.2 Health & Safety	
2.2.1 Risk assessment	8
2.2.2 Breastfeeding	10
2.3 Maternity / Adoption leave	
2.3.1 Ordinary Maternity / Adoption Leave (OML)	10
2.3.2 Additional Maternity / Adoption Leave (AML)	10
2.3.3 Compulsory Maternity leave	11
2.3.4 Pre-term birth	11
2.3.5 Still birth	11
2.3.6 Miscarriage	11
2.3.7 Adoption ceased	11
2.4 Maternity / Adoption pay	12
2.4.1 Statutory Pay	12
2.4.2 Occupational Pay	12
2.4.3 Maternity / Adoption Allowance	13
2.4.4 Maternity / Adoption Leave whilst on a Fixed Term	13
2.5 Miscellaneous provisions for maternity / adoption entitlements	
2.5.1 Antenatal Care	14
2.5.2 Adoption appointments	14
2.5.3 Medical evidence	14
2.5.4 Sickness absence during pregnancy.....	15
2.5.5 Annual Leave	15

2.5.6	NHS Pension Scheme	16
2.5.7	Pay awards, Incremental dates and Continuous Service	17
2.5.8	Working during maternity / adoption leave	17
2.5.9	Keeping in touch (KIT) days	17
2.5.10	Return to work	18
2.5.11	Post natal care	19

2. PATERNITY LEAVE / PAY

3.1	Paternity/Partner leave – Birth or Adoption of a child	20
3.2	Eligibility	20
3.2.1	Eligibility for Paternity leave: birth parent	20
3.2.2	Eligibility for paternity leave: adoptive parent	20
3.3	Notification period	21
3.4	Ordinary Paternity Leave (OPL)	21
3.5	Process for obtaining paternity leave / pay	21
3.6	Paternity pay	22
3.6.1	Ordinary Paternity Pay (OPP)	22
3.6.2	Statutory Paternity Pay (SPP) during Ordinary Paternity Leave	22
3.6.3	Occupational Paternity Pay during Ordinary Paternity Leave	23
3.7	If the baby dies	23
3.8	Return to Work	23

3. APPENDIX

Appendix 1	Application Form for Maternity / Adoption Leave	24
Appendix 2	Notification of return from Maternity / Adoption Leave	26
Appendix 3	Pennine Care risk assessment for expectant mothers	27
Appendix 4	Document Control Information	30

1.1 AIMS

This policy details the benefits employees are entitled to when pregnant or participating in adoption processes, it includes information on paternity leave and payment.

1.2 SCOPE

1.2.1 This policy applies to all employees of the Trust.

1.2.2 This policy does not apply to applications of Shared Parental Leave. Please see the separate policy.

1.2.3 Bank Staff should contact the Human Resources Department for advice on their entitlement. The policy is intended to provide relevant information but is not an exhaustive account of all the regulations.

1.2.4 Guidance has been taken from:-

- Agenda for Change handbook 3/2015:amendment 35:- Section 15 and 35
- Maternity provisions contained in the Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002.
- Health & Safety Executive (HSE) Pregnancy guide.
- GOV.UK/employers-paternity-pay-leave
- GOV.UK/adoption-pay-leave

1.3 DUTIES AND RESPONSIBILITIES

1.3.1 Employee

Employees are responsible for co-operating with the Maternity, Paternity and Adoption leave procedures and should make every effort to correspond with the Trust at all times.

1.3.2 Manager

Requests for leave should be dealt with without any undue delay on the part of the manager.

Managers are responsible for following all aspects of this policy to sure the Trust, workplace and employees are supported adequately.

Managers should ensure that all absent employees are included in any organisational change and consultation processes.

1.3.3 Workforce

The Workforce department is responsible for the correct, timely, recording and maintenance of applications, ensuring these are dealt with in line with best practice.

To support managers through the application of leave processes.

The Human Resources department is responsible for the review and maintenance of this policy through agreed forums within the Trust.

2. MATERNITY

2.1 ELIGIBILITY

2.1.1 Maternity

An employee working full-time or part-time will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if:

They have twelve months continuous service with one or more NHS employers at the beginning of the eleventh week before the expected week of childbirth.

They provide the following information, in writing and using the Trust application form, to their line manager before the end of the fifteenth week before the expected date of childbirth or as soon as is reasonably practicable:

- Their intention to take maternity leave.
- The date they wish to start maternity leave.
- MATB1 form from the midwife or GP giving the expected date of childbirth (as soon as issued to the employee)
- That they intend to return to work with the same or another NHS employer for a minimum period of three months after the maternity leave has ended.

Once the employee has informed the line manager of the above, it is then the manager's duty to confirm receipt and the details of the information provided

in writing to the employee and supply the employee with a copy of the Maternity / Paternity / Adoption policy.

The manager must inform Human Resources immediately, by forwarding the completed employee maternity application form so that the necessary actions can be taken.

An employee may choose to start maternity whenever suitable, as long as this is not earlier than the eleventh week before the expected week of confinement (EWC).

If an employee subsequently wants to change the date from which she wishes her leave to start, she should notify her employer (line manager and HR) at least twenty eight days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

2.1.2. Adoption

Further to the above maternity criteria the following additional criteria is relevant for adoptive parents:

- Only one person in a couple can take adoption leave. The other partner could get paternity leave instead.
- Must be newly matched with a child for adoption by an approved adoption agency (Adoption leave and pay are not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child).
- an employee is required to notify his or her manager in writing of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption (or twenty eight days if adopting from overseas), unless this is not reasonably practicable.
- You must give your employer proof of adoption to qualify for Statutory Adoption Pay. The proof must show:
 - employees name and address and that of the agency
 - the match date (the matching certificate)
 - the date of placement (the letter from the agency)

- The UK authority's official notification confirming allowed to adopt.
- The date the child arrived in the UK (plane ticket) overseas only.
- The employee's manager must respond to this notification in writing within 28 days of receipt, setting out the date on which they expect the employee to return to work if the full entitlement to Adoption leave is taken.
- The employee may change their mind about the date they wish to commence their adoption leave provided that they advise their line manager at least twenty eight days in advance (or as soon as is reasonably practicable).
- Adopters can choose to start their leave either on the date of the child's placement (whether this is earlier or later than expected), or from a fixed date which can be up to fourteen days before the expected date of placement. If the placement is delayed and adoption leave has commenced, it cannot be stopped and resumed again at a later date. Leave can start on any day of the week.

2.2 HEALTH & SAFETY

2.2.1 Risk assessment

The formal notification procedures and timescales are outlined above, however, for reasons of health and safety, it is advisable that the employee inform their line manager at the earliest possible opportunity that they are pregnant. This is to ensure that the job the employee is doing will not adversely affect either the employee or the employee's unborn child during pregnancy.

The employee's line manager will undertake a risk assessment in order to ascertain whether there are any significant risks to the employee's health and safety. The Trust is obliged to assess the physical, biological, chemical risks, working conditions and processes. Assessment will take place in respect of all activities liable to involve a specific risk of exposure to the agents, processes or working conditions. These risks will vary depending on an employee's health, and at different stages of their pregnancy. The current Trust risk assessment form for expectant mothers can be found on the intranet in the Health and Safety section.

The actual risk to the employee depends on the 'nature, degree and duration of the exposure' in each case. Therefore each case will be looked up on its own merits. Some of the more common risks might be:

- lifting/carrying of heavy loads;
- standing or sitting for long lengths of time;
- exposure to infectious diseases;
- work-related stress;
- workstations and posture;
- exposure to radioactive material;
- threat of violence in the workplace;
- long working hours; excessively noisy workplaces.

An employee will be asked to assist with the completion of their risk assessment. It is important that any advice an employee receives from their doctor or midwife, which could impact on assessments, is passed on to the employee's line manager. The risk assessment will be monitored and reviewed on a regular basis, by the employee's line manager, to ensure the employees' on going health and safety needs are being met.

Once an assessment has taken place, the manager must decide what appropriate measure to take in response to the outcome of the assessment. The outcome and any measures will be communicated to the employee and/or the employee's representative.

Where the assessment reveals a risk to the employee's health and safety, the manager must mitigate that risk by making a temporary adjustment to the employees working condition and/or hours of work. However, if having ascertained that there is a risk, the adjustments are in fact not technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds; then the employee should be moved to another job to avoid exposure to the risk. If redeployment is not possible, the employee will be suspended on pay for such a period as is necessary to maintain the employee's health and safety. During this period of absence, the employee's contractual rights subsist. If the employee unreasonably refuses an offer of suitable alternative employment, the employee will lose the right to remuneration.

The Trust's Occupational Health Department will give guidance or advice if either the employee or the employee's line manager is unsure about how the employee's job may affect the employee.

2.2.2 Breastfeeding

On returning to work an employee should provide their employer with written notification that they are breastfeeding and wherever possible let their employer know before they return. The employee's line manager must then conduct a specific risk assessment.

Employers are required to undertake a risk assessment and to provide breastfeeding women with suitable private rest facilities. The HSE Guidance **recommends** that employers provide:

- a clean, healthy and safe environment for women who are breastfeeding;
- suitable access to a private room to express and store milk in an appropriate refrigerator.

Flexible working arrangement requests will be considered to support breast feeding women at work.

2.3 MATERNITY / ADOPTION LEAVE ENTITLEMENTS

Employees are entitled to take up to a maximum of fifty two weeks Maternity/ Adoption leave. This is made up of two parts;

2.3.1 Ordinary Maternity / Adoption Leave (OML)

The first twenty six weeks of leave is referred to as Ordinary Maternity /Adoption leave. Employees are entitled to take twenty six weeks of ordinary maternity or adoption leave irrespective of their length of service or the number of hours worked each week, provided they meet the eligibility criteria.

2.3.2 Additional Maternity / Adoption Leave (AML)

Employees who qualify for ordinary Maternity or Adoption leave will also qualify for Additional Maternity Leave (AML). This is a further twenty six week period that starts the day after the OML ends.

2.3.3 Compulsory Maternity leave

An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

2.3.4 Pre-term birth

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

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

Where the baby is born before the eleventh week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.

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

2.3.5 Still birth

When an employees baby is born dead after the twenty fourth week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

2.3.6 Miscarriage

Where an employee has a miscarriage before the twenty fifth week of pregnancy, normal sickness absence provisions will apply.

2.3.7 Where Adoption ceases during the Adoption leave period

If for any reason the adoption is disrupted or ceases, Adoption leave and pay (if eligible) will normally continue for eight weeks (or until the end of the adopters twenty six week Statutory Adoption Pay (SAP) period if that is sooner) following the end of the adoption. The employee should contact their

manager and agree arrangements for return to work at the earliest opportunity.

2.4 MATERNITY AND ADOPTION PAY

Rates of pay for Maternity/Adoption leave will be dependent upon the employee's individual length of service.

2.4.1 Statutory Pay

If an employee has at least twenty six weeks continuous service at the start of the fifteenth week before their child is born, they will normally be entitled to receive **Statutory** Maternity and Adoption pay (SMP & SAP) whether or not they intend to return to work.

Statutory Maternity and Adoption pay is payable at two rates for a maximum of 39 weeks. For the first six weeks the higher rate of either Statutory Maternity pay or 90% of salary will be paid.

After this time employees will be paid at the rate of Statutory Maternity Pay or 90% of their earnings, whichever is less. Statutory pay rates can be found on the HM Revenues and Custom website.

2.4.2 Occupational Pay

Staff that have twelve months continuous service with one or more NHS employers at the beginning of the eleventh week before the expected week of childbirth and intend to return to work for a minimum of three months after their maternity leave has ended are entitled to Occupational Maternity and Adoption Pay.

A total of fifty two weeks leave are available and the amount of contractual pay receivable is as follows:

- for the first eight weeks of absence the employee will receive full pay, less any Statutory Maternity Pay or maternity allowance (including dependents allowances) receivable;
- for the next eighteen weeks the employee will receive half of full pay, plus any Statutory Maternity Pay or maternity allowance (including any

dependents allowances) receivable, providing the total receivable does not exceed full pay;

- for the next thirteen weeks, the employee will receive any Statutory Maternity Pay or maternity allowance that they are entitled to under the statutory scheme;
- for the next thirteen weeks employees are also entitled to take unpaid leave to bring the total of leave to fifty two weeks. However, this may be extended by local agreement in exceptional circumstances, for example, where employees have sick pre-term babies or multiple births.

Full pay is calculated by taking the average over the eight week period prior to the qualifying week. For monthly paid staff this will include all the pay the employee receives in the two months up to and including the last normal pay day before the end of the qualifying week. The qualifying week is fifteen weeks before the expected week of childbirth.

Should the employee receive Occupational Maternity/Adoption pay and then not return to work for a period of three months following the leave, they will be liable to repay the difference between Statutory Pay and the Occupational Pay received.

Maternity and Adoption pay will be paid into the employee's bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, National Insurance (NI) and pension contribution.

2.4.3 Maternity/Adoption Allowance

Those employees who have less than twenty six weeks continuous service at the start of the fifteenth week before their child is born/adopted will need to contact the Department for Work and Pensions directly to apply for payment of Maternity/Adoption Allowance.

2.4.4 Maternity/Adoption Leave whilst on a Fixed Term Contract

Employees subject to fixed term contracts which expire after the eleventh week before the expected week of childbirth and who satisfy the maternity eligibility requirement, shall have their contracts extended so as to allow them

to receive the fifty two weeks, which includes paid contractual and statutory maternity pay, and the remaining thirteen weeks of unpaid maternity leave.

Absence on maternity leave (paid and unpaid) up to fifty two weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions for a failure to return to work following maternity leave would not apply.

2.5 MISCELLANEOUS PROVISIONS FOR MATERNITY / ADOPTION ENTITLEMENTS

2.5.1 Antenatal care

All pregnant women have a statutory right to paid time off for antenatal care. This may include relaxation and parent craft classes recommended by the employee's doctor, midwife or health visitor.

After the employee's first antenatal appointment, the employee should show their manager the appointment card and discuss their need for time off, so that the manager has time to make any necessary arrangements to cover their absence. In exceptional circumstances, the manager may ask the employee to change the time of their appointment if it has an impact on service delivery and the employee should comply with this if practical.

2.5.2 Adoption appointments

If you qualify for adoption leave, you can also get paid time off work to attend five adoption appointments after you have been matched with a child.

2.5.3 Medical evidence

The employees doctor or midwife will issue the employee with form MAT B1 (certificate of confinement) usually in the employees twenty fourth to twenty sixth week of pregnancy. This should be handed in, as soon as possible, to the employee's manager so that the Trust has formal confirmation of the employees expected week of childbirth. The Trust cannot start paying maternity pay without this certificate.

There is no legal requirement for the employee to produce any documentation to demonstrate that the employee is fit to work past the employees twenty ninth week of pregnancy, although the employee should still discuss their fitness to work with the Doctor or Midwife, and only work for as long as he/she recommends.

Following a risk assessment the employee's manager may ask the employee to see an Occupational Health Adviser to ensure that the work the employee does will not cause any harm to either the employee or their unborn baby.

2.5.4 Sickness absence during pregnancy

If the employee is absent due to a pregnancy related illness during the last four weeks before the expected week of childbirth, maternity leave will automatically commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is later.

Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity to work, or a self-certificate, shall be treated as sickness absence in accordance with normal provisions.

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

Special consideration will be given to managing the health and attendance of pregnant women and pregnancy related absences will be disregarded for the purposes of setting targets under the Trust's Policy for Managing Attendance in relation to short-term sickness absence.

2.5.5 Annual Leave

Annual leave will continue to accrue during maternity leave, whether paid or unpaid.

Where the amount of accrued leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and / or after the formal (paid

and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer.

Annual leave may be used either in a single period or to allow a short period of part-time working at either side of the maternity leave.

If the employee declares their intention not to return to work at all, any outstanding annual leave for the entire period of maternity leave will ideally need to be taken prior to the employees maternity leave starts.

Payment in lieu may be considered as an option where accrual of annual leave exceeds carry over provisions.

Since October 2016 Bank holidays **are also** accrued during maternity / adoption leave periods so should be added to the annual leave that is accrued.

Annual leave cannot be taken in between paid and unpaid maternity / adoption leave as this amounts to a return to work and so ends the maternity leave period.

2.5.6 NHS Pension Scheme

Pension rights and contributions are dealt with in line with the provisions of the NHS Pension Scheme.

During periods of paid maternity/adoption leave, the Trust will continue to make pension contributions as if the employee is working and earning the employee's normal pay. The employee will continue to make contributions at the usual percentage rate of the employee's maternity/adoption pay.

During periods of unpaid maternity/adoption leave, the employee's occupational pension rights will continue to accrue. If the employee is already making contributions to the NHS Pension Scheme and the employee decides to take the option of unpaid maternity/adoption leave, the employee will be required to pay the accumulated contributions to cover the period of unpaid

maternity/adoption leave. The accumulated contributions are taken over a period of time from the employee's salary when they return to work.

If the employee decides that they do not wish to return to work when they previously stated that it was their intention to do so, then the employee will still be liable for contributions to the scheme and arrears may be payable if the employee has taken a period of unpaid leave.

2.5.7 Pay awards, Incremental dates and Continuous Service

Taking a period of maternity/adoption leave will not affect the employee's incremental date, this includes increments where the employee is at a gateway point. In addition, it will not affect an employee's continuous NHS and Trust service.

2.5.8 Working during Maternity and Adoption leave

An employee may not undertake any paid work with the Trust or any other employer during the maternity/adoption leave period. If s/he does so, Adoption Leave and Adoption Pay will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered under the Trust's Disciplinary Procedure. This excludes mutually agreed KIT dates.

2.5.9 Keeping in touch (KIT) days

Before starting maternity/adoption leave, the employee's manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee may also agree to receive occasional work-related updates.

The employee is responsible for keeping their manager in touch with any developments that may affect their intended date of return.

KIT days may not be used during the two weeks compulsory maternity leave immediately following the birth of a child.

The law allows women to attend work on a maximum of ten 'Keeping in Touch' (KIT) days during their maternity/adoption leave to facilitate a smooth return to work. These days can be consecutive, can be shorter than a normal working day and can include training sessions etc. Working for a part of any day counts as one of the ten KIT days. Any KIT days and the arrangements for them must be mutually agreed by both the employee and their manager and neither can insist on KIT days being used.

KIT days will be paid at the normal hourly rate as if the employee were at work if taken during the unpaid part of the employees maternity/adoption leave. If a KIT day is taken during paid maternity/adoption leave the employee will be paid at the normal hourly rate with an adjustment made to the SMP and OMP calculation for that week.

Professional Registration must be maintained or renewed if this has expired whilst an employee is on maternity/ adoption leave if the employee wishes to work and be paid for KIT days.

Normally, KIT days would include for example:

- training
- away or development days with the team
- to allow participation in significant changes within a department, i.e. if a formal consultation is happening in line with organisational change.

2.5.10 Return to work

Employees returning to work during or at the end of the first twenty six weeks (Ordinary maternity/adoption leave, or Paternity Leave) are entitled to return to the same job on the same terms and conditions.

Employees taking more than twenty six weeks (Additional maternity/adoption leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably practicable the employee is entitled to return to a suitable job on terms and conditions, which are no less favourable.

If the employee wants to return to work before the end of the stated maternity/adoption leave period, the employee must give their manager at least twenty eight days' notice of the date they wish to return to work. We would encourage the employee to discuss their return to work date with their manager at the earliest opportunity, so that suitable arrangements are put in place.

If the employee does not give the required notice of an early return to work the Trust may postpone the employees return until a date that would secure the twenty eight days' notice.

If the employee wishes to resign during or after a period of maternity/adoption leave, the employee should give written notice in the usual manner to their manager.

There is no automatic right for the employee to reduce their hours or return to work on different conditions, but the employee's manager will consider any employee request in line with the Trust's Flexible Working Policy and give the employee objective, justifiable reasons in writing, if their request cannot be granted.

When the employee returns to work, the employee's manager will update the employee on developments in their absence, including new and amended policies and arrange an induction appropriate for the length of the employee's absence from work.

The employee has the right to paid time off for post-natal care. The employee should show their manager their appointment card and discuss the need for time off, so that their manager has time to make any necessary arrangements to cover the employee's absence. In exceptional circumstances, the employees manager may ask the employee to change the time of their appointment, if it will be inconvenient to the department, and the employee should comply with this if practical.

2.5.11 Post-natal care

Women who have recently given birth are entitled to paid time off for post-natal care e.g. attendance at health clinics.

3. PATERNITY

3.1 Paternity/Partner leave - Birth/Adoption of a child

Paternity leave applies to biological and adoptive fathers (or adoptive mothers if the Father is the primary care giver), nominated carers and same sex partners.

There are two types of Paternity Leave;

- Ordinary Paternity Leave – OPL (taken within fifty six days of baby's birth date)
- Additional Paternity Leave – APL (to be taken at least twenty weeks after the baby's birth date).

3.2.1 Eligibility for Paternity leave

- Have worked for the Trust for at least twenty six weeks by the end of the fifteenth week before the expected week of childbirth (known as the qualifying week).
- Be classed as an employee
- Be employed by the Trust up to the date the child is born (or placed with the adopter)
- Gives the correct notice (at least twenty eight days)
- Be taking time off to look after the child or partner
- Be responsible for the child's upbringing

3.2.2 Eligibility for paternity leave: Adoptive parent

- Have worked for the Trust for at least twenty six weeks by the end of the week they were matched with a child.
- Confirm that their partner is getting Statutory Adoption Pay in writing or by providing a copy of their partners form SC6
- Meet the other eligibility conditions for paternity leave or pay.

They must also be one of the following, the:

- Father
- Husband or partner of the mother (or adopter)
- Childs adopter
- Intended parent (if through surrogacy)

3.3 Notification period

Paternity: Form SC3 can be completed and used as notice of requesting paternity leave. Notice must be given at least twenty eight days in advance of the start date.

Adoptive paternity: Form SC4 must be completed by an employee adopting a child. Notice for leave should be no later than seven days of their co-adopter or partner being matched with a child. Notice for pay is twenty eight days before pay is due to start.

NB: Paternity leave or pay start date can be delayed by the employer if there is no reasonable excuse for giving the wrong amount of notice. If it will be delayed your employer will write to you.

3.4 Ordinary Paternity Leave (OPL)

Employees who meet the eligibility criteria are entitled to **two weeks** paid leave and unpaid time off to accompany the woman to two antenatal appointments of up to six and a half hours each (the line manager may request sight of the appointment card). The Contract of Employment continues throughout Paternity Leave and an employee is entitled to return to the same job.

Ordinary Paternity leave must finish within fifty six days of the date of the child's birth, Adoption placement, or start of the expected week of childbirth. The start and end dates are different if the employee is adopting.

Employees can choose to take one week or two **consecutive** weeks.

Managers should ensure that requests for paternity leave are dealt with as quickly as possible and that all requests are honoured where possible. All requests must be considered in line with individual needs and service requirements.

3.5 Process for obtaining paternity leave / pay

A request for Ordinary Paternity Leave and statutory Paternity Pay should be made, using the relevant forms SC3/SC4 available from Human Resources, and be submitted to the employee's line manager at least twenty eight days

before the date they expect the leave to start. The manager *may* ask for evidence i.e. Copy of MAT B1.

Adoptive parents applying for paternity pay must provide proof of adoption to qualify. Proof can be a letter from the adoption agency or the matching certificate.

The line manager will forward the completed paperwork to the HR department for processing.

The relevant forms are available at gov.uk or via link [Paternity Application](#):
SC3 - Ordinary Statutory Paternity pay, becoming a birth parent payment
SC4-Ordinary Statutory Paternity pay, becoming an adoptive parent payment.

Paternity Leave cannot start before the birth or placement of the child. The start date must be one of the following:

- The actual date of birth / placement
- An agreed number of days after the birth / placement
- An agreed number of days after the expected week of childbirth.

3.6 Paternity Pay

3.6.1 Ordinary Paternity Pay

Rates of pay for Ordinary Paternity Leave will be dependent upon the employee's individual situation as outlined below.

3.6.2 Statutory Paternity Pay during Ordinary Paternity Leave

An employee may be entitled to two weeks paid Statutory Paternity leave if they;

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner
- have worked continuously for the Trust for twenty six weeks ending with the fifteenth week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

Statutory Paternity leave is paid at the rate of statutory pay or 90% of their earnings, whichever is less.

3.6.3 Occupational Paternity Pay during Ordinary Paternity Leave

All employees who have twelve months continuous service with the NHS before the child is expected to be born, or placed in Adoption, are entitled to Occupational Paternity Pay. This is paid at full pay for two weeks, inclusive of Statutory Paternity Pay.

3.7 If the baby dies

Employees still qualify for paternity leave and pay if the baby is either:

- Still born from twenty four weeks of pregnancy
- Born alive at any point in the pregnancy but later dies.

3.8 Return to Work

Employees are entitled to return to the same job following Paternity Leave.

APPENDIX



APPLICATION FOR MATERNITY / ADOPTION LEAVE AND PAY

Please complete this form and send it with your MATB1 form to your manager, as soon as possible.

You should read the accompanying Trust Maternity Pack very carefully before you do.

Full name:	Job title:
Home address:	Department:
No. of hours per week:	Date started work for the Trust:
Expected date of confinement:	Hospital / Clinic:

If employed by the Trust for less than 12 months, please give the name of any previous NHS employer and dates of employment covering the last two years.

Please complete the relevant section below, it is only necessary to complete one section.

Staff who wish to return to work.

1. With less than 12 months service.

I wish to apply for maternity leave starting on _____ until _____ and agree to return to work in the Trust after the expiry of my maternity leave.

Signed: _____

Dated: _____

2. With more than 12 months service.

I wish to apply for maternity leave starting on _____ until _____ and agree to return to work in the Trust after the expiry of my maternity leave.

I understand that should I fail to return to work having indicated my intention to do so, I shall be liable to refund any overpayments made to me and authorise the Trust to deduct this amount from any monies due to me.

Signed: _____

Dated:

Staff who do not wish to return to work.

3. With a minimum of 26 weeks service at 15 weeks before the expected week of confinement.

I will not be returning to work with the Trust.

I wish to claim maternity pay commencing on _____

Signed: _____

Dated:

4. With less service than in 3 above.

I will not be returning to work with the Trust.

I wish to claim SMP, commencing on _____

Signed: _____

Dated:

—

NOTED BY MANAGER

Name:

Designation:

Signed:

Dated:

NB: The completed form, together with a termination form if not returning, should be forwarded to local HR Assistant.

NOTIFICATION OF RETURN FROM MATERNITY / ADOPTION LEAVE

NAME: _____

BAND: _____

DATE OF RETURN: _____

MANAGER'S SIGNATURE: _____

MANAGER'S NAME: _____
(printed)

DATE: _____

CONTACT NUMBER: _____

**PLEASE FORWARD TO YOUR DBU HR ASSISTANT, ALONG WITH A
TERMINATION FORM IF NOT RETURNING.**

RISK ASSESSMENT FORM – PREGNANT, POST-PREGNANT AND BREASTFEEDING STAFF

(Post-pregnant covers the 6 month period following the birth)

To be completed by the manager and member of staff concerned as soon as possible after the manager has been notified of the pregnancy in writing)

DEPARTMENT

NAME OF EMPLOYEE

POST **DATE OF ASSESSMENT**.....

STEP 1. IDENTIFY THE HAZARD(S)

This section identifies the hazards which pregnant and post-pregnant staff may be exposed to. More than one Risk Assessment may be necessary in some complex work areas.

A. Hazards Requiring Risk Assessment In All Cases

Does the work involve the following:	YES	NO
1. Shocks and vibrations?	[]	[]
2. Moving and Handling of Loads? (Separate risk assessment)	[]	[]
3. Unergonomic, uncomfortable postures / actions?	[]	[]
4. Excessive Noise (Above 75dB)?	[]	[]
5. Exposed to possible/ actual Violence and Aggression?	[]	[]
6. Extreme hot and/or cold?	[]	[]
7. Excessive Travelling?	[]	[]
8. Physical / Mental Fatigue?	[]	[]
9. Ionising / Non-Ionising Radiation?	[]	[]
10. Night working which is considered harmful on medical advice?	[]	[]
11. Mercury and Mercury derivatives?	[]	[]
12. Cytotoxic Drugs?	[]	[]
13. Chemicals of unknown dangerous skin absorption, e.g. Phenol. If Yes, please specify which chemical	[]	[]

- | | YES | NO |
|---|------------|-----------|
| 14. Any substances labelled with the risk phrases, R40, R45, R46 and R48 R60?(See Safety Data Sheets) | [] | [] |
| 15. Any other substance or process, which is thought to cause harm to the employees or their baby? | [] | [] |

If Yes, please specify.....

If you have answered YES to any of the above, can you eliminate the hazard by changing the work activity?

YES Please describe the altered work.

.....

NO Move staff to an alternative work area, please describe new type of work if any

.....

STEP 2. ASSESS THE RISK

(Contact the Trust Health & Safety Advisor or Occupational Health Department, if necessary.)

- | Please assess the risk and tick the appropriate box. | YES | NO |
|--|------------|-----------|
| HIGH RISK High risk of harm to employee and/or baby | [] | [] |
| MEDIUM RISK Medium risk of harm to employee and/or baby | [] | [] |
| LOW RISK Low risk of harm to employee and/or baby | [] | [] |
| NEGLIGIBLE RISK Arrangements will ensure no harm occurs to Employee and/or baby | [] | [] |

Comments.

.....

STEP 3. CONTROL MEASURES

Please specify any temporary adjustments/alterations to the work, the workplace or the working hours that are necessary to eliminate / control any risks.
(E.g. alteration of a workplace, a new system of work, use of equipment, change of duties etc.)

.....
.....
.....
.....

PLANNED COMPLETION DATE(S).....

Please specify if any, training is required for the individual concerned.
(E.g. in the use of new equipment, a new job, altered work system etc.)

.....
.....
.....
.....

PLANNED COMPLETION DATE(S).....

Are any other arrangements required to control hazards? Please specify

.....
.....
.....
.....

PLANNED COMPLETION DATE(S)

I have been involved in this risk assessment and fully understand the control measures.

EMPLOYEE SIGNATURE.....DATE.....

MANAGER SIGNATURE..... DATE.....

DATE FOR REVIEW OF THIS ASSESSMENT.....

STEP 4 MANAGEMENT REVIEW

Review date.....

Identify any non-completed aspects of **Step 3 - Control Measures.**

.....
.....
.....
.....

Identify reasons for non-completion

.....

Further action to be taken

.....
.....

TARGET DATE.....

REVIEW DATE.....

Have there been any changes affecting the initial assessment.
(i.e. introduction of new hazards or complaints of ill health effects?)

YES – (please detail):

Complete new risk assessment

NO:

No new assessment required.

Further review date (if necessary).....

I have been involved in this risk assessment and fully understand the control measures.

EMPLOYEE SIGNATURE.....DATE.....

MANAGER SIGNATURE.....DATE.....

PLEASE RETAIN A COPY OF THIS RISK ASSESSMENT ON THEIR PERSONAL FILE

NEW / EXPECTANT MOTHERS ASSESSMENT

Information for: Name:

Date:

Persons at Risk: -The above named New or Expectant mother, however all employees should be aware of the overall risks in the area.

This risk assessment and arrangements cover the activities of the above named person in:

Area / Ward / Dept.....

Description of Work / Activity:

Possible Hazards:

- Moving and Handling *Separate Risk assessment form
- Violence and Aggression
- Display Screen Equipment *Separate Risk assessment form
- Infection
- Chemicals *Separate Risk assessment form
- Travel / Fatigue / Stress

Other hazards include:

- Housekeeping – slip trip fall
- Electrical equipment
- Workspace – Lighting – Ventilation etc.
- Ionising / Non ionising Radiation

Risk Evaluation

Once the risk evaluation has been completed consider the following arrangements that should eliminate or reduce the risk from identified hazards to an acceptable level.

The analysis of the likelihood and severity of the hazards causing harm should include existing and planned preventative measures [including the following arrangements]

ARRANGEMENTS

Planning and Organising

1. Moving and Handling - of loads shall be avoided so far as is reasonably practicable; items should be collected and delivered to an area convenient for the New / Expectant Mother. Where this cannot be achieved, provision of a trolley or mechanical aid will help reduce the risks.
2. Avoid working in areas where there is an increased risk of violence and aggression and the need to be involved in restraint, physical intervention etc.

3. Assess Display Screen Equipment use, the hours of work, the volume and pacing of work is not excessive. Where possible, the New / Expectant mother herself shall have control over how work is organised.
4. Longer or more frequent breaks should be taken to avoid or reduce physical / mental fatigue.
5. Adjustments of the workstation and chair may be required where any discomfort is felt, alterations or breaks may be necessary.
6. Infection control awareness including; good personal hygiene standards and reduced or removal from contact with infectious persons, materials, substances or areas
7. Do not use chemicals unless absolutely necessary

Training and Instruction

The New / Expectant Mother shall be instructed in the following:

The risk associated with moving and handling
Avoidance of work related violence and aggression, physical intervention, restraint etc.
Display screen equipment, how to set up the workstation, how to adjust the height and backrest of the chair, posture and ergonomic techniques
Suitable methods to avoid work related upper limb disorders.
Make reasonable assessment of work environment and practices including breaks, access to facilities etc.
To make reasonable assessment of external environment stressors
* Information on and access to Pennine Care Trust policies and procedures

MANAGEMENT CONTROL

The Manager will ensure that the New / Expectant Mother has been instructed and will check that instructions are followed on an occasional basis. Any defect, non-compliance or accident/incident must be reported via the Trust reporting procedure.

The work must stop if the New / Expectant Mother suffer any discomfort, physically or mentally.

Monitoring and Review

Inspections

Management shall endeavour to inspect ALL work activities and workplaces on a monthly basis during pregnancy, with more frequent inspections if required.

Accident / Incident Investigation

Any, accident or incident occurring during the pregnancy shall be investigated by the Manager.

For Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 applicable incidents, the Trust Health and Safety Advisor shall report and investigate.

Risk Assessment Review

Management will review the risk assessment and arrangements periodically throughout the pregnancy and within two weeks of the return to work following the birth. If return to work more than six months or more after the birth, a note will be made on the risk assessment and need not be reviewed, separate risk assessments conducted may still need to be reviewed.

The risk assessment is to be reviewed following any reported accident, incident, complaint or change in the job or personal circumstances where the expectant mother has identified any discomfort.

Should any concerns remain contact the Risk Management department on 0161 716 3070