

HR01

Work Life Balance / Family Friendly Policy

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Family Friendly

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Work life Balance

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Policy on a Page

The purpose of this policy is to support staff in achieving a balance between their working lives and their commitments and obligations outside of work.

A brief overview of the various entitlements is included below however more detail (including eligibility) is included within each of the relevant attachments.

1a- Pregnancy and Maternity Leave	Pregnant employees are entitled to 52 weeks maternity leave. NHS Occupational Maternity Pay is subject to eligibility and includes 8 weeks at full pay, 18 weeks at half pay plus statutory pay, 13 weeks statutory pay only and 13 weeks unpaid.
1b - Supporting Staff with Pregnancy/Baby Loss Procedure	Provision of leave to support all employees who suffer the loss of a pregnancy/baby, whether it happens directly to them, their partner or their baby's surrogate, regardless of the nature of their loss or their length of service.
1c - Supporting Staff with Premature Birth Procedure	Extension of maternity/adoption leave, at full pay, by the number of days the baby was born prior to the due date for staff who give birth prematurely, or primary adopter in surrogacy arrangement. Additional 10 paid days leave, pro-rata for father of the child, or partner of the mother/birthing person, or secondary adopter in surrogacy arrangement.
2 - Adoption and Surrogacy Leave	Employees adopting or obtaining legal parenthood of a child as part of a surrogacy arrangement are entitled to take 52 weeks adoption leave. NHS Occupational Adoption Pay is subject to eligibility and includes 8 weeks full pay, 18 weeks half pay plus statutory pay, 13 weeks statutory pay only and 13 weeks unpaid.
3 - Shared Parental Leave	Where eligible, SPL enables both parents expecting or adopting a child to share up to 50 weeks of leave and up to 37 weeks of pay (excluding the compulsory 2 weeks leave the mother/primary adopter is required to take). The parents can choose how much of the SPL each of them will take.
4 - New Parent Support Leave	All eligible employees are entitled to 2 weeks new parent support leave. Staff will be entitled to full pay for this period where they have 12 months continuous NHS service.
5 - Unpaid Parental Leave	All employees who have completed 1 year of NHS service are entitled to 18 weeks unpaid leave for each of their children who they have a caring responsibility for (maximum of 4 weeks for each child per year).
6 - Leave for Fertility Treatment	Employees will be supported through 3 cycles of fertility treatment through provision of paid leave to attend appointments and undertake the relevant treatment.
7 - Foster Carer's Leave	An employee who is an approved foster carer is entitled to up to 5 days paid leave per financial year to attend any pre-placement meetings.
8 - Breastfeeding	Employees who return to work whilst still breastfeeding will

	be provided with reasonable time/breaks for breastfeeding and/or expressing milk.
9 - Disability Leave	Leave for short, planned appointments or treatments, related to an employee's disability, that help to support and maintain their health and wellness. It is not expected that this will exceed 6 days paid leave (45 hours - pro-rata for part-time workers) per leave year (April to March).
10 - Annual Leave and Bank Holidays	Staff on Agenda for Change terms and conditions are entitled to 8 Bank Holidays and 27, 29 or 33 days annual leave (pro-rata) dependent on NHS service
11 - Time off in lieu	TOIL will be provided on occasions where staff are required to work over and above their contracted hours in order to ensure continuity of service provision. This must be agreed with the line manager. The employee must take back the TOIL hours within 3 months of working them, otherwise they can ask to be paid the hours instead.
12 - Time off to attend Health Related Appointments	Approval for health appointments will not be unreasonably refused, however it is expected that staff will arrange these to minimise impact on the service. <i>Routine health appointments</i> = staff must try to book these either outside of work time, or at the beginning or end of a shift. <i>Hospital appointments</i> = employees must provide as much notice as possible to enable paid time off during working hours. <i>Urgent or emergency appointments</i> = staff must contact their line manager to request permission to attend at short notice.
13 - Employment Break	Employees with 12 months RWT service may apply for an employment break lasting a period between 3 months and 5 years. Where the break is less than 12 months the individuals post will be held open for them to return to. The Trust would look to identify an suitable alternative post where the break is for more than 12 months.
14 - Special Leave for Carers, Emergencies and Bereavement	<i>Serious illness of dependent</i> = 1 day paid carers leave potential for extension to 3 days (maximum entitlement of 3 days per financial year). <i>Minor illness of dependent</i> = flex working pattern, TOIL, annual leave, unpaid parental leave. <i>Last minute breakdown in care arrangements for dependent</i> = 1 day paid carers leave. <i>Health related appointments for dependent</i> = flex working pattern, TOIL, annual leave, unpaid parental leave. <i>Emergencies</i> = the amount of time needed to deal with the emergency; this may be 1 hour but would not be expected to be more than 1 day. <i>Bereavement of close relative or dependent (excluding child)</i> = 1 working week (pro-rata) plus 1 working day for the funeral where this has not already occurred within the time already taken. <i>Bereavement of a child</i> = 2 continuous or non-continuous working weeks (pro-rata) plus 1 working day for the funeral

	where this has not already occurred within the time already taken.
15 - Flexible Working	The Trust encourages a culture where flexible working is not seen as an exceptional circumstance. Employee requests for flexible working will be given due consideration and wherever possible should be granted, providing service needs and objectives can be met.
16 - Retirement	The Trust does not operate a contractual retirement age. Trust employees have the right to retire at a time of their choosing, providing they give contractual notice. With employer agreement, staff can take advantage of pension flexibilities including wind down, step down, retire and return, and draw down.

Work Life Balance / Family Friendly Policy

1.0 Policy Statement

- 1.1 The Trust recognises that employees face many challenges in balancing their working lives with their commitments and obligations outside of work. This policy aims to support staff in achieving that balance.
- 1.2 Associated procedures are detailed within the attachments to this policy. Forms and letter templates are available on the [HR Advisory Toolkit](#).

2.0 Definitions

EDC	Expected Date of Childbirth: the day the baby is due to be born.
EWC	Expected Week of Childbirth: the week the baby is due to be born.
Intended parents	A couple receiving a baby through a surrogacy arrangement who intend to apply for parental responsibility for the child (i.e. via a Parental Order).
In-vitro-fertilisation (IVF)	One process of fertilisation which occurs outside of the individual's body. This process can typically take between 4 and 7 weeks.
KIT Days	'Keep in Touch' days. Up to 10 'keep in touch' days during the maternity/adoption leave period for the employee to be kept abreast of changes, take up training opportunities or attend particular events.
MATB1	Maternity certificate confirming the expected week of confinement issued by a GP, Midwife or Health Visitor. This can be issued from around the 21st week of pregnancy.
Occupational Maternity Pay (OMP)	NHS enhanced contractual maternity pay, paid in accordance with the employee's Terms and Conditions of Employment.
Parental Order	A process which transfers the legal rights from the birth mother to the intended parent when a surrogate is used to have a child. There are various conditions that must be met in order to be eligible for and obtain a Parental Order.
Pregnancy/ baby loss	Includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, and molar pregnancy.
Premature/ pre-term birth	Where the birth occurs before the 37 th week of pregnancy.
Primary adopter/ intended parent	When couples adopt jointly, they must decide which partner applies for adoption leave (primary adopter). The other partner (secondary adopter) may be entitled to New Parent Support Leave, Shared Parental Leave and Unpaid Parental Leave. The same will apply for intended parents as part of a surrogacy agreement.
Secondary adopter/ intended parent	As above definition for primary adopter/ intended parent.
SPLiT Days	Shared Parental Leave Keep in Touch Days.
Statutory Adoption Pay (SAP)	A weekly payment, paid by the employer, on behalf of the government. Pay rates are reviewed by the Government annually.

Statutory Maternity Pay (SMP)	A weekly payment, paid by the employer, on behalf of the Government. Pay rates are reviewed by the Government annually.
Shared Parental Leave (SPL)	Enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or after they have first adopted a child.
Statutory Shared Parental Pay (ShPP)	A weekly payment, paid by the employer, on behalf of the Government. Pay rates are reviewed by the Government annually.
Surrogacy	When another individual carries and gives birth to a baby for another individual/couple who want to have a child (intended parent/s).
Surrogate mother	An individual who carries a child as part of an arrangement which was made prior to the pregnancy taking effect and with the intention of the intended parents taking over parental responsibility for the child. The surrogate mother is the legal mother of the child (even if not genetically related) unless or until parenthood is legally transferred to the intended parents.

3.0 Accountabilities

- 3.1 The **Director Sponsor** will be accountable for the revision of this policy which will be necessary from time to time as a result of changes in legislation or in the light of experience when applying the policy and its associated procedures. Any revisions will be agreed through the Trust's Joint Negotiating Committee.
- 3.2 The **Chief Operating Officer, Directors, Deputy Chief Operating Officers, Deputy Directors, Divisional Managers, Group Managers, Department Managers, Heads of Service and Directorate Managers** will be responsible for ensuring that this policy is fairly and consistently applied within their area of responsibility in the Trust.
- 3.3 **Managers** will be responsible for ensuring that they apply this policy fairly and consistently.
- 3.4 **Employees** will be responsible for complying with this policy and its associated documents.
- 3.5 The **HR Advisory Department** will be responsible for supporting the implementation of these processes, including providing advice to staff, and advice, guidance and relevant training/ support for managers.
- 3.6 **Employee Services** are responsible for making appropriate payments in line with the policy and appropriate statutory regulations.
- 3.7 The **Occupational Health and Wellbeing Department** is responsible for promoting the physical and mental wellbeing of Trust's staff, including providing support and guidance to them and managers in the form of medical advice, guidance, support and health promotion.

4.0 Policy Detail

4.1 This policy applies to permanent and fixed term employees, but does not apply to contractors or agency staff.

4.2 This policy document includes the HR procedures for managing leave in different circumstances with the exception of sickness and official duties. It applies to all Trust employees on substantive and fixed term contracts with noted exceptions in specific areas where there are different arrangements for medical and dental staff (see relevant sections in procedures).

4.3 The policy gives managers the discretion to grant unpaid leave in certain circumstances. Where this is the case employees taking unpaid leave must be advised to contact Employee Services to seek advice regarding the impact on pension contributions.

4.4 This policy has been subdivided into two sections for ease of reference:

Family Friendly Leave

- Pregnancy and Maternity Leave
- Supporting Staff with Pregnancy/Baby Loss
- Supporting Staff with Premature Birth
- Adoption and Surrogacy Leave
- New Parent Support Leave
- Shared Parental Leave
- Unpaid Parental Leave
- Fertility Treatment Leave
- Foster Carer's Leave
- Breastfeeding
- Disability Leave

Work life Balance Leave

- Annual Leave and Bank Holidays
- Time Off In Lieu
- Time Off for Health-related Appointments
- Employment Break
- Carer's, Emergency and Bereavement Leave
- Flexible Working
- Retirement

4.5 In addition the [HR Advisory toolkit](#) provides a range of additional resources including guidelines, tools and templates.

4.6 The Trust is committed to maintaining an honest, open and well-intentioned culture within the Trust. It is therefore committed to the elimination of any fraud within the Trust. If fraud is suspected in relation to the Work Life Balance/Family Friendly Policy, please report to the Trust's Local Counter Fraud Specialist or Chief Finance Officer or call the National Fraud and Corruption reporting line on 0800 028 40 60. For more information/ guidance on reporting concerns please refer to the [Trust's Anti-Fraud and Bribery Policy](#).

5.0 Financial Risk Assessment

No further resources identified following the amalgamation of these Policies.

1	Does the implementation of this policy require any additional	No
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	Capital resources	
2	Does the implementation of this policy require additional revenue resources	No
3	Does the implementation of this policy require additional staffing	No
4	Does the implementation of this policy release any staffing costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through current training programmes or allocated training times for staff.	No
	Other comments	

6.0 Equality Impact Assessment

An equality analysis has been carried out and it indicates that:

Tick	Options
✓	A. There is no impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.
	B. There is some likely impact as identified in the equality analysis. Examples of issues identified, and the proposed actions include:

The policy does however actively support staff to manage their health and wellbeing, disability, family and caring arrangements, and work life balance.

7.0 Maintenance

This policy will be reviewed every three years or earlier if warranted by a change in standards or if changes are deemed necessary from internal sources.

8.0 Communication and Training

8.1 The HR Department will provide advice on the policy to staff, and advice and support to managers in the fair and equitable application of this policy as appropriate.

8.2 A [HR Advisory Toolkit](#) is available to provide further guidance and support.

8.3 All Group Managers, Matrons, Departmental/Directorate Managers are responsible for the communication of this policy to their staff.

9.0 Audit Process

All leave schemes will be monitored annually in partnership with staff side representatives and through appropriate sub groups.

Criterion	Lead	Monitoring method	Frequency	Committee
Fair and consistent application of this policy	Divisional HR Manager/ Divisional Management Team	Feedback from staff-side and managers	Every 3 years prior to policy review	POD Committee

10.0 References

NHS Terms and Conditions

Gov.uk
Health and Safety Executive
ACAS
Trust's Workplace Well-being Policy (HR48)

Part A - Document Control

Policy number and Policy version: HR01 version 7.0	Policy Title Work Life Balance / Family Friendly (Leave) Policy	Status: Final		Author: HR Manager - Advisory Chief Officer Sponsor: Group Chief People Officer
Version / Amendment History	Version	Date	Author	Reason
	1	April 2008	Terms and Conditions Working Group	Original Policy
	2	November 2011	Terms and Conditions Working Group	Review and integration of PCT and RWT policy
	3	January 2013	Terms and Conditions Working Group	Legislation update regarding annual leave and sickness
	3.1	December 2013	Terms & Conditions Working Group	Minor Amends - Legislation Update
	4	July 2015	Deputy HR Manager	Substantial amends made and legislation update
	5	September 2018	Deputy HR Manager	Policy review date and introduction of new elements. Re-branded from Leave Policy and incorporated two attachments from HR08
	6	August 2020	HR Manager - Advisory	Changes in light of terms and conditions and legislation changes. Minor amendments and consideration of policies from BCPS transferred staff has taken place
	6.1	September 2021	HR Manager - Advisory	Minor amendments made to sections 3.2, 3.4.3 and 6.0 of Attachment 14.
	6.2	November 2021	HR Manager - Advisory	Minor amendment made to section 3.4.19 of Attachment 14.
6.3	September	HR Manager -	Introduction of	

	2022	Advisory	pregnancy/baby loss procedure and procedure to extend leave provision for premature birth
6.4	September 2022	HR Manager - Advisory	Minor amendment to section 3.2 of Attachment 1b
7.0	October 2023	HR Manager - Advisory	Policy review date and introduction of new elements.
Intended Recipients: All staff and managers seeking advice in relation to leave.			
Consultation Group / Role Titles and Date: Staff Side – July 2023; Disability and Long Term Condition Employee Voice Group – July 2023			
Name and date of Trust level group where reviewed	Joint Negotiating Committee – September 2023 Trust Policy Group – September 2023		
Name and date of final approval committee	Trust Management Committee – October 2023		
Date of Policy issue	November 2023		
Review Date and Frequency (standard review frequency is 3 yearly unless otherwise indicated – see section 3.8.1 of Attachment 1)	September 2026 (then every 3 years)		
Training and Dissemination: Information sharing and engagement at manager’s meetings, launched via Divisional Management forums. Advice and guidance available from the HR Advisory Department as and when required by managers and staff			
To be read in conjunction with: Terms and Conditions HR02 Agile Working Policy HR48 Workplace Health and Wellbeing Policy			
Initial Equality Impact Assessment (all policies): Yes Full Equality Impact assessment (as required): N/A If you require this document in an alternative format e.g., larger print please contact Policy Administrator 8904			
Monitoring arrangements and Committee	People and Organisational Development Committee (POD)		
Document summary/key issues covered. This policy provides a range of options to support employees in balancing their working life with their family and other commitments outside work. The policy gives managers and staff details of the procedural requirements to request different types of leave.			
Key words for intranet searching purposes	Adoption Annual leave Appointments Baby loss Bank Holidays Bereavement Breastfeeding Career break Carers Compassionate leave Disability leave Emergency leave Employment break Fertility Flexible working		

	Fostering Holiday Maternity Miscarriage New parent support Parental leave Paternity leave Pregnancy Surrogacy Premature baby Premature birth Retirement Time off in lieu TOIL
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Pregnancy and Maternity Leave Procedure

1.0 Procedure Statement

- 1.1 This procedure sets out employee and managerial responsibilities during periods of employee pregnancy and the rights of employees to access maternity leave and associated pay.
- 1.2 This procedure applies to all substantive and fixed term staff including medical and dental staff.
- 1.3 A variety of forms and letter templates are available on the [HR Advisory Toolkit](#).

2.0 Accountabilities

- 2.1 As detailed in the policy, HR01, with the following additions:

Employee Services are responsible:

- To ensure that payments are made in line with both current occupational and statutory regulations;
- To ensure that the necessary data and proof of pregnancy has been collected from the employee before payment;
- To ensure that payments are made in a timely way in line with normal salary crediting;
- That the employee's membership to the NHS Pension Scheme is protected during the full period of both paid and unpaid maternity leave;
- To assess eligibility for SMP based on NI contributions;
- Where necessary, issue an SMP exclusion form (SMP1) quickly to employees not entitled to Trust or SMP pay, in order to allow them to make a claim for Maternity Allowance.

The **Line Manager** must also inform Education & Training that the mandatory training is suspended for the duration of maternity leave.

3.0 Procedure Detail

3.1 Notification of pregnancy

- 3.1.1 As detailed within the managers and employee checklists:
 - Pregnant employees must notify their line manager about their pregnancy as soon as possible in writing;
 - The manager will acknowledge the pregnancy and provide the employee with the pregnancy and maternity leave procedure or signpost to where this can be located on the intranet;
 - The manager will complete, alongside the pregnant employee, a maternity/breastfeeding risk assessment and will review this in partnership as and when required. This document will:
 - Assess risks in the workplace that will affect the health and safety of new and expectant mothers or their babies;
 - Prevent exposure to identified risks through eliminating hazards or implementation of controls to minimise hazards;
 - Follow steps to ensure that new and expectant mothers have minimal exposure to such identified risks.

Risks identified as a result of the maternity/breastfeeding risk assessment

- 3.1.2 Where a risk is identified managers need to take advice from the Health and Safety, HR Advisory, and Occupational Health and Wellbeing Departments in order to consider the options to protect an employee from risk, or if that is not possible to relocate them to another area. This may include:
- Temporarily adjusting the employee's working conditions e.g. adjust hours of work/shifts or place restrictions on certain duties etc.;
 - If it is not reasonable to adjust working conditions, or the employee would not avoid the risk by doing so, then an offer of suitable alternative work must be made, e.g. temporary redeployment, for which the employee will receive their normal rate of pay. Terms and Conditions of employment must be no less favourable than normal. Managers must seek further advice from HR with regard to arrangements and payments for alternative work, which may result in an average salary being applied in certain circumstances.
- 3.1.3 Where it is not feasible or reasonable for an employee to be offered suitable alternative work, the employee must be suspended from work on medical grounds with full pay, to protect the health and safety of the mother and child. Approval and authorisation must be sought from the Deputy Chief Operating Officer/Divisional Manager for the area.
- 3.1.4 In cases where an employee unreasonably refuses an offer of suitable alternative work, they will **forfeit** the right to paid suspension on medical grounds and will be eligible for unpaid leave until planned maternity leave commences.

3.2 During pregnancy

- 3.2.1 Pregnant employees are entitled to paid time off when antenatal care falls during normal working hours or scheduled shifts on the advice of a registered medical practitioner or a registered midwife, irrespective of length of service, band or hours of work. Employees may be requested to provide evidence of such appointments. Line managers must therefore accommodate and enable pregnant employees to attend:
- Medical examinations
 - Ultrasound scans
 - Parent-craft/antenatal classes
 - Relaxation classes.
- 3.2.2 Whilst it is appreciated that many expectant mothers do not know which route their feeding journey will take (i.e. breast, bottle or combi feeding), managers are encouraged to confirm to the expectant staff member, prior to maternity leave, that continued breastfeeding upon return to work is feasible and will be supported (see [Breastfeeding Procedure](#) for more information).

Sickness absence during pregnancy

- 3.2.3 Periods of sickness (non-pregnancy related) during pregnancy shall be dealt with in accordance with the normal attendance management process in line with the Trust's [Supporting and Managing Staff Attendance at Work Policy \(HR13\)](#).
- 3.2.4 Where a pregnant employee has chosen to work beyond the 11th week before the EWC (usually week 29 of pregnancy) and is absent due to sickness that is unrelated to pregnancy, the period of absence shall be dealt with in accordance

with the normal attendance management process in line with the Trust's [Supporting and Managing Staff Attendance at Work Policy \(HR13\)](#).

- 3.2.5 In line with the Equality of Human Rights Commission requirements, episodes of sickness absence due to pregnancy related reasons have a separate process for management. Therefore whilst the episode will continue to be recorded as a period of sickness absence, the episode is discounted from the action triggers. The guidance document for Managing Attendance provides details on the 'Process for pregnancy related sickness absence'.
- 3.2.6 If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last 4 weeks (usually from week 36 of pregnancy) before the EWC, maternity leave will normally commence at the beginning of the 4th week before the EWC or the beginning of the next week after the employee last worked, whichever is the later. Entitlements under the normal sickness provisions shall be suspended. Single 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 Trust.

3.3 Applying for maternity leave

- 3.3.1 The employee must submit the maternity leave notification form to their line manager by the 15th week before the EWC (usually week 25 of pregnancy).
- 3.3.2 All employees are entitled to take 52 weeks maternity leave regardless of length of service with the Trust. Maternity leave is a period of leave made up of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave .
- Employees do not have to take 52 weeks maternity leave but they must take 2 weeks leave after the baby is born.
 - Maternity leave can start at any time between 11 weeks before the EWC (usually week 29 of pregnancy) and the EWC, provided the required notice is given.
 - Maternity leave can start on any day of the week.
- 3.3.3 Upon receipt of the completed maternity leave notification form the line manager will respond to this within 28 days confirming the employee's paid and unpaid maternity leave entitlements, the expected return to work date, and the arrangements for any accrued annual leave. A template letter is available in the [HR Advisory Toolkit](#).
- 3.3.4 As soon as reasonably possible the manager will then countersign the completed maternity leave notification form and send this and the original MAT B1 to Employee Services.
- 3.3.5 If an employee wishes to change the commencement date of maternity leave following submission of the maternity leave notification form, at least 28 days' notice must be given, following which the line manager must advise Employee Services of the changes as soon as possible.
- 3.3.6 Before going on maternity leave, the employee and line manager must discuss and agree any voluntary arrangements for keeping in touch.
- 3.3.7 Please see section 3.7 for further information for staff who are on a fixed term contracts or rotational training contracts (including doctors in training).

Surrogacy and Maternity

- 3.3.8 Every pregnant employee has the right to 52 weeks maternity leave, therefore an employee who is a surrogate mother continues to be entitled to the full period of maternity leave. What a surrogate does after the child is born does not affect their right to maternity leave. Should the surrogate mother choose not to take the full period of maternity leave, they must ensure that the compulsory 2 weeks maternity leave is taken immediately after the birth.
- 3.3.9 'Intended parents' obtaining legal parenthood as part of a surrogacy agreement are not eligible to receive maternity leave and pay, and instead should refer to the [Adoption and Surrogacy Leave Procedure](#) and the [Shared Parental Leave Procedure](#) for information on leave and pay that they may be eligible to take.

Pre-term Birth

- 3.3.10 Where the employee has not commenced maternity leave or is on annual leave and childbirth occurs before the EWC (but after the 11th week before the EWC), maternity leave will commence the day after childbirth.
- 3.3.11 Where an employee's baby is born before the 11th week before the EWC and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.
- 3.3.12 Where an employee's baby is born before the 11th week before the EWC and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.
- 3.3.13 Where an employee's baby is born before the 11th week before the EWC and the baby is in hospital, the employee may, should they so wish, split their maternity entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of their leave following their baby's discharge from hospital.
- 3.3.14 Where the employee's baby is born alive prematurely (i.e. before the 37th week of pregnancy), the employee will be entitled to maternity leave and pay as if their baby was born at full term. In addition, the Trust provides an extended period of leave as outlined in the [Supporting Staff with Premature Birth Procedure](#).
- 3.3.15 Any changes to be made to the period of maternity leave that occur due to a pre-term birth must be confirmed to Employee Services.

Annual leave and Bank Holiday entitlement

- 3.3.16 In the period between the notification of the employee's pregnancy and the submission of the maternity leave notification form the manager and employee will work together to plan for any annual leave and Bank Holiday entitlement that may need to be taken before/after maternity leave (it is acknowledged that this may be open to some later adaptation however it must be ensured that this is appropriately planned in advance).
- 3.3.17 Annual leave and Bank Holidays will continue to accrue during the full period of maternity leave.
- 3.3.18 An employee can only carry over one working week of annual leave into the new leave year therefore employees will be expected to take accrued annual leave

exceeding one week prior to commencing maternity leave or when returning from maternity leave (dependent on where in the leave year the maternity leave falls). However, depending on whether the employee's date of commencing and return from maternity leave falls in March or April the manager can agree to the employee carrying forward more than a week.

3.3.19 Where an employee has chosen to reduce their hours on return to work, they must take any accrued annual leave based on previous hours prior to the introduction of the reduced hours.

3.4 Entitlements to maternity pay

3.4.1 Maternity pay is dependent upon length of service with the Trust and any previous NHS employers as indicated in the following chart:

Length of service	Maternity Pay & Benefits
Less than 26 weeks continuous NHS service with the Trust and/or another NHS body.	There is no entitlement to occupational or statutory pay from the Trust. Employees may be able to claim Maternity Allowance . An SMP1 form must be issued by Employee Services and presented, with the original MATB1 form, to Jobcentre Plus to confirm eligibility.
More than 26 weeks continuous NHS service with the Trust but less than 12 months continuous NHS service at the 15 th week before baby is due (usually week 25 of pregnancy) (As declared on the MATB1).	Statutory Maternity Pay is paid by the Trust. This is made up of: First 6 weeks at 90% of average weekly earnings Followed by 33 weeks at the standard SMP rate Any additional maternity leave taken after 39 weeks is unpaid.
12 months continuous NHS service with the Trust and/or another NHS body at the beginning of 11 th week before the baby is due (usually week 29 of pregnancy) and the employee <u>IS</u> returning to work for the Trust or another NHS body after maternity (for a minimum of 3 months).	NHS Occupational Maternity Pay is paid by the Trust. This is made up of: First 8 weeks at full pay (inclusive of SMP) Followed by 18 weeks half pay plus standard SMP (provided this does not exceed full pay) Followed by 13 weeks at standard SMP rate only. Any additional maternity leave taken after 39 weeks is unpaid.
12 months continuous NHS service with either the Trust or another NHS body) at 11 th week before the baby is due (usually week 29 of pregnancy) but the employee <u>IS NOT</u> returning to work for the Trust or another NHS body after maternity (for a minimum of 3 months).	Statutory Maternity Pay is paid by the Trust. This is made up of: First 6 weeks at 90% of average weekly earnings Followed by 33 weeks at the standard SMP rate. Any additional maternity leave taken after 39 weeks is unpaid.

NB: A period of 3 months or more outside the NHS constitutes a break in continuous service. SMP is subject to the continuous service rule and earnings rule. Salary sacrifice schemes can affect your eligibility for SMP due to reduced NI contributions

3.5 During maternity leave

3.5.1 During maternity leave (both paid and unpaid) an employee retains all of their contractual rights except remuneration, which will be as per section 3.4.

3.5.2 A line manager can make reasonable contact with an employee while they are on maternity leave and it will have been agreed in advance on how they wish to be informed. It is important that the manager keeps the member of staff who is on

maternity leave informed about developments or changes in the Trust and the ward/department.

Bank or external work

- 3.5.3 Substantive members of staff on paid maternity leave must not undertake any bank shifts or work external to the Trust as this will directly affect SMP.
- 3.5.4 Substantive members of staff on unpaid maternity leave must not undertake bank shifts at this or any other Trust or work external to the Trust but will have the option to return to work earlier than the date initially agreed with their line manager in line with the notification period.

Increments

- 3.5.5 An employee on maternity leave will progress through their pay step on the date the pay step is due unless a pay step review meeting has taken place prior to the commencement of maternity leave which confirmed that the required standards for pay progression would not be met. If a pay step review cannot be conducted prior to the pay step date the pay step point should be automatically applied in the individual's absence.
- 3.5.6 For staff on medical or dental contracts, the general principle will apply that there should be no detriment to pay progression as a result of taking maternity leave.
- 3.5.7 The maternity leave period will also count for the purposes of any service qualification period for additional annual leave.

NHS Pension Provision/Reckonable Service

- 3.5.8 During unpaid periods of maternity leave the employer's NHS pension contributions continue to be paid and Pension Scheme service automatically accrues. However, employees contributions accrue whilst on unpaid leave and will therefore need to be paid (via payroll deduction) upon return to work. On their return employees must discuss and agree arrangements and timescales with Employee Services.
- 3.5.9 Employees who do not wish to accrue reckonable service for pension purposes and do not wish to repay contributions, have the opportunity to opt out of the scheme at any time. Forms are available from Employee Services. It must be stressed that this course of action is not recommended or endorsed by the NHS Pensions Agency or the Trust. This course of action will result in the loss of certain Pension Scheme benefits including Life Benefits and employees are strongly advised to seek further advice from the Pensions Officer in order to fully understand any implications regarding how the above actions will affect their future pension.

Keeping in touch days (KIT days)

- 3.5.10 KIT days are intended to facilitate a smooth return to work and allow employees to attend work or training opportunities during the maternity period.
- 3.5.11 An employee may take up to 10 KIT days without bringing their maternity leave to an end. Any days of work will not extend the maternity leave period. This will enable employees on maternity leave to work either continuously or on odd days without bringing an end to their maternity leave and pay.

- 3.5.12 KIT days are paid at an employee's basic daily rate for actual hours worked (less appropriate maternity leave payment). Working for part of any day will count as 1 KIT day. Managers must inform Employee Services of any KIT days taken.
- 3.5.13 KIT days can be taken at any time during the maternity leave except the first 2 weeks after the child's birth. KIT days must be mutually agreed between the employee and the employee's line manager.

Pregnancy occurring during maternity leave

- 3.5.14 Paid and unpaid maternity leave counts as continuous and qualifying service for subsequent periods of maternity leave. However, qualification for NHS OMP and, or SMP is based on the level of average weekly earnings during the qualifying period. If the average weekly earnings fall below the lower earnings limit for NI purposes during the qualifying period then an employee may not qualify for pay during a subsequent period of maternity leave. Further information must be sought from Employee Services.

3.6 Returning to work following maternity leave

- 3.6.1 An employee who intends to return to work on the agreed date following maternity leave will not be required to give any further notification of return to the Trust; however it is good practice to have discussions with the line manager in the lead up to this to ensure a smooth transition.
- 3.6.2 If an employee wishes to return to work earlier than their original intended maternity leave end date, they must give at least 28 days' notice in writing to their manager.
- 3.6.3 If an employee chooses to extend their return to work date they must provide the Trust with 8 weeks' notice (this notice must be given 8 weeks prior to the original date of return).
- 3.6.4 Employees have the right to return to their original post or where this is not possible, to a suitable alternative position in terms and conditions no less favourable than their original position.
- 3.6.5 Women who have recently given birth must have paid time off for post-natal care, for example attendance at health clinics. Employees may be requested to provide evidence of such appointments.
- 3.6.6 It is the line manager's responsibility to ensure that breastfeeding women are provided with suitable facilities for breastfeeding where an employee chooses to continue breastfeeding upon their return to work, please see the [Trust's Breastfeeding Procedure](#) for more information. A further maternity/breastfeeding risk assessment will also need to be conducted and considerations made as per section 3.1 of this procedure.
- 3.6.7 Where flexible working is sought upon return, the employee should open discussions on this with their line manager in good time and in line with the [Flexible Working Procedure](#). The manager must give consideration to staff requests for flexible working in line with the [Flexible Working Procedure](#).

- 3.6.8 Employees not intending to return to work after maternity leave must forward a resignation letter, in accordance with the appropriate contractual notice, to their line manager to advise them of their intention to terminate their contract of employment.
- 3.6.9 In order to avoid repayment of NHS OMP, an employee, who has notified the Trust of their intention to return, must return either to the Trust or to an alternative NHS employer for a period of 3 months. Failure to return to work will result in the employee being liable to refund any OMP less any SMP received. Where employees find alternative employment with another NHS employer, a copy of the appointment letter for the new post must be submitted within 15 months from the commencement of maternity leave.

Sickness absence following maternity leave

- 3.6.10 When an employee is returning following maternity leave and is unable to return to work due to sickness then, at the expiration of maternity leave, the normal attendance management process will apply in line with the [Trust's Supporting and Managing Staff Attendance at Work Policy](#) (HR13).

Failure to return following maternity leave

- 3.6.11 When an employee has failed to return to work on the notified date they will be regarded as being on unauthorised absence, which is unpaid. As such, the employee will be subject to action under the [Trust's Disciplinary Policy](#). Alternatively, where an individual cannot return on the planned return date they may wish to consider extending their maternity leave up to the maximum entitlement if not already used up. They may also wish to consider a period of unpaid parental leave before returning to work, see details below.
- 3.6.12 **Shared Parental Leave** – SPL enables both parents to share up to 50 weeks of leave and, if eligible, up to 37 weeks of pay. The parents can choose how much of the SPL each of them will take. This excludes the compulsory 2 weeks maternity leave that the birth mother is required to take immediately after the birth. Please refer to the [Shared Parental Leave Procedure](#) for more information.
- 3.6.13 **Unpaid Parental Leave** – An employee may apply to take Unpaid Parental leave immediately after planned maternity leave ends provided they give 8 weeks' notice of their intentions and agree a return date with their manager. In such circumstances please refer to the [Unpaid Parental Leave Procedure](#).
- 3.6.14 **Employment break** – An employee may decide to take an employment break immediately after their maternity leave ends. Please refer to the [Employment Break Procedure](#). Repayment of any Trust maternity pay will be deferred until the end of the employee's employment break.

3.7 Other information

Fixed Term Contracts or Training Contracts

- 3.7.1 Employees subject to fixed term contracts or training contracts which expire after the 11th week before the EWC (usually week 29 of pregnancy) and who satisfy the eligibility conditions for NHS OMP shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid occupational and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave.

- 3.7.2 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 NHS OMP will not apply.
- 3.7.3 Employees on fixed term contracts who do not meet the 12 months continuous service conditions may still be entitled to SMP.
- 3.7.4 Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, they shall have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances the employees' contract will be extended to enable the practitioner to complete the agreed programme of training.

Rotational Training Contracts (including Doctors in training)

- 3.7.5 Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of maternity leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.
- 3.7.6 To ensure equality of access to these provisions the employee shall be paid, by their current employer, the value of SMP they would have otherwise received if the statutory continuity had not been broken by their change of employer, in the following circumstances:
- Where an employee changes employer because their training programme has required them to do so, and
 - This means they do not have enough statutory continuous service with their current employer to access SMP, but SMP had they not been required to change employer because of the training programme.

Baby loss

- 3.7.7 The Trust is committed to supporting all employees who suffer the loss of a pregnancy/baby, whether it happens directly to them, their partner or their baby's surrogate, regardless of the nature of their loss or their length of service.
- 3.7.8 Baby loss during pregnancy includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, and molar pregnancy.
- 3.7.9 The entitlement to leave for those staff who have sadly experienced a baby loss during pregnancy is outlined in the [Supporting Staff with Baby Loss During Pregnancy Procedure](#).
- 3.7.10 **Where the baby is born alive but sadly dies subsequently, entitlements to leave are as outlined above (see section on pre-term birth). In addition, child bereavement leave will apply as outlined in the [Special Leave for Carers, Emergencies and Bereavement Procedure](#).**

Organisational Change

3.7.11 The Trust is committed to having full and early consultation with staff about any proposed re-organisation. Special provisions apply to staff affected by organisational change during the maternity leave period. Managers must contact the HR Department for further advice.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Agenda for Change Terms and Conditions
<https://www.gov.uk/maternity-pay-leave>

Responsibilities checklist for managers

Timescale	Action	
On notification of employee pregnancy	Acknowledge the employee's pregnancy	<input type="checkbox"/>
	Provide or signpost to a copy of the pregnancy and maternity leave procedure to enable the pregnant employee to be aware of their rights and the terms of this procedure.	<input type="checkbox"/>
	Undertake, alongside the pregnant employee, a maternity/breastfeeding risk assessment.	<input type="checkbox"/>
Between notification of employee pregnancy and 15th week before the EWC (usually week 25 of pregnancy)	Assist the pregnant employee in clarifying eligibility for maternity leave and pay.	<input type="checkbox"/>
As and when required during the pregnancy	Perform regular reviews of the risk assessment.	<input type="checkbox"/>
	Liaise with Occupational Health as required.	<input type="checkbox"/>
	Accommodate paid time off for medical appointments and antenatal care.	<input type="checkbox"/>
	Work with the employee to plan any annual leave/Bank Holiday entitlement which may need to be taken before/after maternity leave commences (** this may be open to later adaptation).	<input type="checkbox"/>
	Acknowledge that the employee may not know which route their feeding journey will take, however reassure that continued breastfeeding upon return to work is feasible and would be supported.	<input type="checkbox"/>
By 15th week before the EWC (usually week 25 of pregnancy)	Ensure receipt of the completed maternity leave notification form and original copy of Mat B1.	<input type="checkbox"/>
Within 28 days following receipt of the maternity leave notification form	Respond to the employee confirming the employee's paid and unpaid maternity leave entitlements, the expected return to work date, and the arrangements for any accrued annual leave.	<input type="checkbox"/>
As soon as possible upon receipt of the forms (due from the employee by week 25 of pregnancy)	Countersign the completed maternity leave notification form and send this, and the original MAT B1, to Employee Services.	<input type="checkbox"/>
As soon as possible following being made aware of any changes	Advise Employee Services of any changes to the agreed maternity leave period.	<input type="checkbox"/>
In advance of maternity leave commencement	Discuss and agree with the employee voluntary arrangements for keeping in touch and how they wish to be kept informed about developments or changes in the Trust and the ward/department whilst on maternity leave.	<input type="checkbox"/>
As and when required during the maternity leave period	Keep the employee informed about developments or changes in the Trust and the ward/department (in the method previously agreed with the employee).	<input type="checkbox"/>
	Work with the pregnant employee to plan any keep in touch days (up to 10 days entitlement).	<input type="checkbox"/>
In preparation for the employee's return to work following maternity leave	Ensure provision of adequate facilities for breastfeeding mothers.	<input type="checkbox"/>
	Give consideration to flexible working requests in line with the Flexible Working Procedure.	<input type="checkbox"/>

Responsibilities checklist for employees

Timescale	Action	
Upon awareness	Inform the manager of the pregnancy as soon as they become aware of the pregnancy.	<input type="checkbox"/>
Between notification of employee pregnancy and 15th week before the EWC (usually week 25 of pregnancy)	Access the pregnancy and maternity leave procedure and seek additional advice if necessary.	<input type="checkbox"/>
As and when required during the pregnancy	Provide evidence of any ante-natal appointments or classes to the line manager in advance of the appointment.	<input type="checkbox"/>
	Engage with Occupational Health as required.	<input type="checkbox"/>
	Work alongside the manager to undertake and regularly review a maternity/breastfeeding risk assessment.	<input type="checkbox"/>
	Comply with any measures agreed following the risk assessments.	<input type="checkbox"/>
	Work with the manager to plan and request any annual leave/Bank Holiday entitlement which may need to be taken before/after maternity leave commences (** this may be open to later adaptation).	<input type="checkbox"/>
By 15th week before the EWC (usually week 25 of pregnancy)	Provide medical evidence of the pregnancy (MATB1 form).	<input type="checkbox"/>
	Submit the maternity leave notification form indicating intended start and end date of maternity leave.	<input type="checkbox"/>
In advance of maternity leave commencement	Discuss and agree with the manager voluntary arrangements for keeping in touch and how they wish to be kept informed about developments or changes in the Trust and the ward/department whilst on maternity leave.	<input type="checkbox"/>
Within 28 days of any changes	Provide 28 days' notice for any changes later required to the start or end date of maternity leave.	<input type="checkbox"/>
In preparation for returning to work following maternity leave	Advise the manager if they intend to continue breastfeeding so they can ensure provision of adequate facilities (ideally at least 28 days before return).	<input type="checkbox"/>
	Where applicable, make flexible working requests in good time and in line with the Flexible Working Procedure.	<input type="checkbox"/>
As and when required during pregnancy or maternity leave period	Work with the manager to plan any keep in touch days (up to 10 days entitlement).	<input type="checkbox"/>

Supporting Staff with Baby Loss During Pregnancy Procedure

1.0 Procedure Statement

- 1.1 The Trust is committed to supporting all employees who suffer the loss of a baby during pregnancy, whether it happens directly to them, their partner or their baby's surrogate, regardless of the nature of their loss or their length of service.
- 1.2 This procedure therefore sets out entitlements to leave where employees sadly experience a baby loss during pregnancy.
- 1.3 This procedure applies to all substantive and fixed term staff including medical and dental staff.

2.0 Accountabilities

As detailed in the main policy document, HR01.

3.0 Procedure Detail

- 3.1 For the purposes of this procedure baby loss during pregnancy includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, and molar pregnancy.
- 3.2 **Where the baby is born alive but sadly dies subsequently, entitlements to leave are as outlined within the [Pregnancy and Maternity Leave/ Adoption and Surrogacy Leave/ New Parent Support Leave Procedures](#). In addition, child bereavement leave will apply as outlined in the [Special Leave for Carers, Emergencies and Bereavement Procedure](#).**

Baby loss during pregnancy before 24 weeks of pregnancy

- 3.3 All employees who have become pregnant and then sadly experienced a baby loss during pregnancy, which occurs before the end of the 24th week of pregnancy are entitled to the leave outlined below, to support them through the traumatic physical and the emotional loss.

Staff who have become pregnant and experience a loss, including surrogates	10 days paid leave, pro-rata (i.e. 2 working weeks)
Father/Partner of those who have become pregnant and experience a loss	10 days paid leave, pro-rata (i.e. 2 working weeks)
Staff who experience a loss via a surrogate	5 days paid leave, pro-rata (i.e. 1 working week)

- 3.4 There is no service length requirement for this entitlement.
- 3.5 Leave related to baby loss during pregnancy will be recorded as authorised leave.
- 3.6 If an individual or couple were to unfortunately experience more than one baby loss during pregnancy this entitlement would apply to each case.

Baby loss during pregnancy after 24 weeks of pregnancy

- 3.7 In the sad event where baby loss during pregnancy occurs after the end of the 24th week of pregnancy, the employee carrying the child/primary adopter in a

surrogacy arrangement* will be entitled to all the relevant maternity/adoption leave and pay entitlements according to length of service, as outlined in the [Pregnancy and Maternity Leave Procedure/ Adoption and Surrogacy Leave Procedure](#).

- 3.8 Fathers/partners/secondary adopters in a surrogacy arrangement* of those experiencing pregnancy/baby loss after the end of the 24th week of pregnancy will be entitled to new parent support leave and pay, as outlined in the [New Parent Support Leave Procedure](#) (HR01 attachment 4).

** please see [Adoption and Surrogacy Leave Procedure](#) for definitions of primary and secondary adopter*

- 3.9 **In addition, parents who experience a stillbirth from the 24th week of pregnancy will also be eligible for child bereavement leave as outlined in the [Special Leave for Carers, Emergencies and Bereavement Procedure](#).**

Appointments related to baby loss during pregnancy

- 3.10 Employees are entitled to paid time off to attend appointments (or to accompany their partners/surrogates) relating to pregnancy/baby loss, which do not fall within the agreed period of leave outlined above, including but not limited to medical examinations, scans and tests, and mental health related appointments.

Support for staff experiencing baby loss during pregnancy

- 3.11 Requests from employees to temporarily amend their working pattern to support them through the difficult time of grieving and recovery following pregnancy/baby loss will be treated sensitively and supportively.
- 3.12 Contact details for support during and after pregnancy/baby loss are contained within the [Additional Support for Employees affected by Pregnancy/Baby Loss](#) document on the [HR Advisory Toolkit](#).

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

As detailed within the main policy document, HR01.

Supporting Staff with Premature Birth Procedure

1.0 Procedure Statement

- 1.1 The Royal Wolverhampton NHS Trust is committed to supporting employees with the needs of their premature babies.
- 1.2 This procedure therefore sets out entitlements to leave and support available for staff where their baby is born prematurely.
- 1.3 This procedure applies to all substantive and fixed term staff including medical and dental staff.

2.0 Accountabilities

As detailed in the main policy document, HR01.

3.0 Procedure Detail

3.1 As outlined above, the Royal Wolverhampton NHS Trust is committed to supporting employees with the needs of their premature babies. As a result, where an employee's baby is born prematurely (before 37 weeks gestation), the Trust has agreed to:

- Extend maternity leave for mothers/birthing persons and adoption leave for primary adopters in a surrogacy arrangement*
- Give fathers/partners/secondary adopters in a surrogacy arrangement* time to be with their baby in hospital, allowing them to then take their new parent support leave at a later date.
- Support parents returning to work following the birth of a premature baby. The Trust recognises and understands that returning to work can be a difficult time for parents of premature babies who may have ongoing medical needs, requiring regular hospital appointments and check-ups.

Leave entitlements

3.2 When an employee's baby is born prematurely (before the 37th week of pregnancy), the following enhanced leave entitlements will apply:

Staff member who gave birth, or primary adopter in surrogacy arrangement*	Extension of maternity/adoption leave, at full pay, by the number of days the baby was born prior to the due date (as outlined on the MatB1). This leave will be added to the end of the maternity/adoption leave period. Maternity leave start dates for premature births are outlined in the Pregnancy and Maternity Leave Procedure .
Father of the child, or partner of the mother/birthing person, or secondary adopter in surrogacy arrangement*	Additional 10 paid days leave, pro-rata (i.e. 2 working weeks, in addition to new parent support leave outlined in HR01 attachment 4). The leave can be taken either prior to or following the new parent support leave. <i>Please note that new parent support leave must be taken no later than 56 days/8 weeks following the birth.</i>

* please see [Adoption and Surrogacy Leave Procedure](#) for definitions of primary and secondary adopter

- 3.3 If the baby was born at 37 weeks or more there is no entitlement to additional paid leave.
- 3.4 Any changes to be made to the period of maternity or adoption leave that occur due to a pre-term birth must be confirmed to Employee Services.

How to apply for leave

- 3.5 The employee must submit the [Premature Birth Leave Notification Form](#) to their line manager as soon as is reasonably practicable.
- 3.6 Upon receipt of the completed Premature Birth Leave Notification Form the line manager will respond to this confirming the additional periods of leave and any subsequent changes to the previously agreed maternity/new parent support leave.
- 3.7 As soon as reasonably possible the manager will then countersign the completed Premature Birth Leave Notification Form and confirm the arrangements to Employee Services.

Supporting staff whose children born prematurely continue to have medical needs

- 3.8 Where an employee's baby is born prematurely as described above and has ongoing medical needs (for example, requiring regular hospital appointments and check-ups), employees can request flexible working arrangements using the Trust's [Flexible Working Procedure](#). The employee should open discussions on this with their line manager in good time and the manager must give consideration to staff requests for flexible working, in line with the [Flexible Working Procedure](#).

Returning to work

- 3.9 The Trust has a range of support mechanisms in place available to staff. This includes but is not limited to Occupational Health and Wellbeing, and the Employee Assistance Programme (EAP). The line manager may consider referral to OHWB, if this has not already been considered at the time of the premature birth, for support to meet the staff members unique needs and in acknowledgement of the traumatic birth.
- 3.10 Where flexible working is sought upon return to work, the employee should open discussions on this with their line manager in good time and in line with the [Flexible Working Procedure](#). The manager must give consideration to staff requests for flexible working, in line with the [Flexible Working Procedure](#).
- 3.11 Employees not intending to return to work after their extended leave must forward a resignation letter, in accordance with the appropriate contractual notice, to their line manager to advise them of their intention to terminate their contract of employment.
- 3.12 As outlined in the [Pregnancy and Maternity Leave Procedure](#) and the [Adoption and Surrogacy Leave Procedure](#), in order to avoid repayment of NHS OMP/OAP, an employee, who has notified the Trust of their intention to return, must return either to the Trust or to an alternative NHS employer for a period of 3 months. Failure to return to work will result in the employee being liable to refund any OMP/OAP less any SMP/SAP received. They will not, however, be required to pay back any extended leave granted by the Trust due to their baby being born prematurely.

NHS Pension Scheme

3.13 Pensions rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations. For further information employees should contact the Trust's Pensions Department.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

As detailed within the main policy document, HR01.

Adoption and Surrogacy Leave Procedure

1.0 Procedure Statement

- 1.1 This procedure sets out the employee and managerial responsibilities, and right of employees, to access adoption and surrogacy leave.
- 1.2 This procedure applies to all substantive staff, and fixed term staff including medical and dental staff.
- 1.3 Forms and letter templates are available on the [HR Advisory Toolkit](#).

2.0 Accountabilities

- 2.1 As detailed within the main policy document, HR01, with the following additions:
- 2.2 **Employee Services** are responsible:
 - To ensure that payments are made in line with both current Occupational and Statutory regulations; ensuring that the necessary data and proof of adoption/surrogacy has been collected from the employee before payment.
 - To ensure that payments are made in a timely way in line with normal salary crediting.
 - To ensure that the employee's membership to the NHS Pension Scheme is protected during the full period of adoption both paid and unpaid.
 - To assess eligibility for Statutory Adoption Pay (SAP) based on NI contributions;
 - Where necessary, issue an SAP1 exclusion form quickly to employees not entitled to Trust or SAP pay, in order to allow them to seek support from their local council.
- 2.3 The **Line Manager** must also inform Education & Training that the mandatory training is suspended for the duration of adoption/surrogacy leave.

3.0 Procedure Details

3.1 What is Adoption and Surrogacy Leave?

- 3.1.1 An employee will be entitled to adoption leave if they:
 - Adopt a child, or
 - Are an 'intended parent' obtaining legal parenthood of a child as part of a surrogacy arrangement (through application for a parental or adoption order that they expect to be granted).
- 3.1.2 For the purposes of this procedure, in line with the standard terminology used by the government and the Agenda for Change Terms and Conditions, use of the term 'adoption leave' will refer to 'adoption and surrogacy leave'. In addition, the term 'adopter' used throughout this procedure also refers to 'intended parents' obtaining legal parenthood as part of a surrogacy agreement.
- 3.1.3 All employees are entitled to take adoption leave regardless of length of service with the Trust, subject to them meeting the legal criteria (detailed below). Employees must give the correct notice and give proof of the adoption or surrogacy.
- 3.1.4 Employees don't qualify for Statutory Adoption Leave or Pay if they:

- Arrange a private adoption.
- Become a special guardian or kinship carer.
- Adopt a stepchild.
- Adopt a family member or stepchild.

3.1.5 Adoption leave is a period of 52 weeks leave made up of 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).

3.1.6 When couples adopt jointly, they must decide which partner applies for adoption leave (primary adopter). The other partner (secondary adopter) may be entitled to New Parent Support Leave, Shared Parental Leave and Unpaid Parental Leave.

3.1.7 To get adoption leave and statutory adoption pay (SAP), the eligibility criteria need to be met, the correct notice must be given, and proof of the adoption or surrogacy must be provided.

Fostering for adoption

3.1.8 Prospective adopters who have been approved by their adoption agency under a 'concurrent' or 'fostering for adoption' arrangement may choose to start their adoption leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of placement will not affect any adoption pay payable.

3.2 During assessment for adoption/period of matching/surrogate pregnancy

3.2.1 The primary adopter/primary intended parent will be granted paid time off for:

- Official meetings in the adoption process when they have been matched with a child (adoption arrangements);
- To attend a reasonable number of health-related appointments with the surrogate mother (surrogacy arrangements).

The employee must give reasonable notice of the appointments, unless in exceptional circumstances, and may be requested to provide evidence of such appointments.

Evidence of adoption

3.2.2 Employees are required to provide evidence of adoption. The proof must show the:

Adoptions within the UK

- Name and address of the employee.
- Name and address of the agency.
- Date the child was matched, for example the matching certificate.
- Expected or actual date of placement, for example a letter from the agency.

Overseas Adoptions (in addition to the above information)

- The date of the employee's 'official notification' that they can adopt from overseas.
- The estimated date that the child will arrive in the UK (this must be submitted within 28 days of receiving the 'official notification').
- The actual date the child arrives in the UK (this must be submitted within 28 days of the actual arrival date).
- The requested start date of the leave, and the amount of leave required, (this must be submitted with 28 days' notice).

- The relevant UK authority's official notification confirming that the employee is allowed to adopt.
- Confirmation of the date the child arrived in the UK, for example a plane ticket.

Evidence of surrogacy

3.2.3 Employees are required to provide a written statement ('statutory declaration') to confirm that they:

- Intend to apply for a parental order in the 6 months after the baby's birth.
- Expect the order to be granted (for example, because they do not have any convictions involving children, and the birth mother or father agree to the agreement).

3.3 Applying for adoption leave

3.3.1 The employee must submit the adoption leave notification form, along with evidence of the adoption/surrogacy (see section 3.2.2 and 3.2.3) to their line manager either:

- i. At the beginning of the week in which they are notified of being matched with a child for adoption (adoption arrangements), or
- ii. By the 15th week before the before the baby's due date (surrogacy arrangements).

3.3.2 Where an employee is adopting from overseas with their partner, they must also complete statutory declaration SC6 which indicates that they choose to take adoption leave and access SAP rather than new parent support leave and SPP. This is because when adopting a child from abroad the partners can choose which of them takes adoption leave and SAP, and which takes paternity leave (new parent support leave) and SPP.

3.3.3 All employees are entitled to take 52 weeks adoption leave regardless of length of service with the Trust. Adoption leave is a period of leave made up of 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).

- Employees do not have to take 52 weeks adoption leave but primary adopters must take 2 weeks leave after being matched with the child.
- Adoption leave can start:
 - Up to 14 days before the date the child starts living with the employee (UK adoptions).
 - When the child arrives in the UK or within 28 days of this date (overseas adoptions).
 - The day the child is born or the day after (surrogacy arrangements)
- Adoption leave can start on any day of the week.

3.3.4 Please note that only 1 person in a couple can take adoption leave, therefore this procedure only applies to either:

- i. The primary adopter in the adoption arrangement made by an official adoption agency, or
- ii. The primary intended parent in a surrogacy arrangement whereby they commit to applying for a parental or adoption order.

3.3.5 If the employee is the 'other parent' (i.e. not the primary adopter or primary intended parent) then they may be eligible for [New Parent Support Leave](#) and/or [Shared Parental Leave](#).

- 3.3.6 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 3.3.7 Upon receipt of the completed adoption leave notification form the line manager will respond to this within 28 days confirming the employee's paid and unpaid adoption leave entitlements, the expected return to work date, and the arrangements for any accrued annual leave. A template letter is available in the [HR Advisory Toolkit](#).
- 3.3.8 As soon as reasonably possible the manager will then countersign the completed adoption leave notification form and send this and the evidence of adoption/surrogacy to Employee Services.
- 3.3.9 If an employee wishes to change the commencement date of adoption leave following submission of the adoption leave notification form, at least 28 days' notice must be given, following which the line manager must advise Employee Services of the changes as soon as possible.
- 3.3.10 Before going on adoption leave, the employee and line manager must discuss and agree any voluntary arrangements for keeping in touch.
- 3.3.11 Please see section 3.7 for further information for staff who are on a fixed term contracts or rotational training contracts (including doctors in training).

Annual leave and Bank Holiday entitlement

- 3.3.12 In the period between the notification of the employee's pregnancy and the submission of the adoption leave notification form the manager and employee will work together to plan for any annual leave and Bank Holiday entitlement that may need to be taken before/after adoption leave (it is acknowledged that this may be open to some later adaptation however it must be ensured that this is appropriately planned in advance).
- 3.3.13 Annual leave and Bank Holidays will continue to accrue during the full period of adoption leave.
- 3.3.14 An employee can only carry over one working week of annual leave into the new leave year therefore employees will be expected to take accrued annual leave exceeding one week prior to commencing adoption leave or when returning from adoption leave (dependent on where in the leave year the adoption leave falls). However, depending on whether the employee's date of commencing and return from adoption leave falls in March or April the manager can agree to the employee carrying forward more than a week.
- 3.3.15 Where an employee has chosen to reduce their hours on return to work, they must take any accrued annual leave based on previous hours prior to the introduction of part time hours.

3.4 Entitlements to Adoption Pay

Adoption pay is dependent upon length of service with the Trust and any previous NHS employers as indicated in the following chart:

Length of service	Adoption Pay & Benefits
<p>Less than 26 weeks continuous NHS service with the Trust and/or another NHS body by:</p> <ul style="list-style-type: none"> - The week they are matched with a child (adoption arrangements), or - The 15th week before baby is due (usually week 25 of pregnancy) (surrogacy arrangements) 	<p>Leave is unpaid by the Trust. Employees may find out about other financial support which might be available to adopters from Job Centre Plus.</p>
<p>More than 26 weeks continuous NHS service but less than 12 months continuous NHS service by:</p> <ul style="list-style-type: none"> - The week they are matched with a child (adoption arrangements), or - The 15th week before baby is due (usually week 25 of pregnancy), as declared on the MATB1 (surrogacy arrangements) 	<p>Statutory Adoption Pay is paid by the Trust. This is made up of: First 6 weeks at 90% of average weekly earnings Followed by 33 weeks at the standard SAP rate. Any additional adoption leave taken after 39 weeks is unpaid.</p>
<p>12 months continuous NHS service with the Trust and/or another NHS body by:</p> <ul style="list-style-type: none"> - The week they are matched with a child (adoption arrangements), or - At the beginning of the 11th week before the baby is due (usually week 29 of pregnancy) (surrogacy arrangements) <p>and the employee <u>is</u> returning to work for the Trust or another NHS body after adoption leave (for a minimum of 3 months).</p>	<p>NHS Occupational Adoption Pay is paid by the Trust. This is made up of: First 8 weeks at full pay (inclusive of SAP) Followed by 18 weeks half pay plus standard SAP (provided this does not exceed full pay) Followed by 13 weeks at standard SAP rate only. Any additional adoption leave taken after 39 weeks is unpaid.</p>
<p>12 months continuous NHS service with either the Trust or another NHS body by:</p> <ul style="list-style-type: none"> - The week they are matched with a child (adoption arrangements), or - At the beginning of the 11th week before the baby is due (usually week 29 of pregnancy) (surrogacy arrangements) <p>but the employee <u>IS NOT</u> returning to work for the Trust or another NHS body after adoption leave (for a minimum of 3 months).</p>	<p>Statutory Adoption Pay is paid by the Trust. This is made up of: First 6 weeks at 90% of average weekly earnings Followed by 33 weeks at the standard SAP rate. Any additional adoption leave taken after 39 weeks is unpaid.</p>

NB: A period of 3 months or more outside the NHS constitutes a break in continuous service. SAP is subject to the continuous service rule and earnings rule. Salary sacrifice schemes, such as childcare vouchers, can affect your eligibility for SAP due to reduced NI contributions

3.5 During Adoption Leave

3.5.1 During adoption leave (both paid and unpaid) an employee retains all of their contractual rights except remuneration, which will be as per section 3.6.

3.5.2 A line manager can make reasonable contact with an employee while they are on Adoption Leave and it must be agreed in advance how they wish to be contacted. It is important that the manager keeps the member of staff who is on Adoption Leave informed about developments or changes in the Trust and the ward/department.

Bank or external work

- 3.5.3 Substantive employees on paid adoption leave must not undertake any bank shifts or work external to the Trust as this will directly affect their SAP.
- 3.5.4 Substantive employees on unpaid adoption leave must not undertake bank shifts at this or any other Trust or work external to the Trust but will have the option to return to work earlier than the date initially agreed with their line manager in line with the notification period.

Increments

- 3.5.5 An employee on adoption leave will progress through their pay step on the date the pay step is due unless a pay step review meeting has taken place prior to the commencement of adoption leave which confirmed that the required standards for pay progression would not be met. If a pay step review cannot be conducted prior to the pay step date the pay step point should be automatically applied in the individual's absence.
- 3.5.6 For staff on medical or dental contracts, the general principle will apply that there should be no detriment to pay progression as a result of taking adoption leave.
- 3.5.7 The adoption leave period will also count for the purposes of any service qualification period for additional annual leave.

NHS Pension Provision/Reckonable Service

- 3.5.8 During unpaid periods of adoption leave the employer's NHS pension contributions continue to be paid and Pension Scheme Service automatically accrues. However, employee's contributions accrue whilst on unpaid leave and will therefore need to be paid (via payroll deduction) upon return to work. On their return employees must discuss and agree arrangements and timescales with Employee Services.
- 3.5.9 Employees who do not wish to accrue reckonable service for pension purposes and do not wish to repay contributions, have the opportunity to opt out of the scheme at any time. Forms are available from Employee Services. It must be stressed that this course of action is not recommended or endorsed by the NHS Pensions Agency or the NHS Trust. This course of action will result in the loss of certain Pension Scheme benefits including Life Benefits and employees are strongly advised to seek further advice from the Pensions Officer in order to fully understand any implications regarding how the above actions will affect their future pension.

Keeping in touch days (KIT days)

- 3.5.10 KIT days are intended to facilitate a smooth return to work and allow employees to attend work or training opportunities during the adoption leave period.
- 3.5.11 An employee may take up to 10 KIT days without bringing their adoption leave to an end. Any days of work will not extend the adoption leave period. This will enable employees on adoption leave to work either continuously or on odd days without bringing an end to their adoption leave and pay.
- 3.5.12 KIT days are paid at an employee's basic daily rate for actual hours worked (less appropriate adoption leave payment). Working for part of any day will count as one KIT day. Managers must inform Employee Services of any KIT days taken.

3.5.13 KIT days can be taken at any time during the adoption leave except the first 2 weeks after the child's placement. KIT days must be mutually agreed between the employer and the employee's line manager.

3.6 Returning to work following adoption leave

3.6.1 An employee who intends to return to work on the agreed date following adoption leave will not be required to give any further notification of return to the Trust; however, it is good practice to have discussions with the line manager in the lead up to this to ensure a smooth transition.

3.6.2 If an employee wishes to return to work earlier than their original intended adoption leave end date, they must give at least 28 days' notice in writing to their manager.

3.6.3 If an employee chooses to extend their return to work date they must provide the Trust with 8 weeks' notice (this notice must be given 8 weeks prior to the original date of return).

3.6.4 Employees have the right to return to their original post or where this is not possible, to a suitable alternative position in terms and conditions no less favourable than their original position.

3.6.5 Where flexible working is sought upon return, the employee should open discussions on this with their line manager in good time and in line with the [Flexible Working Procedure](#). The manager must give consideration to staff requests for flexible working in line with the [Flexible Working Procedure](#).

3.6.6 Employees not intending to return to work after adoption leave must forward a resignation letter, in accordance with the appropriate contractual notice, to their line manager to advise them of their intention to terminate their contract of employment.

3.6.7 In order to avoid repayment of NHS OAP, an employee, who has notified the Trust of their intention to return, must return either to the Trust or to an alternative NHS employer for a period of 3 months. Failure to return to work will result in the employee being liable to refund any OAP less any SAP received. Where employees find alternative employment with another NHS employer, a copy of the appointment letter for the new post must be submitted within 15 months from the commencement of adoption leave.

Sickness absence following adoption leave

3.6.8 When an employee is returning following adoption leave and is unable to return to work due to sickness then, at the expiration of adoption leave, the normal attendance management process will apply in line with the Trust's [Supporting and Managing Staff Attendance at Work Policy \(HR13\)](#).

Failure to return following adoption leave

3.6.9 When an employee has failed to return to work on the notified date, they will be regarded as being on unauthorised absence, which is unpaid. As such, the employee will be liable to action under the [Trust's Disciplinary Policy](#). Alternatively, where an individual cannot return on the planned return date they may wish to consider extending their adoption leave up to the maximum entitlement if not already used up. They may also wish to consider a period of unpaid parental leave before returning to work, see details below.

3.6.10 **Shared Parental Leave** – SPL enables both parents to share up to 50 weeks of leave and, if eligible, up to 37 weeks of pay. The parents can choose how much of the SPL each of them will take. This excludes the compulsory 2 weeks adoption leave that the primary adopter is required to take immediately after being matched. Please refer to the [Shared Parental Leave Procedure](#) for more information.

3.6.11 **Unpaid Parental Leave** – An employee may apply to take Unpaid Parental leave immediately after planned adoption leave ends provided they give 8 weeks' notice of their intentions and agree a return date with their manager. In such circumstances please refer to the [Unpaid Parental Leave Procedure](#).

3.6.12 **Employment break** – An employee may decide to take an employment break immediately after their adoption leave ends. Please refer to the [Employment Break Procedure](#). Repayment of any Trust adoption pay, where applicable, will be deferred until the end of the employee's employment break.

3.7 Other information

Fixed Term Contracts or Training Contracts

3.7.1 Employees subject to fixed term contracts or training contracts which expire after the 11th week before the date of matching, or the 15th week before the EWC if applying via surrogacy agreement and who satisfy the eligibility conditions for NHS OAP shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid occupational and statutory adoption pay, and the remaining 13 weeks of unpaid adoption leave.

3.7.2 If there is no right of return to be exercised because the contract would have ended if adoption had not occurred, the repayment provisions for NHS OAP will not apply.

3.7.3 Employees on fixed term contracts who do not meet the 12 months continuous service conditions may still be entitled to SAP.

Rotational Training Contracts (including Doctors in training)

3.7.4 Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of adoption leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

3.7.5 To ensure equality of access to these provisions the employee shall be paid, by their current employer, the value of SAP they would have otherwise received if the statutory continuity had not been broken by their change of employer, in the following circumstances:

- a. Where an employee changes employer because their training programme has required them to do so, and
- b. This means they do not have enough statutory continuous service with their current employer to access SAP, but SAP had they not been required to change employer because of the training programme.

Adoption disruption

3.7.6 Should the adoption break down (“be disrupted”) the employee will be entitled to continue their adoption leave and receive the appropriate payment for that time.

Pre-term Birth for Intended Parents via Surrogacy

3.7.7 Where the employee’s baby is born alive prematurely (i.e., before the 37th week of pregnancy), the primary adopter will be entitled to adoption leave and pay as if their baby was born at full term. In addition, the Trust provides an extended period of leave as outlined in the [Supporting Staff with Premature Birth Procedure](#).

3.7.8 Any changes to be made to the period of leave that occur due to a pre-term birth must be confirmed to Employee Services.

Baby loss for Intended Parents via Surrogacy

3.7.9 The Trust is committed to supporting all employees who suffer the loss of a pregnancy/baby, whether it happens directly to them, their partner or their baby’s surrogate, regardless of the nature of their loss or their length of service.

3.7.10 Baby loss during pregnancy includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, and molar pregnancy.

3.7.11 The entitlement to leave for those staff who have sadly experienced a baby loss during pregnancy is outlined in the [Supporting Staff with Baby Loss During Pregnancy Procedure](#).

3.7.12 **Where the baby is born alive but sadly dies subsequently, entitlements to leave are as outlined above (see section on pre-term birth). In addition, child bereavement leave will apply as outlined in the [Special Leave for Carers, Emergencies and Bereavement Procedure](#).**

Organisational Change

3.7.13 The Trust is committed to having full and early consultation with staff about any proposed re-organisation. Managers must contact the HR Department for further advice.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Agenda for Change Terms and Conditions

<https://www.gov.uk/adoption-pay-leave>

Responsibilities checklist for managers

Timescale	Action	
On notification of employee's adoption or surrogacy plans	Acknowledge the employee's adoption plans	<input type="checkbox"/>
	Provide or signpost to a copy of the Adoption and Surrogacy Leave Procedure to make the employee aware of their rights and the terms of this procedure.	<input type="checkbox"/>
During assessment for adoption/ period of matching/ surrogate pregnancy	Assist the employee in clarifying eligibility for adoption leave and pay.	<input type="checkbox"/>
	Accommodate reasonable paid time off for official meetings in the adoption process (adoption) or health related appointments with the surrogate mother (surrogacy).	<input type="checkbox"/>
At the beginning of the week in which the employee is notified of being matched with a child for adoption (adoption) or by the 15th week before the baby's due date (surrogacy)	Ensure receipt of the completed adoption leave notification form and evidence of the adoption/ surrogacy.	<input type="checkbox"/>
Within 28 days following receipt of the adoption leave notification form	Respond to the employee confirming the employee's paid and unpaid adoption leave entitlements, the expected return to work date, and the arrangements for any accrued annual leave.	<input type="checkbox"/>
As soon as possible upon receipt of the forms	Countersign the completed adoption leave notification form and send this, and the evidence of adoption/ surrogacy, to Employee Services	<input type="checkbox"/>
As soon as possible following being made aware of any changes	Advise Employee Services of any changes to the agreed adoption leave period	<input type="checkbox"/>
In advance of adoption leave commencement	Discuss and agree with the employee voluntary arrangements for keeping in touch and how they wish to be kept informed about developments or changes in the Trust and the ward/department whilst on adoption leave.	<input type="checkbox"/>
As and when required during the adoption leave period	Keep the member of staff informed about developments or changes in the Trust and the ward/department (in the method previously agreed with the employee).	<input type="checkbox"/>
	Work with the employee to plan any keep in touch days (up to 10 days entitlement).	<input type="checkbox"/>
In preparation for the employee's return to work following adoption leave	Give consideration to staff requests for flexible working in line with the Flexible Working Procedure	<input type="checkbox"/>

Responsibilities checklist for employee

Timescale	Action	
In advance of commencing adoption/ surrogacy process	Inform the manager of your adoption/ surrogacy plans.	<input type="checkbox"/>
During assessment for adoption/ period of matching/ surrogate pregnancy	Access the Adoption and Surrogacy Leave Procedure and seek additional advice if necessary.	<input type="checkbox"/>
	Provide evidence of any adoption/ health related surrogacy appointments to your line manager in advance of the appointment.	<input type="checkbox"/>
	Work with the manager to plan and request any annual leave/Bank Holiday entitlement which may need to be taken before/after adoption leave commences (** this may be open to later adaptation).	<input type="checkbox"/>
At the beginning of the week in which the employee is notified of being matched with a child for adoption (adoption) or by the 15th week before the baby's due date (surrogacy)	Submit the adoption leave notification form indicating the start and end dates of adoption leave.	<input type="checkbox"/>
	Provide evidence of the adoption/ surrogacy.	<input type="checkbox"/>
	Where adopting from overseas with their partner, a statutory declaration SC6 must be completed to indicate they wish to take adoption leave and access SAP (see section 3.3.2 of procedure).	<input type="checkbox"/>
In advance of adoption leave commencement	Discuss and agree with the manager voluntary arrangements for keeping in touch and how they wish to be kept informed about developments or changes in the Trust and the ward/department whilst on adoption leave.	<input type="checkbox"/>
Within 28 days of any changes	Provide 28 days' notice for any changes later required to the start or end date of adoption leave.	<input type="checkbox"/>
In preparation for returning to work following adoption leave	Where applicable, make flexible working requests in good time and in line with the Flexible Working Procedure.	<input type="checkbox"/>
As and when during adoption leave	Work with the manager to plan any keep in touch days (up to 10 days entitlement).	<input type="checkbox"/>

Shared Parental Leave Procedure

1.0 Procedure Statement

- 1.1 Shared Parental Leave (SPL) is a legal entitlement for eligible parents to choose to share the care of their child during the child's first year or the first year of adoption. Its purpose is to give parents more flexibility in considering how to best care for and bond with their child.
- 1.2 This procedure sets out the rights of employees to access SPL and associated pay.
- 1.3 SPL must not be confused with 'Unpaid Parental Leave', which is unaffected by SPL. Unpaid parental leave is the entitlement of up to 18 weeks' unpaid leave up to the child's 18th birthday. Further information can be found in the [Unpaid Parental Leave Procedure](#).
- 1.4 A variety of forms and letter templates are available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

- 2.1 As detailed within the main policy document, HR01, with the following additions:
- 2.2 **Employee Services** are responsible:
 - To ensure that payments are made in line with both current occupational and statutory regulations;
 - To ensure that the necessary data and evidence has been collected from the employee before payment;
 - To ensure that payments are made in a timely way in line with normal salary crediting;
 - That the employee's membership to the NHS Pension Scheme is protected during the full period of SPL both paid and unpaid;
- 2.3 The **Line Manager** must also inform Education & Training that the mandatory training is suspended for the duration of SPL.

3.0 Procedure Detail / Actions

3.1 What is Shared Parental Leave (SPL)?

- 3.1.1 An employee will be entitled to SPL if they are having a baby or adopting a child for whom they will share responsibility with one of the following:
 - Their husband, wife, civil partner or joint adopter;
 - The child's other parent;
 - Their partner (if they live with them).These will be referred to as 'mother/primary adopter' and 'other parent' throughout the remainder of this procedure.

- 3.1.2 The term 'adopter' used throughout this SPL procedure also refers to 'intended parents' obtaining legal parenthood as part of a surrogacy agreement (this is explained further, along with the criteria, in the [Adoption and Surrogacy Leave Procedure](#)).

- 3.1.3 The government eligibility criteria outlines that birth parents are not eligible if they started sharing responsibility for the child after it was born.
- 3.1.4 SPL enables both parents to share up to 50 weeks of leave and, if eligible, up to 37 weeks of pay. The parents can choose how much of the SPL each of them will take. This excludes the compulsory 2 weeks maternity/adoption leave that the birth mother/primary adopter is required to take immediately after the birth/being matched.
- 3.1.5 SPL can be taken in one go (continuous), or separated by periods of work (discontinuous). The parents can also choose to be off work together, or to stagger the leave and pay.
- 3.1.6 To get SPL and statutory shared parental pay (ShPP), the eligibility criteria need to be met and notice must be given to both the Trust and the employer of the other parent, the latter of which may have their own SPL policy in place applicable to their staff.
- 3.2 Applying for SPL**
- 3.2.1 The employee must give their line manager notification of their intention to take SPL through completion and submission of the SPL notification form. It is good practice for them to do this as early as practicable, but this must be submitted no later than 8 weeks before the date on which they wish to start the first period of SPL.
- 3.2.2 All employees are entitled to take up to 50 weeks SPL (minus any maternity or adoption leave taken by the mother/primary adopter) regardless of length of service with the Trust. This excludes the two weeks compulsory maternity/adoption leave.
- 3.2.3 SPL can be taken at any time within one year from the birth or placement for adoption, providing the two weeks compulsory maternity/adoption leave has been taken first. Any SPL not taken by the child's first birthday or by the first anniversary of placement for adoption is lost.
- 3.2.4 It is advised that the employee considers exhausting any new parent support leave entitlements prior to the commencement of SPL as this cannot be taken once any SPL or SPL pay has been taken.
- 3.2.5 Following submission of the SPL notification form, employees must complete the SPL booking notice form and submit it to their line manager at least 8 weeks before the date on which they wish to start each period of SPL. More than 1 period can be requested within the notice.
- 3.2.6 The employee can provide up to 3 SPL booking notices, which includes notices to vary a previously agreed pattern of SPL. Each of the 3 booking notices may include single, continuous or discontinuous block of leave.
- 3.1.7 In order to share the untaken balance with the other parent, the mother/primary adopter is required to either:
- Return to work, which ends any maternity/adoption leave, or
 - Give their employer 'binding notice' of the date when they plan to end their maternity/adoption leave (if they get maternity allowance, they must give the 'binding notice' to Jobcentre Plus).

It is important to note that maternity/adoption pay or maternity allowance cannot be restarted once it has ended.

- 3.2.7 It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements, the Trust will have a right to reclaim any overpayment. Where there is a suspicion that fraudulent/deliberately inaccurate information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, the Trust will investigate the matter in line with the [Trust's Disciplinary Policy](#) (HR03). Depending on the nature of the breach, this may also be reported to the Trust's Local Counter Fraud Specialist and lead to criminal proceedings and civil recovery of monies owed to the Trust.

Single and/or continuous blocks of SPL

- 3.2.8 Requests for single blocks of leave cannot be refused, therefore the manager must confirm the SPL arrangements to the employee in writing within 28 calendar days of receipt of the completed booking notice form. The manager must also countersign the completed form and submit it to Employee Services.
- 3.2.9 An employee is not entitled to withdraw a notice for a single continuous block of leave but may do so with express permission from their manager. If a notice is withdrawn it will not count towards the 3 booking notice cap.

Discontinuous blocks of SPL

- 3.2.10 Discontinuous SPL means asking for a set number of weeks of SPL over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will have alternating weeks of work and SPL over a period of 12 weeks, resulting in 6 weeks of SPL being used in total).
- 3.2.11 On the date the employee submits the booking notice for discontinuous SPL, a 14 calendar day 'discussion period' between the manager and the employee will commence.
- 3.2.12 The purpose of this 'discussion period' is to discuss in detail the leave proposed and what will happen while the employee is away from work focusing on how the leave proposal may be agreed, whether a modified arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.
- 3.2.13 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to service delivery. Each request for discontinuous leave will be considered on a case-by-case basis; however the Trust is not bound to agree a requested pattern of discontinuous SPL. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the Trust has authority over how and when it is taken. It should be noted that agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 3.2.14 A decision regarding the discontinuous SPL booking notice will be given at the latest by the end of the 14 day discussion period.

- 3.2.15 Where a request/modified request is agreed, the manager will confirm the arrangements in writing to the employee and submit the agreement to Employee Services.
- 3.2.16 If a discontinuous SPL pattern is refused, and an alternative period has not been agreed during the discussion period, then the total combined weeks' leave requested on that notice may instead be taken as a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th calendar day from the date of the original booking notice was given to choose when they want the leave period to begin. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the start date of the first period of discontinuous SPL that was originally applied for. If the employee chooses to take the leave as a single continuous block, the manager must confirm the arrangements in writing and provide a copy to Employee Services.
- 3.2.17 The employee may withdraw the request to take discontinuous SPL within 15 calendar days of the booking notice being given providing an agreement has not been reached about when they will be absent from work. If a notice is withdrawn it will not count towards the 3 booking notice cap. Once the 15th day has passed any changes to a period of SPL must be made by using a variation notice and a minimum of 8 weeks' notice provided.

Varying a period of SPL

- 3.2.18 Confirmed SPL arrangements can be amended by the employee submitting an SPL variation notice. An employee can submit a variation notice to:
- Extend a period of SPL;
 - End it sooner than previously agreed; or
 - Consolidate a number of discontinuous weeks into a single block of SPL.
- 3.2.19 8 weeks' notice must be given for any variation, however flexibility will be provided in the event of early and late births.
- 3.2.20 The manager must confirm the variation arrangements to the employee in writing. The manager must also countersign the completed SPL variation notice and submit it to Employee Services.

Annual leave and Bank Holiday entitlement

- 3.2.21 Following notification of the intention to take SPL, the manager and employee will work together to plan for any annual leave and Bank Holiday entitlement that may need to be taken before/after SPL (it is acknowledged that this may be open to some later adaptation however it must be ensured that this is appropriately planned in advance).
- 3.2.22 Annual leave and Bank Holidays will continue to accrue during the full period of SPL.
- 3.2.23 An employee can only carry over one working week of annual leave into the new leave year therefore employees will be expected to take accrued annual leave exceeding one week prior to commencing SPL or when returning from SPL (dependent on where in the leave year the SPL falls). However, depending on whether the employee's date of commencing and return from SPL falls in March or

April and the length of SPL being requested the manager can agree to the employee carrying forward more than a week.

3.2.24 Where an employee has chosen to reduce their hours on return to work, they must take any accrued annual leave based on previous hours prior to the introduction of the reduced hours.

3.3 Entitlements to Shared Parental Pay

Length of service	Shared Parental Pay & Benefits
<p>Less than 26 weeks continuous NHS service with the Trust and/or another NHS body by:</p> <ul style="list-style-type: none"> - The end of the 15th week before the baby is due (usually week 25 of pregnancy) (<i>pregnancy and maternity</i>), or - The end of the week they are matched with a child (<i>adoption arrangements</i>), or - The 15th week before the baby is due (usually week 25 of pregnancy) (<i>surrogacy arrangements</i>) 	<p>Leave is unpaid by the Trust. Employees may find out about other financial support/benefits that might be available from their local Job Centre Plus.</p>
<p>More than 26 weeks continuous NHS service but less than 12 months continuous NHS service by:</p> <ul style="list-style-type: none"> - The end of the 15th week before the baby is due (usually week 25 of pregnancy) (<i>pregnancy and maternity</i>) - The end of the week they are matched with a child (<i>adoption arrangements</i>), or - The 15th week before the baby is due (usually week 25 of pregnancy) (<i>surrogacy arrangements</i>) 	<p>The employee may be eligible for Statutory Shared Parental Pay, subject to both parents meeting the statutory eligibility criteria outlined on https://www.gov.uk/shared-parental-leave-and-pay (please note that the eligibility criteria is different dependent on which parent wants to use the SPL and pay, and dependent on whether the parents are birth parents or adopters). Where ShPP is applicable:</p> <ul style="list-style-type: none"> - It is paid at a statutory flat rate sum or 90% of an employee's average weekly earnings, whichever is the lower. - Up to 37 weeks of ShPP may be payable, less any weeks of SMP, maternity allowance, or SAP that has already been claimed (this is excluding the 2 weeks compulsory maternity/adoption leave that must be taken by the mother/primary adopter). <p>If an employee does not qualify for ShPP, they may be entitled to claim other possible benefits from their local Job Centre Plus.</p>
<p>12 months continuous NHS service with the Trust and/or another NHS body by:</p> <ul style="list-style-type: none"> - The beginning of the 11th week before the baby is due (usually week 29 of pregnancy) - The week they are matched with a child (<i>adoption arrangements</i>), or - At the beginning of the 11th week before the baby is due (usually week 29 of pregnancy) (<i>surrogacy arrangements</i>) <p>and the employee <u>is</u> returning to work for the Trust or another NHS body after adoption (for a minimum of 3 months).</p>	<p>NHS Occupational SPL Pay is paid by the Trust. The maximum joint entitlement* of the parents is made up of:</p> <ul style="list-style-type: none"> First 6 weeks at full pay (inclusive of ShPP) Followed by 18 weeks half pay plus standard ShPP (provided this does not exceed full pay) Followed by 13 weeks at standard ShPP rate only. <p>Any additional adoption leave taken after 39 weeks is unpaid.</p>

<p>12 months continuous NHS service with either the Trust or another NHS body by:</p> <ul style="list-style-type: none"> - The end of the 15th week before the baby is due (usually week 25 of pregnancy) (<i>pregnancy and maternity</i>) - The week they are matched with a child (<i>adoption arrangements</i>), or - At the beginning of the 11th week before the baby is due (usually week 29 of pregnancy) (<i>surrogacy arrangements</i>) <p>but the employee <u>IS NOT</u> returning to work for the Trust or another NHS body after adoption (for a minimum of 3 months).</p>	<p>The employee may be eligible for Statutory Shared Parental Pay, subject to both parents meeting the statutory eligibility criteria outlined on https://www.gov.uk/shared-parental-leave-and-pay (please note that the eligibility criteria is different dependent on which parent wants to use the SPL and pay, and dependent on whether the parents are birth parents or adopters).</p> <p>Where ShPP is applicable:</p> <ul style="list-style-type: none"> - It is paid at a statutory flat rate sum or 90% of an employee’s average weekly earnings, whichever is the lower. - Up to 37 weeks of ShPP may be payable, less any weeks of SMP, maternity allowance, or SAP that has already been claimed (this is excluding the 2 weeks compulsory maternity/adoption leave that must be taken by the mother/primary adopter). <p>If an employee does not qualify for ShPP, they may be entitled to claim other possible benefits from their local Job Centre Plus.</p>
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NB: A period of 3 months or more outside the NHS constitutes a break in continuous service. ShPP is subject to the continuous service rule and earnings rule and eligibility criteria being met. Salary sacrifice schemes, such as childcare vouchers, can affect your eligibility for ShPP due to reduced NI contributions

- 3.3.1 *The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay, maternity allowance, or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory 2 week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out above will reduce proportionate to the amount of maternity or adoption pay that that either been taken and paid to either parent, or notified as intending to be taken by either parent.
- 3.3.2 In order to be eligible to receive pay the employee must also confirm that the other parent meets the statutory “employment and earnings test” by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The individual must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). This amount can be amended from time to time by the Secretary of State. More information on the “employment and earnings test” can be found on <https://www.gov.uk/shared-parental-leave-and-pay>.
- 3.3.3 The employee must correctly notify the Trust of their entitlement and provide evidence as required. It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements, the Trust will have a right to reclaim any overpayment. Where there is a suspicion that fraudulent/deliberately inaccurate information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, The Trust will investigate the matter in line with the Trust’s Disciplinary Policy

(HR03). Depending on the nature of the breach, this may be reported to the Trust's Local Counter Fraud Specialist and lead to criminal proceedings and civil recovery of monies owed to the Trust.

3.3.4 All employees will have a right to take up to 50 weeks SPL whether or not they return to NHS employment.

3.4 **During SPL**

3.4.1 During SPL (both paid and unpaid) an employee retains all of their contractual rights except remuneration, which will be as per section 3.3).

3.4.2 A line manager can make reasonable contact with an employee while they are on SPL and it will be agreed in advance on how they wish to be informed. It is important that the manager keeps the member of staff who is on SPL informed about developments or changes in the Trust and the ward/department.

Bank or external work

3.4.3 Substantive members of staff on paid SPL must not undertake any bank shifts or work external to the Trust as this will directly affect ShPP.

3.4.4 Substantive members of staff on unpaid SPL must not undertake bank shifts at this or any other Trust or work external to the Trust but will have the option to return to work earlier than the date initially agreed with their line manager.

Increments

3.4.5 An employee on SPL will progress through their pay step on the date the pay step is due unless a pay step review meeting has taken place prior to the commencement of SPL which confirmed that the required standards for pay progression would not be met. If a pay step review cannot be conducted prior to the pay step date the pay step point should be automatically applied in the individual's absence.

3.4.6 For staff on medical or dental contracts, the general principle will apply that there should be no detriment to pay progression as a result of taking SPL.

3.4.7 The SPL period will also count for the purposes of any service qualification period for additional annual leave.

NHS Pension Provision/Reckonable Service

3.4.8 During unpaid periods of SPL the employer's NHS pension contributions continue to be paid and Pension Scheme service automatically accrues. However, employees contributions accrue whilst on unpaid leave and will therefore need to be paid (via payroll deduction) upon return to work. On their return employees must discuss and agree repayment arrangements and timescales with Employee Services.

3.4.9 Employees who do not wish to accrue reckonable service for pension purposes and do not wish to repay contributions, have the opportunity to opt out of the scheme at any time. Forms are available from Employee Services. It must be stressed that this course of action is not recommended or endorsed by the NHS Pensions Agency or the Trust. This course of action will result in the loss of certain Pension Scheme benefits including Life Benefits and employees are strongly advised to

seek further advice from the Pensions Officer in order to fully understand any implications regarding how the above actions will affect their future pension.

SPL in touch days (SPLiT days)

3.4.10 *SPLiT* days are intended to facilitate a smooth return to work and allow employees to attend work or training opportunities during the SPL.

3.4.11 An employee may take up to 20 *SPLiT* days without bringing their SPL to an end. Any days of work will not extend the SPL period. This will enable employees on SPL to work either continuously or on odd days without bringing an end to their SPL and pay.

3.4.12 *SPLiT* days are paid at an employee's basic daily rate for actual hours worked (less appropriate SPL payment). Working for part of any day will count as 1 *SPLiT* day. Managers must inform Employee Services of any *SPLiT* days taken.

3.4.13 *SPLiT* days can be taken at any time during the SPL. *SPLiT* days must be mutually agreed between the employee and the employee's line manager.

3.5 Returning to work following SPL

3.5.1 An employee who intends to return to work on the agreed date following SPL will not be required to give any further notification of return to the Trust; however it is good practice to have discussions with the line manager in the lead up to this to ensure a smooth transition.

3.5.2 If an employee wishes to make changes to their return to work date they should refer to section 3.2.18 on varying SPL.

3.5.3 Employees have the right to return to their original post or where this is not possible, to a suitable alternative position in terms and conditions no less favourable than their original position.

3.5.4 Where flexible working is sought upon return, the employee should open discussions on this with their line manager in good time and in line with the [Flexible Working Procedure](#). The manager must give consideration to staff requests for flexible working in line with the [Flexible Working Procedure](#).

3.5.5 Employees not intending to return to work after SPL must forward a resignation letter, in accordance with the appropriate contractual notice, to their line manager to advise them of their intention to terminate their contract of employment.

3.5.6 In order to avoid repayment of NHS Occupational SPL Pay, an employee who has notified the Trust of their intention to return must return either to the Trust or to an alternative NHS employer for a period of 3 months. Failure to return to work will result in the employee being liable to refund any NHS Occupational SPL Pay less any ShPP received. Where employees find alternative employment with another NHS employer, a copy of the appointment letter for the new post must be submitted within 3 months of the end of the SPL.

Sickness absence following SPL

3.5.7 When an employee is returning following SPL and is unable to return to work due to sickness then, at the expiration of SPL, the normal attendance management

process will apply in line with the Trust's Supporting and Managing Staff Attendance at Work Policy (HR13).

Failure to return following SPL

3.5.8 When an employee has failed to return to work on the notified date or has not given notice of return within the period of SPL entitlement, they will be regarded as being on unauthorised absence, which is unpaid. As such, the employee will be liable to action under the Trust's [Disciplinary Policy](#). Alternatively, where an individual cannot return on the planned return date they may wish to consider extending their SPL up to the maximum entitlement if not already used up. They may also wish to consider a period of unpaid parental leave before returning to work, see details below.

3.5.9 **Unpaid Parental Leave** – An employee may apply to take Unpaid Parental leave immediately after planned SPL ends provided they give 8 weeks' notice of their intentions and agree a return date with their manager. In such circumstances please refer to the [Unpaid Parental Leave Procedure](#).

3.5.10 **Employment break** – An employee may decide to take an employment break after their SPL ends. In these circumstances please refer to the [Employment Break Procedure](#). Repayment of any NHS Occupational SPL Pay will be deferred until the end of the employee's employment break.

3.6 Other information

Fixed Term Contracts or Training Contracts

3.6.1 Employees subject to fixed term contracts or training contracts which expire after

- The 11th week before the EWC (usually week 29 of pregnancy); or
- The date of matching with a child for adoption; or
- The 15th week before the baby's due date (usually week 25 of pregnancy) if applying via surrogacy arrangement.

and who satisfy the eligibility conditions for NHS Occupational SPL Pay shall have their contracts extended so as to allow them to receive up to 50 weeks of SPL which includes paid occupational and statutory shared parental pay, and the remaining 13 weeks of unpaid SPL.

3.6.2 If there is no right of return to be exercised because the contract would have ended if SPL had not occurred or been taken, the repayment provisions for NHS Occupational SPL Pay will not apply.

3.6.3 Employees on fixed term contracts who do not meet the 12 months continuous service conditions may still be entitled to ShPP.

Rotational Training Contracts (including Doctors in training)

3.6.4 Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of SPL in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if SPL had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

3.6.5 To ensure equality of access to these provisions the employee shall be paid, by their current employer, the value of ShPP they would have otherwise received if the

statutory continuity had not been broken by their change of employer, in the following circumstances:

- a. Where an employee changes employer because their training programme has required them to do so, and
- b. This means they do not have enough statutory continuous service with their current employer to access ShPP, but
- c. They would have had sufficient statutory continuous service to access ShPP had they not been required to change employer because of the training programme.

Organisational Change

3.6.6 The Trust is committed to having full and early consultation with staff about any proposed re-organisation. Managers must contact the HR Department for further advice.

3.7 Advice Regarding SPL

3.7.1 Advice and guidance is available from the HR Advisory Department as and when required by managers and staff.

3.7.2 The HR Advisory toolkit provides a range of additional resources including the forms and letters required to be completed.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

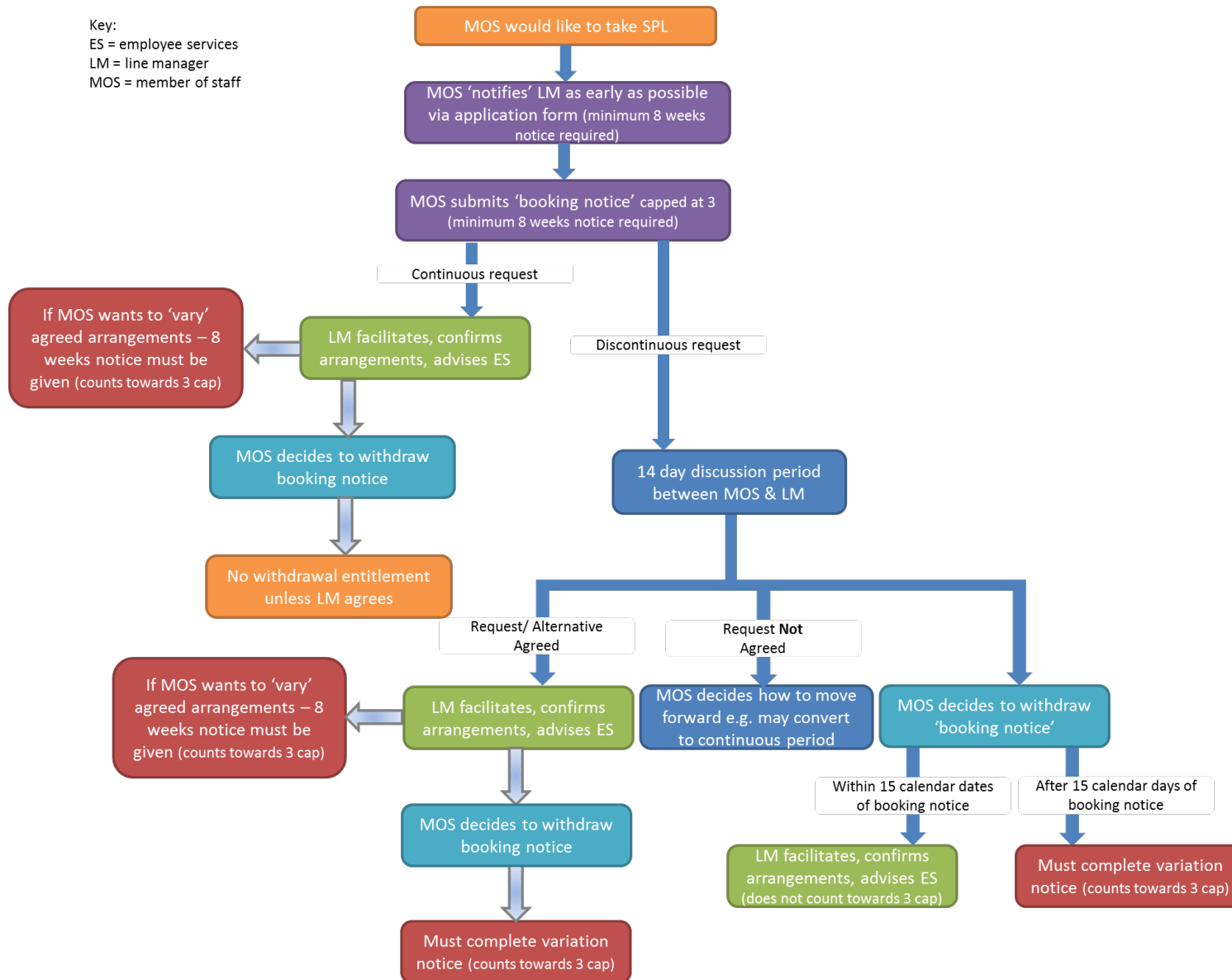
6.0 References

<https://www.gov.uk/shared-parental-leave-and-pay>

<https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/eligibility>

[Agenda for Change Terms and Conditions – section 15 “Leave and pay for new parents”](#)

Key:
ES = employee services
LM = line manager
MOS = member of staff



New Parent Support Leave Procedure

1.0 Procedure Statement

- 1.1 New Parent Support Leave (NPSL) is granted to the father of the child (including adoptive fathers), the mother/primary adopter's spouse or partner or nominated carer following the birth or adoption of a child or in order to care for the child and/or support the mother/primary adopter.
- 1.2 Forms and letter templates are available on the [HR Advisory Toolkit](#).

2.0 Accountabilities

As detailed in the main policy document, HR01.

3.0 Procedure Detail

3.1 Entitlement to New Parent Support Leave

- 3.1.1 All employees, irrespective of length of service within the Trust, are entitled to two weeks NPSL provided that they are taking time off to look after the child/support the mother or primary adopter, and be one of the following:
- The biological father of the child
 - The mother/primary adopter's spouse or partner (whether opposite or same sex) or nominated carer;
 - One of the child's adopter – proof of adoption must be given e.g. letter from the adoption agency or the matching certificate. (Please note that NPSL is not available in circumstances where a child is not newly matched for adoption, for example fostering prior to adoption or when a step parent is adopting a partner's child);
 - One of the intended parents in a surrogacy arrangement – the employee must provide a written statement to confirm that they intend to apply for a parental order in the 6 months after the baby's birth,
- 3.3.1 If the employee is the primary adopter or primary intended parent then they may be eligible for [Adoption and Surrogacy Leave](#).

3.2 Planning New Parent Support Leave

- 3.2.1 An employee is required submit the NPSL notification form to their manager either:
- i. By the 15th week before the before the baby's due date (usually week 25 of pregnancy - pregnancy or surrogacy arrangements), or
 - ii. Within 7 days of being matched with a child for adoption (adoption arrangements).
- 3.2.2 As soon as reasonably possible following receipt, the line manager will countersign the completed NSPL notification form and send this to Employee Services.
- 3.2.3 Whilst it would be preferable, employees do not have to indicate on their notification form a precise date of when they want their leave to start (for example 1st February), however they must give a general indication such as the day of the birth or one week after the birth. An employee may change their mind about when they wish to start NPSL giving reasonable notice.

- 3.2.4 NPSL cannot start before the birth or placement for adoption and must end within 56 days of the actual date of birth of the child or adoption placement date.
- 3.2.5 If adopting from overseas, the earliest date that NPSL can begin is the date on which the child enters the UK. NPSL may only be taken up to 56 days from the date on which the child enters the UK.
- 3.2.6 In the case of a protracted delivery, emergency leave can be requested up to the time when the baby is born in line with Leave for Carers, Emergencies and Bereavement.
- 3.2.7 The period of NPSL must be taken in one block.
- 3.2.8 Only one period of NPSL can be taken in circumstances where there is a multiple birth or adoption of multiple children.
- 3.2.9 Once known, the line manager must confirm the actual date of birth/placement to Employee Services.

Pre-term Birth

- 3.2.10 Where the employee’s baby is born alive prematurely (i.e. before the 37th week of pregnancy), the employee will be entitled to NPSL as if their baby was born at full term. In addition, the Trust provides an extended period of leave as outlined in the [Supporting Staff with Premature Birth Procedure](#).
- 3.2.11 Any changes to be made to the period of leave that occur due to a pre-term birth must be confirmed to Employee Services.

3.3 Entitlement to New Parent Support Pay

New Parent Support pay is dependent upon length of service with the Trust and any previous NHS employers as indicated in the following chart:

Length of service	New Parent Support Pay & Benefits
Less than 26 weeks continuous NHS service with the Trust and/or another NHS body.	Leave is unpaid by the Trust*
More than 26 weeks continuous NHS service with the Trust but less than 12 months continuous NHS service by: <ul style="list-style-type: none"> - The 15th week before baby is due (usually week 25 of pregnancy), as declared on the MATB1 (pregnancy and surrogacy arrangements), or - The end of the week they are matched with a child (UK adoption arrangements), or - The date the child enters the UK or when they want pay to start (overseas adoption arrangements) AND earn at least £120 a week (before tax)	Statutory Paternity Pay is paid by the Trust.
12 months continuous NHS service with the Trust and/or another NHS body before they take their leave.	NHS New Parent Support Pay is paid by the Trust. This is 2 weeks at full pay (inclusive of SPP) Full pay will be on the basis of the average weekly earnings rules used for calculating NHS Maternity/Adoption Pay entitlements.

*In these circumstances managers must be sympathetic to requests for annual leave, where appropriate. However, employees will generally be expected to plan for the birth and therefore not exhaust their annual leave entitlement. Employees who do not qualify for statutory paternity pay may qualify for other forms of state benefit if their earnings are below the Lower Earning Limit. Employee Services will write to these employees enclosing form SPP1 which will enable them to pursue benefits from other agencies as appropriate.

3.4 Pregnancy/Baby loss

- 3.4.1 The Trust is committed to supporting all employees who suffer the loss of a baby during pregnancy, whether it happens directly to them, their partner or their baby's surrogate, regardless of the nature of their loss or their length of service.
- 3.4.2 Baby loss during pregnancy loss includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, and molar pregnancy.
- 3.4.3 The entitlement to leave for those staff who have sadly experienced a pregnancy loss is outlined in the [Supporting Staff with Baby Loss During Pregnancy Procedure](#).
- 3.4.4 In the unfortunate circumstances that the baby is born alive at any point of the pregnancy but subsequently dies, NPSL can be taken if it is within eight weeks of the birth. **In addition, child bereavement leave will apply as outlined in the [Special Leave for Carers, Emergencies and Bereavement Procedure](#).**

3.5 Entitlement to Time off for Antenatal Care

- 3.5.1 An employee is entitled to take reasonable time off with pay to attend for antenatal appointments. The employee must produce proof of future appointments and give reasonable notice of the appointments, unless in exceptional circumstances.
- 3.5.2 In cases of adoption, an employee is entitled to take reasonable time off with pay to attend adoption appointments after having been matched with a child.

3.6 During the NPSL Period

- 3.6.1 Employment rights are protected whilst on NPSL. This includes rights to pay increments, and accrual of annual leave and Bank Holidays.
- 3.6.2 An employee may not undertake any paid work with the Trust or any other employer during the paid NPSL period. If they do so, NPSL and Paternity Pay will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered in line with the [Trust's Disciplinary Policy \(HR03\)](#).

3.7 Returning to work following NPSL

- 3.7.1 Employees returning to work after one or two consecutive weeks are entitled to return to the same job as before, on the same terms and conditions of employment, unless a redundancy situation arises in which case the Trust process regarding consultation will apply.
- 3.7.2 If an employee decides not to return to work following NPSL they are required to give the Trust notice in accordance with their contractual terms and conditions.

Sickness absence following NPSL

3.7.3 When an employee is returning following NPSL and is unable to return to work due to sickness then, at the expiration of NPSL, the normal attendance management process will apply in line with the [Trust's Supporting and Managing Staff Attendance at Work Policy](#) (HR13).

Failure to return following NPSL

3.7.4 Where an employee has failed to return to work on the notified date, they will be regarded as being on unauthorised unpaid absence. As such, the employee will be liable to disciplinary action under the [Trust's Disciplinary Policy](#) (HR03). Where an individual cannot return on the planned return date they may wish to consider a period of shared parental leave or unpaid parental leave before returning to work, see details below.

3.7.5 **Shared Parental Leave** – SPL enables both parents to share up to 50 weeks of leave and, if eligible, up to 37 weeks of pay. The parents can choose how much of the SPL each of them will take. This excludes the compulsory 2 weeks maternity leave that the birth mother/primary adopter is required to take immediately after the birth/placement. NPSL cannot be taken after SPL. Please refer to the [Shared Parental Leave Procedure](#) for more information.

3.7.6 **Unpaid Parental leave** – An employee may apply to take Unpaid Parental leave immediately after planned NPSL ends provided they give 8 weeks' notice of their intentions and agree a return date with their manager. In such circumstances please refer to the [Unpaid Parental Leave Procedure](#).

3.7.7 **Employment break** – An employee may decide to take an employment break in which case please refer to the [Employment Break Procedure](#).

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Terms and Conditions of Employment

<https://www.gov.uk/paternity-pay-leave>

Unpaid Parental Leave Procedure

1.0 Procedure Statement

1.1 Eligible employees can take unpaid parental leave to look after their child's welfare, for example to:

- Spend more time with their children;
- Look at new schools;
- Settle children into new childcare arrangements;
- Spend more time with family, such as visiting grandparents;
- Attend health related appointments.

1.2 Application form is available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

As detailed in the policy, HR01.

3.0 Procedure Detail / Actions

3.1 Eligibility

3.1.1 All employees, who have completed 1 year of NHS service by the time they want to take unpaid parental leave, are entitled to up to 18 weeks unpaid leave for each of their children, who they have a nominated caring responsibility for, up to their 18th birthday. This leave will be pro-rated for part-time staff and each parent will be entitled to the leave.

3.1.2 If the child is adopted each parent can take a total of up to 18 weeks unpaid parental leave until the adopted child reaches their 18th birthday (subject to a limit of 4 weeks in any one year, see section 3.2.3 below).

3.1.3 If both parents are employed by the Trust then each parent is entitled to leave. Unpaid Parental Leave is an individual right and you cannot transfer the leave between parents. If the employee has twins then they are entitled to take up to 18 weeks leave for each child.

3.1.4 Line managers can ask for evidence of qualification i.e. a birth certificate. It would only be expected that this would take place once as opposed to each time the leave is requested.

3.2 Planning Unpaid Parental Leave

3.2.1 Employees must discuss with their manager when leave can be taken. It will be necessary to consider positively how to meet requests for unpaid parental leave in a way that does not cause undue disruption to the delivery of service. In exceptional circumstances consideration of postponing (delaying) the request may take place – please see section 3.3 for more details.

3.2.2 Employees are required to provide a minimum of 21 days notice before the intended start date of unpaid parental leave. A Leave request form must be completed by the employee and submitted to the line manager for approval.

- 3.2.3 The limit on how much unpaid parental leave each parent can take in a year is 4 weeks for each child. Unpaid parental leave must be taken as whole weeks rather than individual days, unless exceptional circumstances apply or your child is disabled. All of the leave does not have to be taken at once.
- 3.2.4 Parental leave is unpaid and therefore staff who contribute to the NHS Pension Scheme and who wish to continue doing so during this period of unpaid leave, must discuss this with Employee Services.
- 3.2.5 During unpaid parental leave the employee retains all of their contractual rights except remuneration and must return to the same job after their parental leave.

3.3 Postponing Unpaid Parental Leave

- 3.3.1 A request for unpaid parental leave can only be postponed where there are reasonable business grounds for doing so, for example another employee is on leave or the employee's absence would cause a serious disruption in meeting the needs of the service.
- 3.3.2 Unpaid parental leave can only be postponed for up to 6 months but cannot be postponed so that the leave ends after the child's 18th birthday or if this is being taken immediately after the birth or adoption of a child.
- 3.3.3 Where a leave request is being postponed, the manager must write to the employee advising them of the reasons for the postponement within 7 days of the original request and within this letter suggest a new start date, which must be within 6 months of the original start date. The amount of leave requested in the original request cannot be changed.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

4.0 References

Terms and Conditions of Employment

<https://www.gov.uk/parental-leave>

Fertility Treatment Leave Procedure

1.0 Procedure Statement

- 1.1 The Trust acknowledges the physical and emotional impact that fertility treatment can have on employees. For those employees who choose to undergo fertility treatment, the process involved is often time consuming, expensive, traumatic and stressful.

While there are no legal requirements for the Trust to allow employees time off for fertility treatment, the Trust will adopt a supportive and open approach that allows employees who choose to undergo fertility treatment reasonable time off with pay. This procedure is intended to outline the provision for time off with pay available to individuals undergoing fertility treatment and those providing support to their partners.

- 1.2 Application form is available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail / Actions

3.1 Eligibility

All employees employed on a permanent or fixed term contract are eligible to apply for paid leave for fertility treatment utilising the [Time Off for Health Related Appointments procedure](#).

3.2 Entitlement to Time off

- 3.2.1 The Trust will support 3 cycles of fertility treatment by providing paid leave to attend appointments and undertake the relevant treatment.

3.2.2 Typically the fertilisation process can take between 4 and 7 weeks for one cycle which requires attendance at several appointments. The employee must discuss the fertility treatment plan with their line manager in order to facilitate their absence from the workplace at the specified times and submit the General Leave Request Form. The employee must also notify their manager of any changes to the plan.

3.2.3 In circumstances where the number of fertility treatment cycles exceeds three, the line manager must discuss alternative ways of facilitating time off work such as a combination of flexible working arrangements, unpaid or annual leave.

3.2.4 In some cases the employee may be unfit for work due to the effects of the treatment and may be signed off sick by their GP. Managers will treat this sickness absence in the same way as sickness for other reasons in line with [HR13 Supporting and Managing Sickness Absence at Work Policy](#), unless the employee becomes pregnant in which case it will be treated as pregnancy-related absence.

3.3 Fertility Cycle

It is usual for employees undergoing fertility treatment to agree a scheduled plan with the fertility clinic; the schedule is invariably defined by the clinic, not the patient, as treatments have to occur at specific dates and times. For managers' information,

an example fertility treatment cycle and suggested periods of leave is included in the table below.

Day	Treatment	Impact on individual's working pattern
Pre-stage	<p>This requires appointments with a GP, initial fact-finding with fertility clinic, information sessions, counselling sessions, blood tests for both partners, preliminary scans and so on. After identifying the cause of infertility, corrective treatments may be required to maximise future success for example, polycystic ovaries, low sperm count, ovarian cysts and so on. Note that certain tests must be conducted at definite times in the lead up to first stage, for example blood tests for hormonal levels.</p>	<p>This will be over a six-month period to determine if the couple are eligible and their suitability for the treatments available. The General Leave Request Form must be submitted.</p> <p>If corrective treatment is necessary, this may be in the form of planned surgery as per HR13 Supporting and Managing Sickness Absence at Work Policy.</p>
First stage Day 1	Start of treatment with intake of first drug.	No significant impact.
Day 2	Intake of second drug in the form of nasal sprays at 12 hourly intervals.	Individuals are likely to experience side effects. Possibility of sickness absence.
Second stage - start of injections. 11-12 days	Start of the ovarian stimulation injections.	Requirement to attend clinic on the first day of this stage. During this time the individual will have ultrasound scans and blood tests.
Third stage	Last stage of injections and scan before egg collection.	
Fourth stage	Egg collection.	Individual will have to undergo sedation and possibly general anaesthesia.
Fifth stage	Embryo transfer.	Following implantation the individual is regarded as being pregnant and protected under the Equality Act 2010 pregnancy legislation.
Sixth stage	Finding out the results. 2 weeks after embryo transfer.	If the treatment is unsuccessful the protected period ends 2 weeks after the end of the pregnancy – 2 weeks after the date the employee was informed that implantation was not successful.
Seventh stage	Pregnancy if the treatment is successful	Up to 4 scans will be required during the first 3 months of pregnancy to verify that the foetus is/are viable. The first 3 months of pregnancy carry the greatest risk of miscarriage, which

		is more the case with fertility treatment. Please refer to the Pregnancy and Maternity Leave Procedure .
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Note: *Fertility treatments are often unsuccessful, but the chance of successful conception and implantation improves with the number of treatments. It is usual for patients to undergo two treatments each calendar year, although this will depend on individual circumstances and the considerable costs involved.*

3.4 Support for Employees

Due to the physical and emotional impact of the fertility treatment process it is important that the employee is made aware of the different support mechanisms available within the Trust e.g. Occupational Health and Wellbeing, Employee Assistance Programme, in addition to any external support provided.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Foster Carer's Leave Procedure

1.0 Procedure Statement

- 1.1 The Trust wishes to adopt a supportive approach to employees who are foster carers. This procedure is intended to outline the provision for time off with pay available to employees who are foster carers.
- 1.2 Application form is available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

As detailed in the policy, HR01.

3.0 Procedure Detail / Actions

3.1 Eligibility

- 3.1.1 All employees employed on a permanent or fixed term contract who are approved foster carers are eligible to apply for paid foster carer's leave utilising the [General Leave Request Form](#).

3.2 Entitlement to Time off

- 3.2.1 An employee who is an approved foster parent is entitled to up to 5 days paid leave in order to attend any pre-placement meetings in a leave year (1st April to 31st March). This entitlement is irrespective of whether more than one child is being fostered.
- 3.2.2 Where an employee who is an approved foster carer is required to deal with an emergency situation in connection with their foster child(ren), they may request leave in accordance with the [Leave for Carers, Emergencies and Bereavement Procedure](#).

3.3 Applying for Foster Carer's Leave

- 3.3.1 The employee must complete and submit a [General Leave Request Form](#) in addition to providing official evidence of being an approved foster carer and appointments to their line manager. Official evidence of being an approved foster carer only needs to be provided once. The employee must provide their line manager with as much notice as possible of the appointments.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Breastfeeding Procedure

1.0 Procedure Statement

- 1.1 Breastfeeding is a key public health measure and a mother who has chosen to breastfeed and return to work needs support from employers and colleagues to be able to continue breastfeeding for the optimum period. The World Health Organisation (WHO) recommends that babies are exclusively breastfed for the first six months with continuation of breastfeeding alongside appropriate complementary foods for up to two years of age or beyond. Breastfeeding has a range of health benefits for both mother and baby in the short and long term.
- 1.2 The Royal Wolverhampton NHS Trust is a safe, effective, kind and caring organisation which exceeds expectations, it recognises the importance of breastfeeding for mother and baby and is committed to the promotion and facilitation of breastfeeding by offering help and support to their employees who return to work whilst still breastfeeding.
- 1.3 This procedure is intended as guidance for managers and staff regarding the provision of facilitates and/ or alteration of working patterns for mothers who wish to continue breastfeeding on their return to work.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail / Actions

- 3.1 There are various ways in which employees can combine breastfeeding with returning to work. This may include:
- Attending a nearby nursery or childcare facility and breastfeeding normally (where practicable)
 - Baby visiting site (with their childcare provider) and breastfeeding normally, either in public areas or in requested private facilities
 - Expressing breastmilk
- 3.2 As indicated in the [Trust's Pregnancy and Maternity Procedure](#) whilst it is appreciated that many expectant mothers do not know which route their feeding journey will take (i.e. breast, bottle or combi feeding), managers are encouraged to confirm to the expectant staff, prior to maternity leave, that continued breastfeeding upon return to work is feasible and will be supported.

Informing on intention to continue breastfeeding

- 3.3 Staff intending to continue breastfeeding on their return to work should inform their manager with reasonable notice, ideally in writing at least 28 days before their return to work. This will ensure that the necessary arrangements can be made to meet the request and the needs of the service. The information given to the line manager should include the times of day/ frequency that the mother would like to breastfeed/ express milk so all necessary arrangements can be made.

Facilities

3.4 An employee requesting breastfeeding/ milk expression facilities at work should be provided with:

- A appropriate rest room: warm, clean and private room which can be locked or have an arrangement for ensuring privacy
- Access to a fridge where breast milk may be safely stored. *(Please note that the breast milk must be stored in staff fridges as opposed to those dedicated for patients/medical equipment. If no staff fridge can be made available, nursing mothers who have expressed breast milk can store their milk in any domestic RWT owned fridge).*
- Availability of hot/cold running water
- Electric power points to allow for the use of an electric pump or steam steriliser
- Suitable chair
- Table/desk at an appropriate height
- Where requested, a clean area should be made available for the storage, preparation and sterilising of equipment

Please note toilets are not appropriate facilities.

- As indicated in the Trust's Pregnancy and Maternity Leave Procedure a [new and expectant mother risk assessment](#) needs to be conducted for breastfeeding mothers.

Working time/patterns

3.5 Managers will be flexible with regards to working patterns when a breastfeeding mother returns to work. This may mean temporarily changing working conditions or hours of work. Managers will work with staff to ensure that attendance at required training courses will not be detrimental to breastfeeding/expressing milk.

3.6 Time/ breaks will be allowed for breastfeeding/ expressing milk. A maximum of two paid breaks to breastfeed/express milk will be given per 7.5 hour shift; however should any exceptions to this be required the employee and their line manager can discuss this ensuring full consideration of the health and safety of the employee, seeking advice from HR as required. The length of time required to undertake breastfeeding/ milk expression will depend on individual circumstances and reasonable discussion should take place between the manager and the employee on this matter. The number and length of breaks required will often be influenced by the age of the child.

3.7 Should staff want further advice and support regarding their decision whether or not to continue breastfeeding when they return to work can contact the Trust's Infant Feeding Team on 01902 307999 ext.8389 or by accessing their webpage

<https://www.royalwolverhampton.nhs.uk/services/service-directory-a-z/infant-feeding/>

4.0 Equipment Required

n/a

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Maternity action

Health and Safety Executive and guidance from the European Commission

Disability Leave Procedure

1.0 Procedure Statement

The Royal Wolverhampton Trust (RWT) will ensure that all reasonable adjustments are taken to support staff with a disability and understands that staff with disabilities may require, at particular times, time off specifically for treatment, assessment or rehabilitation relating to their disability.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail

What is Disability Leave?

3.1 Disability Leave is a form of absence for a short, planned appointments or treatments, related to an employee's disability, that help to support and maintain their health and wellness.

3.2 Disability Leave is a reasonable adjustment in line with the requirements of the Equality Act 2010 and must be agreed for a specified reason.

3.3 It is distinct from sickness absence as it applies to circumstances where the employee is well but absent from work for a disability related reason. It is not intended to be used:

- To extend sick pay or a phased/graduated return to work
- When an employee is not well enough to attend work i.e., as a replacement for sick leave.
- For extended periods of absence.
- Where the individual has not recovered from a planned treatment and is not well enough to attend work.

In circumstances where the employee is unfit for work, the [Supporting and Managing Staff Attendance at Work Policy](#) (HR13) applies.

Definition of a disability

3.4 The Equality Act 2010 states that a person will be classed as disabled in law if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

- *Substantial* means neither minor nor trivial.
- *Long-term* means that the effect of the impairment has lasted, or is likely to last, for at least 12 months.
- *Normal day-to-day activities* include everyday things like eating, washing, walking, and going shopping.

Key principles

3.5 The line manager may grant a reasonable amount of paid time off for Disability Leave dependent upon the specific requirements. It is not expected that this will exceed 6 days paid leave (45 hours - pro-rata for part-time workers) per leave year (April to March) and the leave must be monitored and recorded

appropriately. It should be noted that this time can be taken in hours or days, where appropriate, and can include travel time.

- 3.6 The application form and monitoring form are available on the [HR Advisory Toolkit](#) via the Trust intranet.
- 3.7 Staff are encouraged to make their line manager aware if they have been assessed as having a disability, so that they are aware of the need to make reasonable adjustments and so that they can provide appropriate support. If a disability is self-identified by the member of staff, they should be referred to OHWB for who will be able to provide advice in relation to reasonable adjustments.
- 3.8 Managers should actively encourage staff to have their disability recorded on their ESR profile (see below for more information on recording).
- 3.9 Where Disability Leave may not be the most appropriate course of action, for instance where ongoing/regular assessment, treatment or rehabilitation is required, the manager and member of staff will explore other reasonable adjustments where appropriate (e.g., flexible working arrangements, reduction in hours etc). The staff member and their manager will both be responsible for monitoring and reviewing the effectiveness of any such arrangements.
- 3.10 As Disability Leave should be used for pre-planned absence, requests will normally require prior agreement from the individual's manager. It is recommended that early discussions take place between the staff member and their manager to enable the needs of both the individual and the department to be considered. It is acknowledged that there may be occasions where sudden, unforeseen, or clearly appropriate short notice circumstances may need consideration e.g., access to a cancellation appointment. Managers will sensitively consider all requests for Disability Leave individually and on their own merits. Managers may seek advice and guidance from the HR Advisory Team and OHWB as appropriate.
- 3.11 Managers should make and retain notes of any discussions in relation to Disability Leave, including any agreed outcomes and support.
- 3.12 If an employee does not believe that they are disabled or does not wish to be included under the definition provided by the Equality Act 2010, then Disability Leave does not apply.

Types of Disability Leave

- 3.13 Disability Leave can cover a range of disability related appointments. Examples of when Disability Leave may be appropriate are outlined below, however this is not a definitive list and requests should be judged on a case-by-case basis:
 - Hospital, doctors, or complementary medicine appointments (by accredited practitioners).
 - Hospital treatment as an outpatient.
 - Assessments for conditions such as dyslexia, dyspraxia etc.

- Hearing aid tests.
- Training with a guide or hearing dog.
- Counselling/therapeutic treatment.
- Physiotherapy/Occupational Therapy/Speech and Language Therapy.
- Having equipment/technical aids fitted, serviced, or adjusted.
- Patient education.

3.14 Where Disability Leave is being accessed for a medical appointment, employees are required to show evidence of such appointments to their line manager.

3.15 It is important for managers to consider and discuss reasonable workplace adjustments with staff and if necessary, take advice from OHWB on what reasonable adjustments can be made for the individual.

3.16 The [Supporting Staff with a Disability or Long-Term Condition Guidance Document](#) provides further information around reasonable adjustments, the health adjustments passport, Access to Work, and frequently asked questions in relation to Disability Leave.

Recording disability leave

3.17 Disability Leave should be recorded as special leave (disability) on ESR/Health Roster to ensure staff are not adversely affected. Managers should ensure that Disability Leave is not recorded as sickness absence.

3.18 Disability Leave will not activate sickness absence triggers.

3.19 Managers should actively encourage staff to record their disability on ESR if they haven't already done so. This can be done by the employee themselves via ESR self-service or by the line manager.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

As detailed within the main policy document, HR01.

Annual Leave & Bank Holidays Procedure

1.0 Procedure Statement

1.1 The Trust encourages employees to take their annual leave and Bank Holiday allowance within the annual leave year in order to support staff health and wellbeing. This procedure provides the framework for employees and managers to manage annual leave and Bank Holidays effectively.

1.2 This procedure applies to employees who are contracted by the Trust on a permanent or fixed term basis on Agenda for Change terms and conditions only. Medical and Dental staff must refer to the annual leave arrangements set out in national terms and conditions and agreed by LNC. Bank staff must refer to their statement of terms and conditions for guidance on annual leave and Bank Holidays.

2.0 Accountabilities

As detailed in the policy, HR01, however in addition:

Line Managers:

- To advise employees of their leave entitlement.
- To ensure that employees are aware of the procedure for requesting, booking and recording leave within their own department.
- Endeavour to ensure that an employee’s workload does not prevent them from taking their entitlement.
- To keep accurate leave records for all employees in their department and to monitor the uptake of annual leave to ensure that employees are taking leave periodically throughout the leave year.
- To approve/report leave taken by employees via the appropriate route as required i.e., ESR or the Trust’s e-rostering system.
- To advise Employee Services of any annual leave accrued and untaken for payment or overtaken annual leave when processing leavers.

Employees:

- To request leave in line with departmental procedures.
- Provide reasonable notice of a request for planned leave to ensure that any necessary cover can be provided.
- To discuss any reasons preventing them from taking annual leave throughout the leave year with their line manager in advance of any request for carry-over of leave.
- To ensure that any requests are approved by the line manager prior to booking or making leave arrangements.

3.0 Procedure Detail / Actions

3.1 Annual Leave and Bank Holiday Entitlement

3.3.1 The annual leave provisions for full time employees under Agenda for Change are contained in table 1. The entitlement is based on complete years of service.

Table 1

Length of NHS Service	Annual leave Entitlement	Bank Holidays
-----------------------	--------------------------	---------------

On appointment	27 days (202.5 hours)	8 days (8 x 7.5 hours)
After 5 years' service	29 days (217.5 hours)	8 days (8 x 7.5 hours)
After 10 years' service	33 days (247.5 hours)	8 days (8 x 7.5 hours)

- 3.3.2 The annual leave year period commences at 00:00 on 1 April to 24:00 on 31 March each year (there is no additional entitlement during leap years).
- 3.3.3 Part-time employees are entitled to annual leave and Bank Holidays pro-rata to the full-time allowance.
- 3.3.4 RWT calculates leave allowance in hours based on contracted hours and length of service details held in ESR. Leave is booked and recorded in either ESR or the Trust's e-rostering system. Entitlement within ESR is shown as a combined total of annual leave and Bank Holidays.

3.2 Booking and recording annual leave

- 3.2.1 Arrangements for requesting and approving annual leave will take based on local departmental procedures. Authorisation for annual leave is at the discretion of the line manager who will consider the request in line with service requirements and requests from other members of staff. A manager is entitled to refuse a request if there is inadequate cover. Holiday arrangements should not be made prior to the authorisation of leave requests. Lost holiday deposits are the sole responsibility of the member of staff.
- 3.2.2 Where departments use electronic rostering, staff will book and record leave within the Trust's e-rostering system. All non-rostered areas will use ESR to book and record leave. The [Annual Leave & Bank Holiday Calculator](#) can be used as a guide to identify and understand yearly allowances.
- 3.2.3 Leave must be booked by recording the number of hours that staff would normally have worked on that day.
- 3.2.4 With regards to Bank Holidays, as above, staff need to book the number of hours that they would normally have worked on that day, not necessarily the number of hours the entitlement provides. Examples are provided in table 2 below.

Table 2

A Bank Holiday is due to take place on Monday...		
Staff	Working pattern	Booking requirements
A	Does not normally work a Monday.	Does not need book or deduct any leave to account for this day. They will need to book this day's B/H entitlement as part of their next annual leave period (i.e., as soon as possible)*.
B	Full-time worker. Usually works 7.5 hours on a Monday. Not required to work on this B/H	Must book 7.5 Bank Holiday hours from their entitlement.
C	Full-time worker. Usually works 10 hours on a Monday.	Must book 7.5 Bank Holiday hours and 2.5 annual leave hours from their entitlement.

	Not expected to work the Bank Holiday.	
D	Works 20 hours per week. Usually works 10 hours on a Monday. Not expected to work the Bank Holiday.	Must book 4 Bank Holiday hours (pro-rata one day Bank Holiday allowance) and 6 annual leave hours from their entitlement.
E	Required to work on the Bank Holiday.	Does not need book or deduct any leave to account for this day. They will need to book this day's B/H entitlement as part of their next annual leave period (i.e., as soon as possible)*.
* Further information can be found in the Bank Holidays in ESR FAQ's, accessible via the dedicated Leave in ESR intranet page, and the Trust's e-rostering system FAQ's on the dedicated e-rostering intranet page		

3.3 Additional Information Regarding Bank Holidays

- 3.3.1 A Bank Holiday is defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.
- 3.3.2 The 8 Bank Holidays in the leave year are:
 Good Friday; Easter Monday; May Day; Spring Bank Holiday; August Bank Holiday Monday; Christmas Day; Boxing Day; New Years' Day.
- 3.3.3 There will be some years when **more (or fewer) than 8** Bank Holidays fall within the leave year (for example, if Easter falls in March). When this situation arises the appropriate hours adjustment will take place in ESR/the Trust's e-rostering system.

3.4 Calculation of Reckonable Service

- 3.4.1 An employee's continuous previous service with an NHS employer will count as reckonable service in respect of annual leave. In addition, aggregated NHS service, i.e., any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.
- 3.4.2 In order to have previous service, as detailed above, regarded as reckonable service, an employee may need to provide formal documentary evidence of any relevant service that they wish to be counted.

3.5 Carry over of Annual Leave

- 3.5.1 If contractual leave is still owed and unallocated in the last quarter of the year, with no prospect of it being accommodated due to service provision, the employee will be allowed to carry over up to a maximum of 5 days annual leave pro-rata (i.e., 1 working week), to the next leave year. This includes untaken annual leave accrued during suspension.
- 3.5.2 The carry over of annual leave into the new leave year due to other circumstances will only be granted in exceptional circumstances. Untaken leave that does not satisfy the arrangements in this procedure will be lost.
- 3.5.3 Where it has been agreed for an employee to carry over annual leave to the next leave year the employee must take this within the first month of the new leave year, where possible.
- 3.5.4 There may be extraordinary circumstances whereby temporary statutory rules introduced by the Government overrule the current policy provisions for annual

leave carry over, for example as a result of the COVID-19 pandemic in 2020. Guidance on such provisions, where applicable, will be available on the HR Advisory Toolkit.

- 3.5.5 Managers will be requested (via Trust communication channels) to confirm approved carry over amounts at the end of each leave year so that this can be appropriately recorded in ESR/the Trust's e-rostering system.

3.6 Sickness and Annual Leave

- 3.6.1 Information regarding annual leave during sickness and sickness during annual leave can be found within [HR13 Supporting and Managing Sickness Absence at Work Policy attachment 3](#)

3.7 Maternity/ Adoption and Surrogacy/ Shared Parental Leave and Annual Leave/ Bank Holidays

- 3.7.1 Information regarding annual leave and Bank Holidays during maternity, adoption, surrogacy, shared parental and new parent support leave can be found within the associated procedure of the [Leave Policy](#) (HR01).

3.8 Additional Information

New Starters

- 3.8.1 All new members of staff will be entitled to annual leave plus Bank Holidays in the year of joining the Trust, on a pro-rata basis. Entitlement for a part year on starting with the Trust is calculated in ESR. Rostered areas must inform the e-rostering team of any new starters to enable entitlement to be manually imported into the Trust's e-rostering system. The Bank Holiday entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining the Trust.

Leavers

- 3.8.2 When an employee leaves the Trust, they are entitled to be paid for any annual leave accrued and not taken. Entitlement for a part year on leaving the Trust is calculated in ESR/the Trust's e-rostering system.
- 3.8.3 Where leave is owed to the employee, the manager must indicate on the termination documentation the number of hours to be paid in their final salary.
- 3.8.4 Where a leaver has taken more annual leave than they are entitled to on leaving, the manager must indicate on the termination documentation the number of hours to be deducted from their final salary. If the final salary is not enough to cover monies owing, Employee Services will notify the employee of the amount to be paid and the method for payment.

Change of Contracted Hours and Annual Leave/ Bank Holidays

- 3.8.5 Where there is a contractual change of working hours during the annual leave year, entitlement will be recalculated based on the length of time worked at the original hours and the length of time worked on the new hours.

Term-time and Annualised Hours Contracts

- 3.8.6 For employees on term-time only contracts and annualised hours contracts, annual leave and Bank Holiday entitlement will be calculated based on the total number of hours worked across the leave year.

Buying and Selling of Annual Leave

- 3.8.7 The Trust operates a scheme for employees who wish to buy or sell annual leave, which is advertised at specific times during the leave year and outlines the eligibility criteria and how to apply.
- 3.9 FAQ's, videos and further guidance on booking and recording annual leave and Bank Holidays in ESR can be found on the dedicated [Leave in ESR](#) intranet page. For further assistance please contact rwh-tr.ESRHelpdesk@nhs.net.
- 3.10 Further information regarding booking and recording annual leave and Bank Holidays in the Trust's e-rostering system can be found on the dedicated [e-rostering](#) intranet page. For further assistance please contact rwh-tr.HealthRoster@nhs.net.
- 3.11 The HR Advisory Team are also able to assist with policy and employee relations queries by contacting divisional HR representatives or rwh-tr.HRAdvisory@nhs.net.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Agenda for Change Terms and Conditions.

Time off in-Lieu (TOIL) Procedure

1.0 Procedure Statement

- 1.1 The Trust recognises that on occasions staff may be required to work over and above their contracted hours in order to ensure continuity of service provision. This procedure provides a framework to ensure consistency of practice across the Trust.
- 1.2 Application forms and letter templates are available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail / Actions

- 3.1 TOIL will only be recognised by agreement with the line manager and must only ever be in response to service delivery needs. TOIL will **not** be accrued where an:
 - Employee arrives early or leaves late of their own choice, for example to miss the traffic;
 - Employee does not take their statutory breaks through their own personal choice.

If the employee needs flexibility of working hours then the employee can refer to the [Flexible Working Procedure](#).

- 3.2 The employee must complete the TOIL claim form and submit to their line manager for authorisation within one week of working the hours where possible.
- 3.3 The line manager must satisfy themselves that the time claimed has been worked and that the work was in response to a service delivery need before authorising the TOIL hours.
- 3.4 The employee must take back the TOIL hours within 3 months of working them and record this on the TOIL claim form.
- 3.5 If an employee is unable to take back the TOIL hours within 3 months they can ask to be paid the hours instead. Where an employee is unable to take TOIL within 3 months due to the demands on the service, then any time owing will be paid at plain time. Where the employee requests payment the hours must be recorded on the appropriate documentation for Employee Services to arrange payment.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Agenda for Change Terms and Conditions.

Attending Health-Related Appointments Procedure

1.0 Procedure Statement

The Trust recognises that all staff are responsible for managing their own health and wellbeing and this procedure aims to support employees by facilitating their attendance at appointments related to their health and well-being whilst maintaining service provision.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail / Actions

- 3.1 This procedure applies to all employees of the Trust and will be used in relation to health-related appointments e.g., GP, dental, hospital, counselling, routine screening etc. This procedure does not apply to employees accompanying a relative or dependant to an appointment and instead reference to [Leave for Carers, Emergencies and Bereavement](#) should be made.
- 3.2 Employees must contact their manager providing as much notice as possible if they require time off work to attend an appointment and must provide evidence if requested.
- 3.3 Approval for such time off must not be unreasonably refused, however it is expected that where possible appointments will either be arranged outside of work time, or at the beginning or end of a shift to minimise impact on the service.
- 3.4 If the number of appointments during work time becomes disruptive to the service the line manager must discuss alternative ways of facilitating such appointments e.g., swapping shifts, use of TOIL.
- 3.5 **Routine Appointments**
Where possible an employee must try to book routine health appointments either outside of work time, or at the beginning or end of a shift. If this is not possible e.g. due to the availability of appointments the line manager may agree to grant paid time off to an employee.
- 3.6 **Hospital Appointments**
Unlike appointments with the doctor or dentist, it is recognised that staff have less control over arrangements for hospital appointments. An employee must therefore provide as much notice as possible to their line manager to enable paid time off to attend such appointments during working hours.
- 3.7 **Urgent or Emergency Appointments**
If an employee requires an urgent or emergency appointment for health reasons which may require time off during working hours at short notice, they must contact their line manager to request permission to attend before they leave the workplace.
- 3.8 **Where appropriate it may also be beneficial to refer to the Trust's [Disability Leave Procedure](#). Disability Leave is a form of absence for a short, planned appointments**

or treatments, related to an employee's disability, that help to support and maintain their health and wellness.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

As detailed within the main policy document, HR01

Employment Break Procedure

1.0 Procedure Statement

1.1 The Trust wishes to support the retention of employees' skills and experience by enabling employees to take a break from their employment with the Trust in order to fulfil other development opportunities, commitments or responsibilities. In doing so the Trust aims to maintain the employee's contract and relationship with the Trust in order to enable a return to work with the Trust which will be mutually beneficial.

1.2 Application form is available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail / Actions

3.1 Eligibility

3.1.1 The opportunity to participate in the scheme is open to all employees who have continuous service with the Trust of at least 52 weeks at the time the application is made.

3.1.2 Employees wishing to participate in the scheme must be applying for one or more of the following reasons: child care, fostering, elder care, care of another dependant, training, study leave, sabbatical leave or work abroad. Other reasons will be considered on individual merit.

3.1.3 An employee on an employment break will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work will broaden experience.

3.2 Application & Approval Process

3.2.1 Employees wishing to apply for an employment break must complete the [Employment Break Application Form](#) and submit it to their line manager initially at least 12 weeks before the commencement of the break to seek initial support.

3.2.2 Before supporting an application for an employment break the line manager will consider:

- If the employee meet the eligibility criteria set out in 3.1 requesting any relevant information or evidence to support the application;
- The impact on the provision of patient care;
- The standard of the employee's conduct, performance and attendance;
- The qualification, skills, knowledge and experience required for the post and ability to recruit to the post;
- Where the application is for 12 months or less, the likelihood of being able to fill the post on a short term basis;
- Where the application is for more than 12 months, the likelihood of the Trust being able to place the employee into a suitable vacancy on their return and the associated redundancy costs if this is not possible;
- What value will the employment break bring to the employee and the Trust;

- Whether it is in the best interests of the service to accommodate the employment break.
- 3.2.3 The employee's line manager will be required to give support to the application before submission to the Group Manager, Matron or Head of Department or Service Manager for approval.
- 3.2.4 A decision will be made by the Group Manager, Matron or Head of Department or Service within 21 days of receipt of the application and will be communicated in writing to the employee.
- 3.3 Scheme Options**
- 3.3.1 The minimum period of an employment break will be 3 months.
- 3.3.2 The maximum period of an employment break will be 5 years.
- 3.3.3 If the employment break is for 12 months or less the post will be held for the employee to return to and will only be appointed to on a fixed term basis.
- 3.3.4 If the employment break is for more than 12 months the post will not be held and will be appointed to on a permanent basis. The Trust will look to identify a suitable alternative post when the employee returns to work at the end of their employment break.
- 3.3.5 The employment break may be taken in two stages provided each stage is for not less than 3 months and the total of the two breaks must not exceed 5 years. There must be a minimum of 12 months between each break.
- 3.4 Employee Responsibilities**
- 3.4.1 During the employment break the employee will be expected to fulfil the following requirements in order to maintain their skills, knowledge and expertise, in order to enable an effective return to the Trust:
- Make themselves available to undertake a minimum of 10 days paid work or training per annum, as mutually agreed with the manager and the employee;
 - Endeavour to attend meetings and seminars to which they are invited by the Trust;
 - Maintain their professional registration, where appropriate;
 - Seek to keep knowledge updated through attendance at professional meetings, journals etc. where appropriate.
- 3.4.2 The employee must keep the Trust informed of any change of home address during their break.
- 3.4.3 Failure to fulfil these requirements will be taken as automatic termination of the agreement.
- 3.5 Manager's Responsibilities**
- 3.5.1 During the employment break the employee's manager will:
- Provide a minimum of two weeks paid work per annum, at the same rate and band on which they commenced their employment break. Where this is not possible, or where circumstances warrant, project work may be provided.

- Keep the employee in touch with developments in their department/ service by including them on circulation lists for receipt of key information e.g. organisational change.
- Invite the employee to relevant seminars, training up-dates and key departmental meetings.
- Make available to the employee any facilities offered to staff such as the use of library facilities.
- The employee's line manager will act as the point of contact for the employee during their employment break.

3.6 **Effects on Pay and Benefits**

- 3.6.1 During the period of the employment break all benefits including pay will be suspended.
- 3.6.2 The period of the employment break will not count for continuous service purposes. However, a period of absence on the scheme will not be regarded as a break in service.
- 3.6.3 During the period of absence the employee will not accrue entitlement to annual leave, statutory leave, sick leave and maternity leave, or incremental progression. These entitlements will be frozen during the absence and will continue to accrue following the employee's return to work.
- 3.6.4 Employees are advised to contact Employee Services to ascertain the effect on their pension rights prior to deciding whether to apply for the employment break.
- 3.6.5 Pension contributions will cease during the employment break, however employees can choose to pay pension contributions for a 6 month period whilst on an employment break. The employee is responsible for notifying Employee Services that they wish to pay contributions prior to commencing the employment break as arrears cannot be paid on return to work. For further information an employee can contact Employee Services.
- 3.6.6 When returning to work after the employment break the employee will be at the salary level (grade or banding) applicable immediately prior to the break and will reflect pay awards made during the break.

3.7 **Arrangements for Return to Work**

- 3.7.1 Where the substantive role is affected by organisational change during the employment break or immediately afterwards it is essential that the employee is fully informed of the process and is treated as if they were at work in their substantive post.
- 3.7.3 Where an employee has been abroad during their employment break they will be required to have a Health Screening or Immunisation update and a DBS disclosure check prior to their return to work.

3.8 ***Right of appeal***

- 3.8.1 There is no statutory right to appeal against a decision made in response to an employment break request, however, as a means of good practice and as the Trust wishes to aim to manage employment break requests in a reasonable, fair and

consistent manner, the right of appeal will be given to employees whose request is rejected.

- 3.8.2 An employee wishing to appeal must write to the next level of manager in their line management structure within 15 calendar days of the decision, setting out in full the reasons for appeal and enclosing any documents that they wish to rely on. This will be used as the employee's Statement of Case.
- 3.8.3 There are no constraints on the grounds under which an employee can appeal in relation to an employment break request.
- 3.8.4 As a result of the right to appeal being exercised a formal appeal hearing will take place. The hearing will be held in order to consider the facts of the case and will conclude either:
- To uphold the original decision
 - To allow the appeal
- 3.8.5 Please refer to the guidance document for the [Conducting of Appeal Hearings in line with Human Resources Policies](#) for further details on the appeal process.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

Agenda for Change Terms and Conditions

Leave for Carers, Emergencies and Bereavement Procedure

1.0 Procedure Statement

1.1 The Trust recognises that from time-to-time staff will experience situations within their personal life that require them to take time out of work to resolve or attend to either immediately or at very short notice, for example serious illness of a dependent, last-minute breakdown in caring arrangements, domestic emergencies or bereavement. This procedure aims to support staff and managers in managing these circumstances from a work perspective.

1.2 Application form and monitoring form are available on the [HR Advisory Toolkit](#) via the Trust intranet.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail

3.1 Carers Leave

3.1.1 Serious Illness of a Child, Close Relative or Dependant

One day paid carers' leave will be granted in cases of serious illness that require the immediate presence of the employee, however, in exceptional circumstances this may extend to **three days**. The amount of paid leave must not exceed three days in any one leave year 1st April to 31st March.

3.1.2 Minor Illness of a Child, Close Relative or Dependant

Employees are responsible for putting contingency arrangements or back-up plans in place for more common occurrences such as minor illness of a child or dependant in order to prevent this having a detrimental effect on a department and colleagues. Where this is not possible the employee can discuss the options available to them with their manager, such as short-term flexing of work pattern, using TOIL, emergency annual leave or unpaid parental leave.

3.1.3 Break down in Carers' Arrangements

Paid carers' leave can be requested in circumstances where there has been a last-minute breakdown in care arrangements for a child, relative or dependant. This would normally be up to **one day** to allow the employee to make alternative arrangements.

Where the breakdown in care arrangement is due to the minor illness of a child, close relative or dependant, for example a nursery will not take child due to minor illness, paragraph 3.2 will apply.

3.1.4 Attendance at Health-Related Appointments for a Child or Dependant

Employees who are carers for a child or other dependant may from time to time need to accompany them to appointments related to their care. The employee would be expected to request annual leave or unpaid parental leave, where appropriate and applicable, or discuss other options with their line manager such as short-term flexing of work pattern or using TOIL.

3.2 Supporting Carers

3.2.1 A carer is someone who provides unpaid care and support to a family member or friend due to their disability, health condition, frailty, mental health problem, addiction or other health and care need. If you are looking after a child, including your own child, who has special physical or mental health support needs, then you are also a carer.

3.2.2 Being a working carer can mean that your needs at work might be different, and you may require additional support, a different work pattern, or simply a sympathetic manager or peer network.

3.2.3 The Trust intranet site has a wealth of support and information for those staff within the Trust who have caring responsibilities or wish to support their fellow carers. This includes:

- **Carers Employee Voice Group** – which gives an opportunity to meet other carers and gain up to date information on support and resources. <http://trustnet.xrwh.nhs.uk/working-at-rwt/employee-voice-groups/carers/>
- **Carers Passport** – the starting point for a Carer Passport is a conversation about caring and the flexibility required to manage it alongside work. The Carer Passport can be completed by any employee who has caring responsibilities which affect their work now or may do in the near future. It can help you to define the impacts of caring on your role and help to identify measures to provide support. <http://trustnet.xrwh.nhs.uk/working-at-rwt/employee-voice-groups/carers/>
- **Local Carers Information** – the employee voice group intranet site also provides access to local community newsletters and information for carers. <http://trustnet.xrwh.nhs.uk/working-at-rwt/employee-voice-groups/carers/>
- **Family Friendly Benefits** – this section of the Trust intranet site contains a range of information that may be useful to carers, including information about how to access tax free childcare, as well as the contact details to local nurseries providing NHS discount. <http://trustnet.xrwh.nhs.uk/workplace-wellbeing/financial-wellbeing-home/employee-benefits-and-rewards/family-friendly-benefits/> and <http://trustnet.xrwh.nhs.uk/workplace-wellbeing/career-wellbeing-home/work-life-balance/>

3.2.4 The Trust has a range of policies and procedures in place to support carers particularly in relation to supporting a healthy work life balance, including the Flexible Working Procedure, Employment Break Procedure, Parental Leave Procedure, and the Agile Working Policy. <http://trustnet/strategies-policies/corporate-policies-procedures-guidelines/human-resources-policies/>

3.2.5 RWT also has a wide-ranging staff wellbeing programme covering mental, physical, and financial health. Examples relevant to carers are listed below, and further details regarding the full programme can be found at <https://www.rwt.nhs.uk/wellbeing/>

- **Occupational Health and Wellbeing** – via manager referral or self-referral
- **Holistic therapies** e.g., massage, reflexology – self-referral tr.holistictherapyenquiries@nhs.net £30 charge for 3 treatments
- **Employee Assistance Programme** – staff and their family have access to 24/7 Mental, Physical, and Financial Wellbeing support via the EAP. The EAP offers confidential, dedicated, specific support. Self-referral via 0800 015 7284 or visiting www.colleaguesupport.co.uk using the access code 207505.

- **Maximum (formerly Remploy)** – confidential 1:1 workplace mental health support (up to 9 months) 0300 456 8114 or Mhsupport@remploy.co.uk
- **Headspace** – app to help reduce stress, build resilience, and aid better sleep – NHS staff have free access for a set period of time.
<https://www.england.nhs.uk/supporting-our-nhs-people/support-now/wellbeing-apps/headspace/>
- **Mindfulness** – visit <https://www.nhs.uk/mental-health/self-help/tips-and-support/mindfulness/> Ad hoc sessions are advertised via Trust Brief.

3.3 Emergency Leave

3.3.1 What constitutes an emergency?

- Employee involved in a car accident
- Employee's partner/ birthing partner goes into labour
- Burst water pipes
- House burglary

These are examples and the list is not exhaustive.

3.3.2 Emergency paid leave can be requested in such circumstances. The amount of time granted would normally be the time needed to deal with the emergency; this may be **one hour** but would not be expected to be more than **one day**. In circumstances where the employee needs more time, they must discuss how this can be facilitated with their line manager.

3.4 Bereavement Leave

Bereavement of a close relative or dependant (excluding child)

3.4.1 Up to **one working week** (pro rata) of paid bereavement leave may be granted upon the death of a close relative or a dependant. Examples of a close relative or dependant are parent or step-parent, grandparent, sibling and mother in-law or father in-law. These examples are not exhaustive and will also depend on the relationship between the employee and the deceased.

3.4.2 The line manager must give consideration to the distance the employee has to travel, for example where the relative died overseas and whether the employee has responsibility for making the funeral arrangements.

3.4.3 One working day of paid bereavement leave will also be facilitated where the funeral has not already occurred within the one working week taken by the bereaved staff member.

3.4.4 It is recognised that a person's grief is unique to them and can re-emerge, particularly around the time of significant events such as birthdays, anniversaries, or other particularly stressful times. Therefore, in the case of extremely close relatives (for example parents or spouses), the employee can request to take the leave at any point up to 56 weeks following the death. Managers and staff are encouraged to have discussions regarding the leave arrangements and the circumstances whereby this may be appropriate. Where the leave is not taken immediately following the death, the employee must give reasonable notice of their intention to take the untaken leave at an alternative time.

Bereavement of a child

- 3.4.5 Up to **two working weeks** (pro rata) of paid child bereavement leave may be granted for bereaved parents.
- 3.4.6 One working day of paid bereavement leave will also be facilitated where the funeral has not already occurred within the two working weeks taken by the bereaved staff member.
- 3.4.7 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who has now passed away. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship deemed reasonable. There is no requirement for the child to have been under 18 years of age.
- 3.4.8 Parents who experience a still birth from the 24th week of pregnancy will be eligible for child bereavement leave in addition to the leave outlined within the Pregnancy and [Maternity Leave Procedure](#) and [New Parent Support Leave Procedure](#).
- 3.4.9 Bereaved parents do not have to take the two weeks of leave in a continuous block and can request to take the leave at any point up to 56 weeks following the death of the child. Managers and staff are encouraged to have discussions to regarding the leave arrangements. Where the leave is not taken immediately following the death, the employee must give reasonable notice of their intention to take the untaken leave at an alternative time. Taking child bereavement leave is an individual choice and not compulsory.
- 3.4.10 Where both parents are employed by the Trust, the entitlement applies to both members of staff.

3.7 How to request

- 3.7.1 In all of the above instances an employee must contact their line manager immediately or as soon as possible to request special leave or other appropriate arrangement. During this discussion, and where the leave is agreed, the employee must notify the manager of any necessary arrangements that may need to be put in place to cover the department during their absence from work.
- 3.7.2 In exceptional circumstances further paid and, or unpaid leave may be granted at the discretion of the appropriate Group Manager or Service Head in consultation with Human Resources.
- 3.7.3 Managers must monitor the use of carers, emergencies and bereavement leave and if it is considered that excessive amounts of leave are being requested under this procedure the manager will meet with the employee to discuss alternative arrangements.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

<https://www.gov.uk/time-off-for-dependants>

Agenda for Change Terms and Conditions

NHS Employers Child bereavement leave guidance

Flexible Working Procedure

1.0 Procedure Statement

- 1.1 The Trust recognises that a better work life balance can improve employee motivation, performance and productivity, and reduce stress.
- 1.2 The Trust therefore wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.
- 1.3 The Trust is committed to agreeing any flexible working arrangements, providing the needs and objectives of the organisation can be met.
- 1.4 This procedure aims to:
- Provide guidance to employees on how to request flexible working;
 - Provide guidance and a framework to managers on how to consider flexible working requests;
 - Ensure consistency in handling requests and to make it easier to communicate information on the right to request in a transparent manner to all employees.
- 1.5 Application forms and templates are available on the [HR Advisory Toolkit](#) via the Trust intranet.
- 1.6 All requests, including any appeals, must be considered within a period of two months from first receipt of the request, unless it has been agreed with the employee for this period to be extended.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Detail / Actions

3.1 *What is flexible working?*

3.1.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

3.1.2 **Examples** of flexible working include (but are not limited to):

Example	Description
Changes to hours worked	Such as a reduction or increase in hours.
Changes to working pattern	For example, a request may be as simple as asking to start half an hour later than usual to allow the employee to drop their child off at school, or it may be a bigger change to their hours in order to better fit their work with their personal arrangements.
Annualised Hours	Describes working time organised on the basis of the number of hours to be worked over a year rather than a week. It is usually used to cope with peaks and troughs of work, or can be a mixture of both set times and varied. Pay will depend on the hours worked each pay period.

Compressed Hours	Allows individuals to work their total number of agreed hours over a shorter period. For example, employees might work their full weekly hours over four rather than five days or as a nine day fortnight. They would be paid for a full time job but would not receive overtime payments for the agreed extra hours they work in any one day.
Flexi-time	Allows employees to flex their start and finish times outside of specified core times. Employees can accrue hours to be taken at another time usually within a limited time period.
Home-working	Does not have to be on a full time basis and it may suit an employee and the Trust to divide their time between home and office. Employers are required to carry out risk assessments of the activities undertaken by home-workers, identifying any hazards and deciding whether enough steps have been taken to prevent harm to them or anyone else who may be affected by their work. Equipment for staff to be able to work from home will also need to be considered. See Agile Working Policy for more information.
Job-sharing	Typically involves two people employed on a part-time basis, but working together to cover a full-time post. Both receive pro-rata terms and conditions in proportion to the hours they work.
Staggered hours	Allows employees to start and finish their day at different times, whilst working the contracted hours for the post over the week. This is often useful to cover busy periods of the day such as lunch times.
Term time working	This is a variation of a part-time contract which follows the school term patterns. The employee only works during school term time and is paid a set monthly rate based on an average of the total hours worked between 1 st April and 31 st March. The employee takes all their annual leave entitlement during school holidays.

3.1.3 The **benefits** of flexible working include:

For employees

Improved job satisfaction

Higher level of engagement

Improved health and wellbeing

A better work-life balance

Reduced travel time

Support to manage caring responsibilities

For employers

Increased recruitment

Larger talent pool of potential employees

Widened participation and improved diversity of the workforce

Reduced costs where full-time cover is not required

Loyal and committed employees

Reduced sickness absence

Source: NHS Employers

3.1.4 The organisation is committed to providing a range of appropriate working patterns, however employees and management need to be realistic and recognise that not all flexible working options will be appropriate for all roles.

3.2 **Eligibility**

- 3.2.1 All employees in all areas are entitled to request flexible working regardless of their length of service.
- 3.2.2 There is no limit on the number of flexible working requests that can be made per year.
- 3.2.3 Employees can make a flexible working request regardless of the reasons for the request.

3.3 **Principles and how to access flexible working**

- 3.3.1 Proactive discussion of the ways in which flexible working might help employees achieve a work life balance and address other concerns such as carer responsibilities should be encouraged to create a culture where flexible working is not seen as an exceptional circumstance. It is important that all employees know that their requests for flexible working whether short term or long term are given due consideration and that wherever possible these should be granted.
- 3.3.2 *Ad hoc/short term/occasional arrangements:* Can be put in place without the requirement for a formal application. Employees are encouraged to discuss these with their line managers and they should work together to develop creative solutions to facilitate the requested flexibility alongside the needs of their department, where possible.
- 3.3.3 *Longer term/Permanent arrangements:* Managers and staff are encouraged to seek to agree flexible working arrangements informally in the first instance; should this not be possible, or if the manager is unable to agree to the proposed change or any reasonable alternative the formal application process will apply.

3.4 **Formal Application**

- 3.4.1 Where a flexible working pattern is unable to be arranged informally, an application by an employee flexibly is their main opportunity to set out their desired working patterns, and reasons and proposals why it can be implemented.
- 3.4.2 The initial onus is on the employee to complete and submit the [formal flexible working request form](#) to their line manager well in advance of when the change is to take effect.
- 3.4.3 The level of detail required will be dependent on the difference between the desired changes and current arrangements. Applicants may wish to access the support of their trade union representative for assistance in completing their request form. Applicants are also encouraged to identify if their request is to facilitate a reasonable adjustment for a disability as set out in the Equality Act 2010.
- 3.4.4 Within 5 working days of receiving the formal application the manager will arrange to meet with the employee to discuss the application. This discussion provides an opportunity for the employer to explore with the employee exactly what changes are sought, how these might be accommodated, the effects of the proposed changes and any possible alternative arrangements that might suit both parties. Managers must not reject a request without first discussing and consulting with the employee.

If there is likely to be a delay in discussing the request it is good practice to inform the employee.

- 3.4.5 The staff member will be given reasonable advance notice of the time, date and location of the meeting, and may, if they wish, be accompanied by a colleague who is a member of Trust staff or a Trade Union representative.
- 3.4.6 As a positive outcome is sought, both the employer and employee must be prepared to be flexible and to consider the practical implications of the request.
- 3.4.7 Both parties must be prepared to discuss the application in an open and constructive manner and be prepared to be flexible in order to reach an agreement; this may include considering alternative options where the original request cannot be met in full.
- 3.4.8 An accurate record of the discussions should be kept.

Responding to a flexible working request

- 3.4.9 Following the discussion the line manager will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to both the employee and the organisation.
- 3.4.10 The employee will be informed of the decision as soon as is reasonably practicable, but no later than 10 working days after the meeting (see section 3.5 and 3.6 below for more information).
- 3.4.11 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern (see section 3.7 below for more information).
- 3.4.12 A decision does not need to be made at the end of the meeting, as often all of the options will need to be considered. Further consideration, exploration and discussions with other staff may need to take place before a final decision can be made.
- 3.4.13 The decision may include:
 - Accept the request;
 - Accept the request with modifications/Confirm a compromise agreed;
 - Reject the request.
- 3.4.14 As outlined above, the Trust is committed to agreeing any flexible working arrangements providing the needs and objectives of the organisation can be met. Where there is a genuine business reason to reject a request, it is important to ensure that it has been explored if it is possible to agree a request with modifications, or to agree an alternative proposal that secures some or all of the benefits that the original request sought (further information can be found in section 3.6 below, on 'reaching a decision').

Right of appeal

- 3.4.15 The right of appeal will be given to employees whose formal request is rejected.
- 3.4.16 An employee wishing to appeal must write to the next level of manager in their line management structure within 15 calendar days of the decision, setting out in full the reasons for appeal and enclosing any documents that they wish to rely on. This will be used as the employee's Statement of Case.
- 3.4.17 There are no constraints on the grounds under which an employee can appeal in relation to a flexible working request.
- 3.4.18 As a result of the right to appeal being exercised a formal appeal hearing will take place. The hearing will be held in order to consider the facts of the case and will conclude either:
- To uphold the original decision;
 - To allow the appeal.
- 3.4.19 Please refer to the guidance document for the [Conducting of Appeal Hearings in line with Human Resources Policies](#) for further details on the appeal process.

Disengagement in the process, delays and extensions

- 3.4.20 If an employee wishes to withdraw their formal request for flexible working this must be confirmed in writing.
- 3.4.21 If an employee fails to provide all the required information when formally applying for flexible working, the manager must inform the employee, as early as possible, what they have omitted and ask them to resubmit the application when it is complete. He or she must also inform the employee that the application is unable to be considered until it is complete and re-submitted. The timescales for completion of the process will not commence until a complete application is submitted (or re-submitted).
- 3.4.22 An employee who fails to attend the meeting without notification must make contact as soon as possible to explain the absence. Another meeting must then be arranged for the next mutually convenient time. If an employee fails to attend a meeting more than once and does not provide a reasonable explanation, the manager will treat the application as having been withdrawn. In such circumstances, the employer must write to the individual confirming the application is now considered withdrawn.
- 3.4.23 Where the timescales outlined in this procedure cannot be met by the line manager, the staff member must be kept informed as to the rationale and a date that the action is likely to be achieved. All requests, including any appeals, must be considered within a period of two months from first receipt, unless it has been agreed with the employee for this period to be extended. Where an extension is agreed, this should be confirmed in writing to the employee.

3.5 *Permanent/trial/time-limited arrangements*

- 3.5.1 Whether a request is agreed formally or informally it must be considered and confirmed whether the agreed new working arrangement is a permanent change to the employee's terms and conditions of employment, or is agreed for a trial or time-limited period:

- *Permanent arrangement:* If the new working arrangement is agreed as a permanent change the employee has no right to revert back to their previous working pattern when their circumstances change.
- *Trial arrangement:* It may be in both parties interest to agree a trial period for any new working pattern to ensure it suits both; a review date for the trial period must be agreed and stated in the written notification. This would normally not be for less than four weeks.
- *Time-limited arrangement:* There may be some circumstances where it is beneficial to both parties to agree the flexible working request for a temporary time-limited period. In this case a review date must be agreed and stated in the written notification.

3.6 **Reaching a decision**

Agreeing a request, or

Agreeing a request with modifications/confirm a compromise agreed

Where a manager is able to accept a request, written notification of the decision must:

- Detail the new working pattern to ensure no confusion or ambiguity;
- State the date from which the new working arrangements will take effect;
- Detail whether the change is permanent or whether any trial/time-limited period has been agreed and the identified review date;
- Ensure the notification is dated.

Dependent on the changes being made it may be necessary to:

- Complete a change of circumstances form (e.g. if increase or reduction of hours);
- Issue a new employment contract or write to the employee indicating the detail of the change to their contract and specifying that all other terms and conditions remain the same;
- Action health and safety implications, such as a risk assessment for home working;
- Inform other colleagues as appropriate;
- Send a copy of the completed Flexible Working pro forma to the HR Advisory Team for reporting purposes.

Declining an application

There may be circumstances where, due to the needs of the service, the line manager feels they are unable to grant a request. In this instance the manager must confirm in writing:

- The business grounds why the request cannot be accepted (from the list provided below);
- Provide an explanation of why the business reasons apply in these circumstances;
- Set out the appeal process;
- Ensure the notification is dated.

Often where an application cannot be granted, if an individual understands why they will find it easier to accept the outcome and feel it has been seriously considered, despite being disappointed it resulted in a refusal.

Business grounds for refusing a request

The following are considered to be reasonable business grounds for refusing a request:

- Burden of additional costs;
- Detrimental effect on ability to meet patient demand;
- Inability to reorganise work among existing staff;
- Inability to recruit additional staff;

- Detrimental impact on quality;
- Detrimental impact on the performance of the department;
- Insufficient work for the periods the employee proposes to work;
- Planned structural changes to the department or the hospital as a whole.

To ensure the relevant business ground(s) are sufficient, check that the explanation:

- Says why the business ground is relevant i.e. why the request cannot be accepted;
- Keeps to plain English and avoids using unfamiliar jargon;
- Includes relevant and accurate facts;
- Is not overly complex or unnecessarily long.

Where the needs of the service prevent the agreement of the requested arrangement, the employee may wish to apply for the internal transfer pool (where this is established and in place for their job role).

3.7 **Handling requests to work flexibly in a fair way**

3.7.1 There may be some occasions when a manager receives more than one request to work flexibly closely together from different employees. Where this happens it may be possible to grant all of the requests received. However, before doing so the manager will need to look closely at the impact this would have on the department before coming to a decision.

3.7.2 Requests will be considered in the order they are received. Having considered and approved the first request the manager must remember that the business context has now changed and can be taken into account when considering the second request against the business reasons set out above.

3.7.3 When a manager receives more than one request, they are not required to make value judgements about the most deserving request but instead must consider each case on its merits looking at the business case and possible impact of refusing a request. As part of this a manager may wish to have a discussion with the other staff in the department to see if there is any room for adjustment or compromise before coming to a decision, e.g. if there are other staff members who may wish to alter their working patterns which would enable the request to be considered.

4.0 **Equipment Required**

4.1 The set procedure is illustrated in a flowchart at the end of this procedure.

4.2 A [flexible working formal request form](#) is available on the HR Advisory Toolkit, along with a variety of templates to support with the management of flexible working requests.

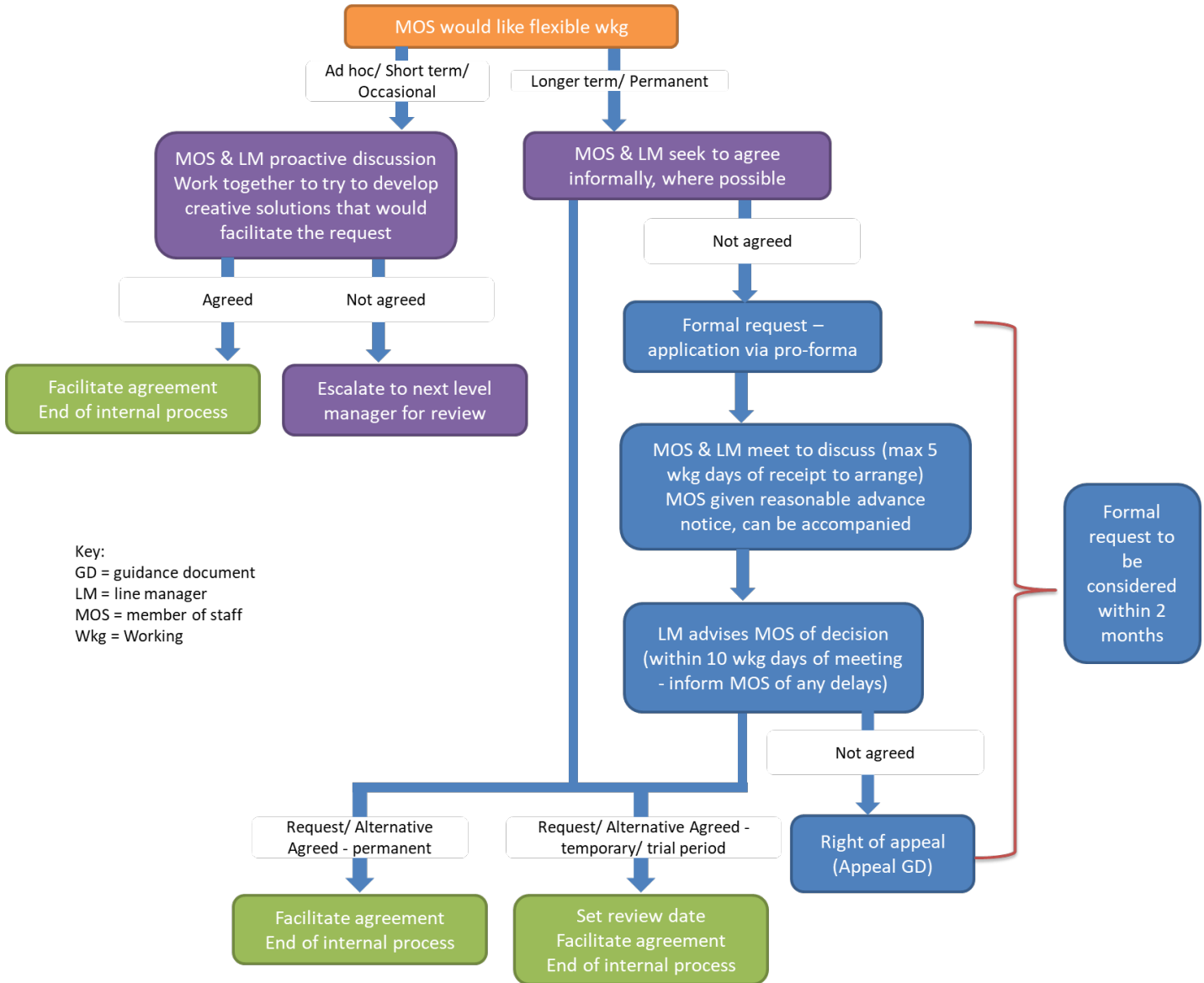
5.0 **Training**

As detailed within the main policy document, HR01.

6.0 **References**

- Acas Code of Practice 5, June 2014 – “Handling in a reasonable manner requests to work flexibly”.
- Acas Draft Code of Practice, July 2023 – “Handling in a reasonable manner requests to work flexibly”.
- Acas, June 2014 – “The right to request flexible working: an Acas guide”.
- Agenda for Change Terms and Conditions, section 33.

- Capsticks Briefing, July 2023 – “Changes to the law on flexible working – what employers need to know”.
- NHS Employers, March 2018 – “West Midlands Ambulance Service NHS Foundation Trust: Flexible working using annualised rosters for shifts and leave”.
- NHS Employers, undated - “Improving staff retention: flexible - working”.
- Timewise, 2018 – “Flexible working in the NHS: The case for action”.
- XpertHR, 2019 – “Embracing flexible working – top tips for engaging managers”.



Retirement Procedure

1.0 Procedure Statement

- 1.1 This procedure is designed to assist in circumstances where employees have taken, or are considering making, the decision to access their pension or retire from service and outlines the options available to them.

2.0 Accountabilities

As detailed within the main policy document, HR01.

3.0 Procedure Details

3.1 Overview

- 3.1.1 The Trust does not operate a contractual retirement age for members of staff.
- 3.1.2 Trust employees therefore have the right to retire at a time of their choosing; however, upon choosing to do so, they must provide the Trust with contractual notice.
- 3.1.3 Employees must discuss their plans, in relation to retirement, informally with their manager as early as possible as this will assist the Trust with its workforce planning and any necessary succession planning arrangements.
- 3.1.4 It is recommended that staff consider accessing the range of resources available to them prior to making a decision regarding their retirement. These include:
- Accessing ESR to check their personal Total Reward Statement and pension contributions.
 - Visit the independent pension support service for personalised support <https://royalwolverhampton.pensionsupportservice.net/>.
 - Opportunities may be available for employees to attend pre-retirement courses so that individuals will be adequately prepared for the changes and adjustments required by the retirement from work. Details of this training are available from the Trust Intranet.
 - Employee Services rwh-tr.pensions@nhs.net
 - NHS Pensions members helpline 0300 330 1346. In addition, members can subscribe to the members newsletter and there are a range of guides and videos available on www.nhsbsa.nhs.uk/pensions.

3.2 Flexible working and retirement

- 3.2.1 NHS Pension Scheme arrangements have responded to the reality that people often value the opportunity to work for longer, but with increased flexibility in the transition period between work and retirement. This can benefit both the organisation and staff in a variety of ways, including:
- Retaining experienced staff with valuable skills and knowledge.
 - Greater choice for employees in how they approach their retirement.
 - A strategic and effective response to demographic changes.
 - Helping staff to achieve a healthy life balance.
 - Supporting succession planning.
 - Enabling continued social affirmation and friendships at work.
 - Equality of opportunity and fairness to all employees.

- 3.2.2 With employer agreement, staff can take advantage of pension flexibilities intended to help them better adjust their work-life balance in the run up to full retirement. The key flexible working options for those approaching retirement include:
- **Wind down** – as an alternative to retiring, staff can apply to wind down by working fewer days or hours in their current post.
 - **Step down** – staff who would like to give up the pressure and responsibilities of their current role can apply to step down into a less demanding and lower graded post which still makes use of their skills and experience.
This is an official process, known as Voluntary Protection of Pay. This allows staff to have the advantage noted above whilst still being able to use the salary figure, in number only, they stepped down from. This only applies to the 1995/2008 Scheme when calculating the Final Salary. More details are available at <https://royalwolverhampton.pensionsupportservice.net>
 - **Retire and return to the NHS*** – staff who have reached their normal retirement age detailed in the NHS Pension Scheme can apply to retire, take all of their pension benefits and return to NHS employment via an application procedure.
 - **Partial retirement (draw down)*** – partial retirement (draw down) enables members who have reached minimum pension age to take all or part of their pension whilst continuing to work in NHS employment.
 - **Late retirement enhancement in 2008 section** – if the member chooses to retire later than their 65th birthday, their pension benefits earned up to their 65th birthday will be increased by the application of late retirement factors.
 - **Late retirement enhancement in the 2015 scheme** – if the member chooses to retire later than their State Retirement Age (SRA), their pension benefits earned up to that point will be increased by the application of late retirement factors.

* See section 3.4 and 3.5 in this retirement procedure in relation to ‘retire and return’ and ‘draw down’.

3.2.3 The Trust operates a [Flexible Working Procedure](#) that allows all individuals to request flexible working arrangements. Requests for flexible working will be seriously considered in accordance with the needs of the service, in order to assist employees in having a healthy life balance. Managers are required to seriously consider requests to work flexibly; however, requests can be declined where there are recognised business grounds for doing so.

3.3 Process when employee decides to retire

- 3.3.1 Employees, who are active members of the NHS Pension, are responsible for notifying Employee Services of their intention to retire and claim their pension. Employees must bear in mind that NHS Pensions requires 4-months notice of any request for payment of pension benefits.
- This is made up of the 105 days NHSBSA (Pensions) require to process a pension application plus one month for the Trust to complete our process.
 - In addition we recommend ‘up to’ two months for the member to request the required paperwork, including the form to request the pension (AW8), then to complete it and to return it to Employee Services with the required supporting documents.
- 3.3.2 An employee wishing to retire must submit their resignation in the normal way, providing their line manager with contractual notice.

- 3.3.3 Upon receipt of an employee's resignation the line manager must write to accept the resignation.
- 3.3.4 Once a retirement date has been agreed, the manager must complete a termination form including the need for outstanding annual leave to be paid or recouped.

3.4 Retire and return

- 3.4.1 Staff who have reached the retirement age detailed in the NHS Pension Scheme can apply to retire, take all of their pension benefits and return to NHS employment.
- 3.4.2 An employee must submit an application to retire and return to their line manager for consideration allowing for the 4-month window for requesting their pension.
- 3.4.3 Applications will not be automatically approved and must take account of current and future workforce requirements. Managers must demonstrate that consideration has taken place of:
 - The requirement for the post to be filled through retire and return in light of cost improvement pressures;
 - Equality requirements;
 - Value for money;
 - The standard of the employee's work and attendance;
 - The employee's skills, knowledge and experience against the essential requirements of the post;
 - Succession planning and the potential impact the employee's return will have on their team;
 - Whether it is in the best interests of the service to accommodate the retire and return request;
 - Longer term workforce and service plans for the post and team, and how the retire and return fits with this.
- 3.4.4 If a retire and return request is agreed, the process is as follows.
 - The staff member should confirm their resignation in writing and the agreed date for 'return'.
 - The line manager will then:
 - Accept the resignation in writing and confirm the return arrangements.
 - Complete a termination form which will then enable Employee Services to send a Pension Application Form (AW8) to the staff member for completion. Due to timeframes required to submit the NHS Pensions paperwork, the termination form must be submitted at a minimum of 4-months* prior to the retirement date.
 - Notify the Resourcing Team via email of the staff members intention to retire and return.
 - Upon being notified of the retire and return, the Resourcing Team will check ESR and the existing staff records for evidence of Right to Work documentation and a relevant DBS clearance.
 - Once the checks have been verified (and any outstanding completed), the Resourcing Team will issue the staff member with a variation to contract letter. Please note, these checks must be completed prior to the return date.

* This is made up of the 105 days NHSBSA (Pensions) require to process a pension application plus one month for the Trust to complete our process. In addition we recommend 'up to' two months for the member to request the required paperwork,

including the form to request the pension (AW8), then to complete it and to return it to Employee Services with the required supporting documents.

- 3.4.5 In line with NHS Pensions requirements, there must be a 24-hour break between retirement and returning to work at the Trust (after accessing pension benefits). The staff member will return to their current post, including job description and pay, after the 24-hour break.
- 3.4.6 There may be circumstances where, due to the needs of the service, the line manager feels they are unable to grant a request. In this instance the manager must confirm in writing:
- The business grounds why the request cannot be accepted;
 - Provide an explanation of why the business reasons apply in these circumstances.
- 3.4.7 In circumstances where staff members wish to make adjustments to their working conditions upon re-engagement (e.g., reduction in hours, change of working pattern) the [Flexible Working Procedure](#) will apply. Requests for flexible working will be seriously considered in accordance with the needs of the service, in order to assist employees in having a healthy work-life balance. Managers are required to seriously consider requests to work flexibly; however, requests can be declined where there are recognised business grounds for doing so.
- 3.4.8 Under no circumstances must the staff member return to their current role on a fixed term contract unless they are currently employed on that basis (i.e. as part of their current terms and conditions). If the staff member currently works on a permanent contract then this will not change.
- 3.4.9 The only circumstance in which a fixed term contract would be appropriate is if the manager and staff member agree that there is a set time-bound task or project to work on (i.e. not their current role), however this would need to be specific in terms of what its content is.
- 3.4.10 Alternatively, staff members can choose to leave their current post and opt to register for the temporary staffing bank, giving them an opportunity to pick and choose the hours worked with no mutuality of obligation. This option is the employee's decision and will not be enforced by the Trust.
- 3.5 Partial retirement (draw down)**
- 3.5.1 Partial retirement (draw down) enables members who have reached minimum pension age to take all or part of their pension whilst continuing to work in NHS employment.
- 3.5.2 Members may draw down 20-100% of their pension benefits in one or two payments, without having to leave employment. In order to do this, members must reduce their pensionable pay by at least 10% for 12 months.
- 3.5.3 Partial retirement is similar to retire and return in that it enables employers to retain experienced colleagues. However, with partial retirement, there is no need for the employee to end their employment contract or have a break in service in order to take their pension benefits. Members also have more flexibility to choose to take some or all of their benefits.

Achieving the 10% reduction in pensionable pay

- 3.5.4 Members must reduce their pensionable pay by at least 10% for 12 months on taking partial retirement. As existing terms and conditions of employment will continue unchanged, due to there being no break in service, managers and staff will need to discuss and agree a change to working arrangements in order to achieve the reduction in pensionable pay. This could include removing certain responsibilities, stepping down to a less demanding role, or reducing contractual working hours.
- 3.5.5 The scheme regulations require a reduction in pensionable pay, but not in overall take home pay. Therefore, where the manager and employee do not wish to agree a change to working arrangements as described above, it may be possible to review the nature and duration of certain existing payments, which in turn could determine if those payments remain pensionable. Further information on this can be found on the NHS Employers and NHS Pensions websites (links below).
- 3.5.6 An employee must submit an application to partially retire to their line manager for consideration allowing for the 4-month window for requesting their pension.
- 3.5.7 Applications will not be automatically approved and, as above, a discussion must take place between the line manager and the staff member to agree the feasibility of achieving the 10% reduction in pensionable pay for 12 months.
- 3.5.8 If a partial retirement (draw down) is agreed, the process is as follows.
- The line manager will:
 - Confirm in writing the agreed arrangements for achieving the required 10% reduction in pensionable pay for 12 months.
 - Complete a change form which will then enable Employee Services to send a Pension Application Form (AW8) to the staff member for completion. Due to timeframes required to submit the NHS Pensions paperwork, the change form must be submitted at a minimum of 4-months prior to the retirement date.
- 3.5.9 There may be circumstances where, due to the needs of the service, the line manager feels they are unable to grant a request. In this instance the manager must confirm in writing:
- The business grounds why the request cannot be accepted;
 - Provide an explanation of why the business reasons apply in these circumstances.
- 3.5.10 In circumstances where staff members wish to make adjustments to their working conditions to enable the achievement of the 10% reduction in pensionable pay (e.g., reduction in hours, change of working pattern) the principles of the Flexible Working Procedure will apply.
- 3.6 Early Retirement**
- 3.6.1 All members of the NHS Pension Scheme may opt for voluntary early retirement. This is where eligible members retire, at their own request, ahead of their normal retirement age detailed in the NHS Pension Scheme. The age when this is applicable is dependent on which section of the pension scheme the employee is a member of and when they started pensionable employment. It is strongly

recommended that individual employees take guidance from Employee Services regarding entitlements before any decision is made.

3.6.2 The entitlements of members of the NHS Pension Scheme on retirement, or the process of applying for payments are not detailed in this policy. The rules of the NHS Pension Scheme take precedence over this policy, which has been abbreviated for simplicity as the regulations are often complex and subject to change outside the control of the Trust. Prior to consideration of retirement, advice must be sought from Employee Services. For more detailed information please see the Pension Agency's website at: <https://www.nhsbsa.nhs.uk/nhs-pensions>.

3.7 Returning to NHS Work after Early Retirement

3.7.1 Unlike when opting for flexible retirement, early retirement requires you to resign from your current contract and there is no automatic right to return. Consequently, any applications to return to NHS work after early retirement would need to be made through the normal recruitment process.

3.7.2 Employees that secure a role to return to work after early retirement under the normal recruitment process must abide by the same requirements when retiring and returning detailed above (i.e. a 24 hour break in employment).

3.8 Further information in relation to flexible retirement options and the accessing of the pension following a return to NHS employment after early retirement can be found at:

<https://www.nhsbsa.nhs.uk/pensioner-hub/re-employment>

<https://www.nhsbsa.nhs.uk/pensioner-hub/re-employment>

<https://www.nhsemployers.org/publications/using-flexible-retirement-support-retention>.

It is strongly recommended that individual employees take guidance from the Pensions Department regarding entitlements before any decision is made.

4.0 Equipment Required

As detailed within the main policy document, HR01.

5.0 Training

As detailed within the main policy document, HR01.

6.0 References

NHS Employers, January 2010 – Short Guide to Managing Flexible Retirement

NHS Employers, January 2014 – Flexible Retirement Resources

NHS Employers, December 2012 – FAQ's

NHS Pension Scheme Retirement Flexibilities Resource Pack

www.nhsemployers.org.uk

Department of Health, July 2017 – Re-employment of staff in receipt of NHS

Pension Scheme benefits, guidance for employers and staff

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/634529/NHS_retire_and_return_guidance.pdf

<https://www.nhsbsa.nhs.uk/pensioner-hub/re-employment>

<https://www.nhsbsa.nhs.uk/pensioner-hub/re-employment>

<https://www.nhsemployers.org/publications/using-flexible-retirement-support-retention>.