

Parental Policy

Document Reference	HR3.PP.V2
Document status	Final
Target Audience	All Staff
Date Ratified	12 November 2015
Ratified by	Policy Committee
Release date	11 January 2016
Review Date	January 2019
Sponsor	Kath Griffin, Director of Human Resources

Version Control

Version	Date of amendments	Author	Update comments
1.0	March 2012	Jan Armstrong, Deputy Director of Human Resources	
2.0	October 2015	Vicky Bowmaker, Employee Services Manager	

**CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST
DOCUMENT PROFORMA**

Policy Title: Parental Policy			
Policy Number: HR3.PP.V2			
Name of Author: Vicky Bowmaker, Employee Services Manager			
Name of Sponsor: Kath Griffin, Director of Human Resources			
New Policy:		Yes:	No: X
Reviewed Without Amendments:		Yes	No
Type of Policy:	Risk Management Operational Policy Operational Guidelines Mental Health Act Human Resource X Control of Infection Drugs Policy Other		
Equality Impact Assessment: If this policy has a potential discriminatory impact please record below the person who has informed and involved the sponsor: Name: Title: Date: NB: It is the sponsor's responsibility to submit the policy through the CHS approval route.			
Checklist for the review and approval of the policy			
	Is the policy compliant with:	Yes/No	Comments
	Corporate style	Yes	
	Format including duties,	Yes	
	Content; intended outcomes clearly described	Yes	

	Evidence base; key references included and cited in full	Yes	
	Associated documentation recorded	Yes	
	Review/consultation process: List of groups/committees included with the policy	Yes	
	Appropriate stakeholders consulted	Yes	
	Approval: Staff side committee (if appropriate)		
	Dissemination & implementation: appropriately described	Yes	
	Training: requirements included (where appropriate)	Yes	
	Document control: table updated appropriately	Yes	
	Monitoring compliance/ effectiveness: adequate description and appropriate monitoring	Yes	
	Review date: identified and acceptable	Yes	
	Page numbers: correct with index	Yes	
	Intranet to be updated: Record the date and person responsible		Deputy Head of Corporate Affairs 11 01 16
	Individual approval; Policy author	Date	Sign
	Director of Corporate Affairs: update version control and approval of the process	Date	Sign 11 01 16
	Policy archived		11 01 16

Committee Approval

Committee which forms the approval process: Policy Committee

Date of approval: 12 November 2015

Signature of Chair of Committee, including approval: Mike Davison

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1 INTRODUCTION

City Hospitals Sunderland NHS Foundation Trust (“the Trust”) is committed to attracting and retaining the very best employees, and utilising all the talent and experience available. The Trust appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with other caring responsibilities, as well as those whose interests and aspirations impact on their time.

The Trust recognises the importance of supporting employees to balance their work and home life and in turn it recognises that staffing capacity must at all time remain in line with the needs of the service.

This policy details the contractual and statutory provisions for employees of the Trust who have parental or caring responsibilities.

The policy has been agreed in partnership with the Trust’s staff side colleagues.

An employee who is dissatisfied with any decision made in relation to this policy has the right to raise their dissatisfaction via the Trust’s Grievance Policy and Procedure.

2 PURPOSE AND SCOPE

The purpose of this policy is to provide managers with detailed information and guidance to enable them to offer comprehensive support and advice to any member of their staff who has child care responsibilities.

The policy also ensures that employees are fully informed of their rights and entitlements to various statutory and contractual parental provisions.

3 DUTIES

3.1 Board of Directors

The Board of Directors is responsible for monitoring and approving a framework to support the parental rights of employees ensuring that it is compliant with all relevant legislation and guidelines.

3.2 Chief Executive

The Chief Executive has ultimate responsibility for ensuring that a framework is in place to support the processes detailed within this policy and ensuring that this is compliant with all relevant legislation and guidelines.

3.3 Director of Human Resources

The Director of Human Resources is the nominated Director lead for the management of this policy and is directly responsible to the Chief Executive for facilitating the implementation following consultation with the staff side representatives.

3.4 Employees (New and Expectant Parents)

It is the responsibility of the employee to:

- Inform and update management at the appropriate stages

- Provide original MATB1/ Matching Certificate as required
- Ensure all relevant documentation is completed and submitted
- Inform management of their intentions to take leave and regarding their return to work
- Provide updates to any changes in personal details

3.5 **Manager**

It is the responsibility of the manager to:

- Provide the HR Department with completed documentation relating to an individual's intentions
- Complete a risk assessment for New & Expectant Mothers
- Ensure that employees on maternity, paternity, parental or adoption leave are kept informed about developments in the Trust, ward/department as appropriate.
- Ensure that leave and return to work dates are recorded in ESR and Change Forms completed as necessary;

3.6 **Employee Services (HR)**

On notification of an employee's pregnancy/ intention to take leave, it is the responsibility of Employee Services to:

- Write to the employee advising of their rights and obligations under this policy
- Ensure any changes to pay are actioned;
- Process notifications via ESR in a timely manner
- Ensure that payments are made in line with both current Occupational and Statutory regulations;
- If required, issue the employee with an SMP1 Form to enable her to claim maternity allowance
- Confirm in writing to the employee details of contractual Maternity Pay or Adoption Pay.

4 **DEFINITIONS**

Maternity

- 4.1 New or expectant mother** - An employee who is pregnant, who has given birth within the previous 6 months, or who is breast-feeding.
- 4.2 Childbirth** - The live birth of a child, or a stillbirth after pregnancy lasting at least 24 weeks.
- 4.3 MAT B1** - Maternity certificate confirming the expected date of childbirth (available from GP or midwife around the 26th week of pregnancy).
- 4.4 EWC** – Expected week of childbirth, which is the week, beginning at midnight between Saturday and Sunday, in which it is expected the baby will be born.
- 4.5 EDC** - Expected date of childbirth, which is the expected date of childbirth quoted on the employee's MATB1

- 4.6 SMP - Statutory Maternity Pay** The rate of SMP and Maternity Allowance are subject to revision by the Department for Work and Pensions each April. Details can be found on the [HMRC Website](#)
- 4.7 MA - Maternity Allowance**, which may be available to help an employee through her pregnancy if she is not entitled to SMP.
- 4.8 OML – Ordinary Maternity Leave**, which lasts for 39 weeks and may begin any time from 11 weeks before the EWC up until the birth itself.
- 4.9 AML – Additional Maternity Leave**, which lasts for up to 13 weeks and if taken, must follow immediately after OML. There cannot be a gap between the two types of maternity leave.
- 4.10 Maternity Leave** - All employees are entitled to a maximum of 52 weeks' maternity leave, which should normally commence no earlier than 11 weeks before the EWC and must extend to at least 2 weeks after the birth.
- 4.11 OMP – Occupational Maternity Pay.** Employees with at least 1 year's continuous service (i.e. without a break of 3 months or more) with the NHS by the 11th week before EWC will be entitled to up to 39 weeks paid maternity leave. See Section 5.5 for details
- 4.12 Compulsory Maternity Leave** - a period of 2 weeks from the date of childbirth during which the employee may not work for health and safety reasons.
- 4.13 Given Birth** – is defined in the regulations as delivered a living child or, after 24 weeks of pregnancy, a stillborn child.
- 4.14 MNF – Maternity Notification Form.** Must be completed by employee to give notice of intention to take maternity leave.
- 4.15 MLR – Maternity Leave Return Form.** Must be completed by employee if intending to return earlier than agreed date of returning to employment.
- 4.16 KIT – Keep in Touch Days.** Employee can carry out up to 10 days' work/training during her maternity leave without bringing her maternity leave to an end

Adoption

4.17 Matching Certificate

Documentary evidence from the adoption agency, which provides:

- Name and address of adoption agency
- Name and address of adopter
- The date on which 'matching' occurred
- The date on which a child from overseas entered the UK
- The expected date of placement or date placement occurred.

4.18 Qualifying Week

The qualifying week is the week beginning with the Sunday that the adopter receives notification of having been matched with a child and ends on the following Saturday.

4.19 Ordinary Adoption Leave (OAL)

Lasts for 26 weeks and may begin any time from the date of the child's placement (where this is earlier or later than expected) or from a fixed date, which cannot be earlier than 14 days' before the expected date of placement.

4.20 AL – Additional Adoption Leave (AAL)

Lasts for 26 weeks and if taken, must follow immediately after OAL. There cannot be a gap between the two types of adoption leave.

4.21 Occupational Adoption Pay (OAP)

To be eligible for CAP, employees must have 12 months' continuous NHS service ending with the week in which they are notified of being matched with the child for adoption. This will cover circumstances where employees are newly matched with the child by an adoption agency.

4.22 Statutory Adoption Pay (SAP)

Employees who are not eligible for CAP may be entitled to SAP, which is paid for 39 weeks, subject to the qualifying conditions.

Parental Leave

4.23 Shared Parental Leave (SPL)

Enables eligible parents to choose how they share the care of their child during the first year of birth or adoption.

4.24 Statutory Shared Parental Pay (ShPP)

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

5 PROCEDURES

5.1 IVF and Associated IVF Treatment

The Trust recognises the potential anxiety and distress that staff may suffer during the process of undergoing IVF treatment or similar treatment such as IUI and wishes to support staff who decide to do so or those whose partner is undergoing the treatment, providing some special leave for this purpose.

Employees undergoing IVF treatment may be granted up to 3 days' paid leave per IVF treatment cycle (pro-rata for part-time staff) for the purpose of receiving and recovering from treatment. The days can be taken in one block, separate days or ½ days.

If more than 3 days' leave is required, then annual leave or unpaid leave may be used, with the agreement of the manager.

An employee whose partner is receiving IVF treatment may be granted up to 3 days' paid leave per 12 month period (pro rata for part-time staff) to support their partner through the treatment.

The days can be taken in one block, separate days or ½ days. If more than 3 days' leave is required, then annual or unpaid leave may be used, with the agreement of the manager.

IVF leave may be taken only within the treatment cycle. It cannot be carried over to a further IVF treatment cycle, or 12 month period, as applicable.

5.2 Health & Safety

5.2.1 Protection of New and Expectant Mothers

For further information regarding the health and safety implication for new and expectant mothers, employees and managers should refer to the [Health and Safety Executive \(HSE\) guidance regarding new and expectant mothers](#) and [HSE guidance for new and expectant mothers who work](#).

5.2.2 Risk Assessments

As soon as the manager is informed of a pregnancy, a workplace risk assessment must be carried out and thereafter at regular intervals during the pregnancy to identify/address any potential hazards.

The New & Expectant Mothers Risk Assessment Form a copy of which is at **Appendix 1** is specifically designed to help managers in carrying out risk assessments. This process must also be carried out for new or breast-feeding mothers.

If a hazard is identified managers must ensure that all steps are taken to remove exposure to the risk. This must be discussed with the employee and the outcome of these discussions must be confirmed to the employee in writing.

If a significant risk to the health and safety of a new or expectant mother or her child is identified and cannot be controlled, the manager is required to:

- temporarily adjust her working conditions and/or hours of work (employees must not suffer any financial detriment)
- or**
- offer her suitable alternative work if any is available, which can be that which would normally be carried out by a lower grade and in which case protected pay arrangements will apply for the duration of the temporary adjustment to job duties only.

Or, if this is not feasible

- exclude her from work on full pay until commencement of maternity leave. If an employee unreasonably refuses an alternative they can be excluded on no pay until maternity leave commences or if this is within 11 weeks prior to expected date of childbirth can commence their maternity leave.

Advice must be sought from the Occupational Health Department in any such cases.

5.3 Pregnancy Related Sickness and Associated Time Off

5.3.1 Antenatal Care

Pregnant employees are entitled to paid time off to attend antenatal appointments. For all but the first occasion managers may request confirmation of the dates of such appointments (e.g. from an appointment card or similar).

If an employee's medical practitioner confirms in writing that relaxation classes, aqua natal classes, parent craft classes etc are necessary for the health and well being of the mother or unborn child, this should be included in the information about the antenatal appointments.

5.3.2 Sickness During Pregnancy

An employee, who is on sick leave because of a pregnancy-related illness at the beginning of or after the 4th week before the EWC, will commence her maternity leave at the beginning of the 4th week before or the beginning of the week after the last week worked, whichever is later and will transfer from sick pay to maternity pay. ***The manager must inform the HR Department that the maternity leave has commenced by completing the necessary Change Form.*** The HR Department will then write to the employee advising them of this change.

5.3.3 Miscarriage

Where an employee has a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply as necessary

5.3.4 Still Birth

Where an employee's baby is still born after the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if otherwise.

5.3.5 Death of a Child

Where the death of a child occurs after a live birth the employee is entitled to the full maternity leave and pay. If the death of a child should occur at the end of a maternity leave period, managers may

consider leave under the Special Leave Policy, in such cases employee's may require more time off and normal sickness arrangements may apply if absence is due to certificated sickness.

5.3.6 Premature Birth

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

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 her absence.

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

Where an employee's baby is born before the 11th week before the EWC and the baby is in hospital, the employee may split her maternity leave entitlement, taking a minimum period of 2 weeks' maternity leave immediately after childbirth and the rest of her maternity leave following her baby's discharge from hospital. It is therefore the employee's responsibility to notify their line manager should they wish to split maternity leave – this must be done as soon as possible in order not to affect maternity payments. The manager must then complete a change form to expedite these arrangements and forward to Human Resources. The manager and employee must also have discussion with regard to the period following the 2 weeks' maternity leave liaising with HR representative

5.4 **Maternity Leave**

5.4.1 Notification of Pregnancy/Request for Leave

All pregnant employees are entitled to take up to 52 weeks maternity leave, regardless of length of service with the Trust. Maternity leave is a single continuous period (except in some cases of premature birth) and is made up of 39 weeks' Ordinary Maternity Leave (OML) and 13 weeks' Additional Maternity Leave (AML).

Note: There are separate rules relating to maternity pay, which are set out below in Section 5.5

Employees who become pregnant may, if they wish, inform their manager sooner than the notice periods stated in subsequent sections of this policy.

Employees must complete the Maternity Notification Form, a copy of which is at **Appendix 2** and submit along with the MATB1 certificate issued by the GP or Midwife, so that their manager has all of the

information required to process maternity leave arrangements and any associated payments.

During maternity leave, both paid and unpaid, an employee retains all of her contractual rights except remuneration.

An employee may start her maternity leave at any time between 11 weeks before the EWC and the EWC itself, provided she gives the required notice.

Employees must take a minimum of two weeks maternity leave.

5.4.2 Contact During Maternity Leave

Reasonable contact between the employee and their manager/an appropriate colleague is encouraged to facilitate communication. Under legislation, either party is entitled to initiate this during the maternity period.

Managers must discuss and agree any voluntary arrangements for keeping in touch with the employee, prior to the commencement of maternity leave. This must include any arrangements which the employee may find helpful to keep her in touch with developments at work and to facilitate her return to work, such as:-

- Trust Newsletter
- Changes affecting Terms and Conditions
- Job vacancies
- Information on training courses and seminars
- Social or Departmental Events
- Team Brief

5.4.3 Notification of Return to Work

If an employee intends to return to work at the end of her full entitlement to maternity leave she is not required to give notice of her return.

If an employee wants to request to return to work earlier than the date previously specified or is planning not to return, she is required to give 28 days' notice of this intention by completing a Maternity Leave Return (MLR) Form, a copy of which is at **Appendix 3** and forward to her manager to confirm return to work date. ***The manager must then complete a change form and forward to Human Resources.***

If she gives less than 28 days' notice her maternity leave may be extended for 28 days after the date of giving notice of return, to allow the Trust to make any necessary arrangements.

An overview of the maternity leave process is shown in **Appendix 4**

5.4.4 Requests to Extend Maternity Leave

Requests to extend the maternity leave period will not normally be considered unless the full entitlement to maternity leave (52 weeks) has not been exhausted and the required notice of 28 days has been given.

Where return from maternity leave is prevented due to certificated sickness, normal sickness arrangements will apply.

5.4.5 Return to Work/Changes in Working Arrangements

An employee who returns to work after Maternity Leave is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative employment in accordance with the Trust's Organisational Change and Pay Protection Policy.

Managers must complete a Changes Form confirming the date the employee ended their maternity leave and forward to Employee Services Officer. Any changes to hours per week to be worked must be changed by the manager via Manager Self Serve (MSS) in ESR.

If an employee wishes to discuss any change in working arrangements on her return to work, she should contact her manager at the earliest opportunity, preferably before commencing her maternity leave and not later than 8 weeks before she is due to return to work.

5.4.6 Employees Who Do Not Wish to Return to Work after Maternity Leave

An employee who satisfies the conditions for CMP except that she does not intend to return to work for the Trust or another NHS employer after her maternity leave is ended, for a minimum of 3 months, will be entitled to be paid 90% of her average weekly earnings for the first 6 weeks of her maternity leave followed by SMP (if she qualifies) for the following 33 weeks.

An employee who does not satisfy the conditions for CMP may be entitled to SMP for 39 weeks.

If her earnings are too low for her to qualify for SMP, or she does not qualify for another reason, she will be issued with an SMP1 Form by Employee Services and advised to claim MA from her local Job Centre Plus. Further information on Maternity Allowance may be obtained from Section 5.5.4 of this Policy.

Managers should ensure that an employee not wishing to return to work understands that they are resigning from their post and must give the Trust the notice required by her contract of employment.

Any outstanding annual leave should be taken before start of maternity leave.

5.4.7 Employees Who Are Not Sure Whether or Not They Will Return

Employees with 12 months' continuous NHS service as at the 11th week before the EWC can opt to retain the right to return to work. This means they will not receive CMP, but neither will they be in a position of having to pay back the difference between SMP and CMP, if they do not return to work after maternity leave.

If this option is exercised, the employee will be paid SMP (if she qualifies) for 39 weeks and will retain the right to take up to 52 weeks' maternity leave.

If the employee then opts to return to work, she will be eligible to receive a non-recurring allowance paid in 3 monthly installments, which will automatically cease if she leaves the Trust within 3 months of returning from maternity leave. This allowance is equivalent to the difference between SMP received and the CMP she would have received under normal circumstances.

5.4.8 Failure to Return to Work/Repayment of Maternity Pay

If an employee is unable to return to work at the end of her maternity leave because she is medically unfit to work, she must submit medical certificates in accordance with the Trusts Attendance Management Policy.

If an employee does not return to work following her maternity leave, and she is not certified as medically unfit her absence will be treated as unauthorised absence and will be investigated in accordance with the Disciplinary Procedure.

If an employee fails to return to work after the specified period, or returns to work but does not subsequently continue in the employment of the Trust or another NHS employer for a period of at least 3 months, the Trust will have the right to reclaim from her pay any CMP that she has received in excess of the statutory amount to which she is entitled under legislation in force at the time.

5.4.9 Employees with Fixed Term or Training Contracts

Employees on fixed-term or training contracts, which expire after the 11th week before the EWC and who meet the eligibility criteria for CMP set out above shall have their contracts extended to allow them to receive CMP.

Employees with fixed-term contracts who do not meet the qualifying conditions for CMP set out above may still be entitled to SMP.

Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed training programme, she will 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/childbirth had not occurred.

5.4.10 Breastfeeding on Return to Work

The World Health Organisation recommends that babies be fully breastfed for the first 6 months of their life, to provide them with a nutritious and balanced diet whilst protecting against certain childhood and later life illnesses.

The Trust recognises the above health benefits and will support employees to continue to breastfeed for as long as is reasonably practicable, including after the employee's return to work.

5.5 Maternity Pay

5.5.1 Eligibility for Contractual Maternity Pay (CMP)

Appendix 5 gives an overview of how an employee's entitlement to maternity benefits is calculated. An employee will be entitled to maternity pay under the NHS contractual maternity pay scheme if:

- She has 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the EWC
- She notifies her manager in writing before the end of the 15th week before the EWC (or if this is not possible, as soon as is reasonably practicable thereafter):
 - Of her intention to take maternity leave (OML and/or AML);
 - Of the date she wishes to start her maternity leave;
 - That she intends to return to work with the Trust or another NHS employer for a minimum period of 3 months after her maternity leave has ended;
 - And provides a MATB1 from her midwife or GP giving the EDC which has been issued no more than 20 weeks before the EWC

Where an employee intends to return to work, the amount of CMP is as follows:

- Full pay for the first 8 weeks of absence, including any SMP and less any MA or dependants' allowance receivable
- Half pay for the following 18 weeks, plus any SMP/MA or dependants' allowance receivable, providing the total does not exceed full pay.
- SMP for a further 13 weeks (where the employee is eligible to receive it – see Section 5.4.3 below).

Payment will normally be made on the employee's normal pay date and at her normal pay interval.

By prior agreement with the Employee Services Department, CMP may be paid in a different way, e.g. a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period. Where this is agreed this will be confirmed in writing to the employee by the Employee Services Department. Please note that the payment of SMP cannot be varied. The Employee Services Department can provide more information regarding this and the employee is advised to contact them if considering this option.

5.5.2 Continuous Service

For the purpose of calculating whether an employee has 12 months' continuous service with one or more NHS employers, the term 'NHS employers' includes, but is not limited to the following

- Health Authorities
- NHS Boards
- NHS Trusts
- Primary Care Trusts
- The Northern Ireland Health Service
- GP Practices
- Care Commissioning Groups

The following breaks in service/situations will be disregarded:

- Breaks in service of 3 months or less
- Employment under the terms of an honorary contract
- Employment as a locum with a GP for a period not exceeding 12 months
- A period of up to 12 months spent abroad as part of a definite programme of postgraduate training on the advice of the Postgraduate Dean/College/Faculty Adviser in the specialty concerned
- A period of voluntary service overseas with a recognised international relief organisation for a period of 12 months, which may exceptionally be extended for 12 months at the discretion of the employer, which recruits the employee on her return
- Absence due to an employment break under the Trust's Employment Break Scheme
- Absence on maternity leave (paid or unpaid) under this policy
- Employment as a trainee with a GP in accordance with the provisions of the Trainee Practitioner Scheme

5.5.3 Eligibility for Statutory Maternity Pay (SMP)

To qualify for SMP an employee must have been:

- Employed by the Trust at the 15th week before the EWC.
- Employed by the Trust without a break, for at least 26 weeks at the 15th week before the EWC (Part weeks count as full weeks.)
- Earning at a level at or above the Lower Earnings Limit (see link below)

SMP is paid for 39 weeks.

The rate of SMP is subject to revision by HM Revenue & Customs each April and can be located on the [HMRC Website](#).

5.5.4 Maternity Allowance (MA)

If an employee does not qualify for SMP, the Employee Services Department will issue her with an SMP1 Form explaining the reason(s). She may be entitled to MA and will need to send the SMP1 Form to her local Job Centre Plus with an MA Claim Form and the MAT B1 which will be returned to her

The rate of MA is subject to revision by HM Revenue & Customs each April. Current rates can be found on the [HMRC Website](#)

Further information relating to Maternity Allowance may be obtained from the [DWP Website](#) and the [HMRC Website](#)

5.6 **Adoption Leave**

5.6.1 Entitlement/Eligibility

An employee, male or female, who adopts a child, will be entitled to adoption leave provided that only one of the adoptive parents takes adoption leave. The other parent will be entitled to take paternity leave.

An employee adopting a child under 18 years of age who is the prime carer may apply for up to 52 weeks' adoption leave to care for the child. This is made up of 26 weeks of ordinary adoption leave followed by 26 weeks of additional adoption leave.

An employee can start their leave either:

- from the date the child starts living with them.
- up to 14 days before the date before the date of placement.

Adoption leave can commence on any day of the week.

Only one period of adoption leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement.

5.6.2 Notification/Request for Adoption Leave

Notice for SAP is 28 days before start of leave

The employee should give notice to their manager of his/her intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption (or 28

days if adopting overseas), unless this is not reasonably practicable, by submitting an Adoption Notification Form (ADNF1), see **Appendix 6**, to the line manager.

This form should state when the child is expected to be placed and when the adopter wants their adoption leave to start. A 'matching certificate', which will be provided by the adoption agency or if adopting overseas official notification confirming the central authority has, or is prepared to, issue a certificate confirming the employee is eligible to adopt and has been assessed and approved as being a suitable adoptive parent must be submitted with the ADNF1 form to their manager.

If for any reason the date on which s/he proposed to start their adoption leave changes, s/he must give at least 28 days' notice of the change, unless this is not reasonably practicable, in which case s/he should give as much notice as is reasonably practicable.

5.6.3 Granting of Leave

On receipt of Form ADNF1 and matching certificate, the HR Department will, within 28 days, write to the employee, granting leave and informing him/his/her of the last permissible date for his/her return from adoption leave.

5.6.4 Dismissal or Resignation before the Intended Start of Adoption Leave

If an employee resigns or is dismissed before the date s/he has notified s/he intends to start his/her adoption leave or before s/he has notified a date, s/he will lose the right to adoption leave. However s/he will still be eligible for SAP if s/he meets the required criteria.

5.6.5 Contact during Adoption Leave

Reasonable contact between the employee and their manager/appropriate colleague is encouraged to facilitate communication. Such contact will not bring the adoption leave period to an end.

Managers must discuss and agree any voluntary arrangements for keeping in touch with the employee, prior to the commencement of adoption leave. This must include any arrangements, which the employee may find helpful to keep him/his/her in touch with developments at work and to facilitate his/her return to work, such as:

-

- Trust Newsletter
- Changes affecting terms and conditions
- Information on job vacancies
- Information on training courses and seminars
- Social or departmental events

The manager may wish to nominate another employee to be the contact point and carry out these arrangements. If the employee wishes to receive information about job vacancies on a regular basis then they should contact the Employee Services Department.

The employee must keep his/her manager in touch with any developments, which may affect his/her intended date to return to work.

5.6.6 Notification of Return to Work

If an employee intends to return to work at the end of his/her full entitlement to adoption leave s/he is not required to give notice of his/her return, however ***the manager must still complete a change form confirming this and forward to Employee Services Officer.***

However, if an employee wants to request to return earlier than a date previously specified or is planning not to return, s/he is required to give 28 days' notice of this intention by completing the Adoption Leave Return Form at **Appendix 7**. ***The manager must then complete a change form and forward to Employee Services Officer.***

If s/he gives less than 28 days' notice, his/her adoption leave may be extended for 28 days after the date of giving notice of return, to allow the Trust to make any necessary arrangements.

Although there is no legal requirement for employees to give advance notice of their intention to return at the end of the full adoption leave period, an employee who intends to do so is urged to keep his/her manager informed of his/her intentions so that appropriate cover arrangements can be made, workloads and his/her reorientation back into the workplace can be planned.

5.6.7 Ordinary Adoption Leave

An employee who returns to work after OAL, is entitled to return to the same job on the same terms and conditions of employment as if s/he had not been absent, unless a redundancy situation has arisen, in which case s/he is entitled to be offered a suitable alternative vacancy.

5.6.8 Additional Adoption Leave

An employee who returns to work after AAL is entitled to return to the same job on the same terms and conditions of employment as if s/he had not been absent, unless this/here is a reason why it is not reasonably practicable for him/her to return to his/her old job, in which case s/he should be offered a similar job on terms and conditions which are no less favourable than his/her original job.

5.6.9 Requests to Extend Adoption Leave

Requests to extend the adoption leave period will not normally be considered unless the full entitlement to adoption leave has not been exhausted. Where his/her return from adoption leave is prevented due to certificated sickness, normal sickness arrangements will apply.

5.6.10 Changes in Working Arrangements

If an employee wishes to discuss any change in working arrangements on his/her return to work, s/he should contact his/her manager at the earliest opportunity, preferably before commencing his/her adoption leave and not later than 8 weeks before s/he is due to return to work.

Any request to change working arrangements (e.g. to work part-time) will be considered on the basis of the operational requirements of the department.

Any changes to hours per week to be worked must be changed by the manager via Manager Self Service (MSS).

5.6.11 Employees Who Do Not Wish to Return to Work after Adoption Leave

An employee who satisfies the conditions for CAP except that s/he does not intend to return to work for the Trust or another NHS employer after his/her adoption leave is ended, will be entitled to be paid 90% of his/her average weekly earnings for the first 6 weeks of his/her adoption leave followed by SAP for the following 33 weeks.

An employee who does not satisfy the conditions for CAP may be entitled to SAP for 39 weeks.

If his/her earnings are too low for him/her to qualify for SAP, or s/he does not qualify for another reason, s/he will be issued with a SAP1 Form and their matching certificate returned. H/she will be advised to contact their adoption agency as they may be entitled to other help.

Managers should ensure that an employee not wishing to return to work understands that they are resigning from their post and must give the Trust the notice required by his/her contract of employment. The date of termination of service will be the commencement of adoption leave.

Any outstanding annual leave should be taken before the start of adoption leave.

For any employee not returning to work the manager must ensure that their termination is processed via Manager Self Service once all payments have been made.

5.6.12 Employees Who Are Not Sure Whether or Not They Will Return

Employees with 12 months' continuous NHS service ending with the week in which they are notified of being matched with the child for adoption can opt to retain the right to return to work.

This means they will not receive CAP, but neither will they be in a position of having to pay back the difference between SAP and CAP, if they do not return to work after adoption leave.

If this option is exercised, the employee will be paid SAP for 39 weeks (if he/she meets the qualification criteria) and will retain the right to take up to 52 weeks' adoption leave.

If the employee then opts to return to work, s/he will be eligible to receive a non-recurring allowance paid in 3 monthly installments, which will automatically cease if s/he leaves the Trust within 3 months of returning from adoption leave. This allowance is equivalent to the difference between SAP received and the CAP s/he would have received under normal circumstances.

5.6.13 Failure to Return to Work/Repayment of Contractual Adoption Pay

If an employee is unable to return to work at the end of his/her adoption leave because s/he is medically unfit to work, s/he should submit medical certificates in the usual way and s/he will then transfer from adoption leave to sick leave. Subsequently the normal sickness procedures will be followed as outlined in the Trust's Attendance Management Policy

If an employee does not return to work following adoption leave, and is not certified as medically unfit, his/her job will remain open and s/he will not automatically lose his/her right to return. However his/her absence will be treated as unauthorised absence under the Trust Disciplinary Procedure and will be investigated/dealt with as such.

If an employee does not return to work after the specified period, or returns to work but does not subsequently continue in the employment of the Trust or another NHS employer for a period of at least 3 months, the Trust will have the right to reclaim from his/her pay any CAP that s/he has received in excess of the statutory amount to which s/he is entitled under legislation in force at the time.

In exercising this right the Trust shall have regard to individual circumstances.

5.6.14 Employees with Fixed Term or Training Contracts

Employees on fixed-term or training contracts, which expire after the week in which they are notified of being matched with the child for adoption and who meet the eligibility criteria for CAP set out above shall have their contracts extended to allow them to receive CAP.

Absence on adoption leave up to 52 weeks before a further NHS appointment will not constitute a break in service. If there is no right of return to work to be exercised because the contract would have ended if adoption had not occurred, the repayment provisions set out above will not apply.

Employees with fixed-term contracts who do not meet the qualifying conditions for CAP set out above may still be entitled to SAP.

Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed training programme, s/he will 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 adoption had not occurred. In such circumstances the employee's contract will be extended to enable them to complete the training programme.

5.7 Adoption Pay

5.7.1 Eligibility for Contractual Adoption Pay

To be eligible for Contractual Adoption Pay (CAP), employees must have 12 months' continuous NHS service ending with the week in which they are notified of being matched with the child for adoption.

This will cover circumstances where employees are newly matched with the child by an adoption agency, or this/here is an established relationship with the child, such as fostering prior to the adoption, or when a stepparent is adopting a partner's child.

CAP will consist of:

- 8 weeks' full pay including any SAP, less any alternative benefit receivable
- 18 weeks' half pay plus any SAP or alternative benefit payable, provided the total receivable does not exceed full pay
- for the next 13 weeks the employee will receive any SAP to which they are entitled under the statutory scheme

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

Please note the payment of SAP cannot be varied. The Employee Services Department can provide more information regarding this.

5.7.2 Statutory Adoption Pay

To qualify for Statutory Adoption Pay an employee must:

- have worked continuously for the Trust for at least 26 weeks into the week when they are matched with a child

- be newly matched with a child by an adoption agency ('matched' means that the adoption agency gives them the details of the child they think is suitable for them to adopt) OR have received official notification confirming the central authority has, or is prepared to, issue a certificate confirming they are eligible to adopt and have been assessed and approved as being a suitable adoptive parent
- have average weekly earnings of at least equal to the lower earnings limit for National Insurance contributions

An employee will not qualify for Statutory Adoption Pay if they:

- arrange a private adoption
- become a special guardian
- adopt a stepchild
- have a child through surrogacy

The rate of SAP is subject to revision by the Department for Work and Pensions each April. Details can be found at www.gov.uk/government/organisations/hm-revenue-customs

If an employee is not entitled to SAP, they will be issued with a HMRC Non-Payment of Statutory Adoption Pay form (SAP1) by the Trust's Employee Services Department. The employee should then contact their Adoption Agency as they may be entitled to other financial support from their local authority or from the Department for Work and Pensions.

5.8 Keep in Touch (KIT) Days

An employee may with the agreement of their Directorate Manager/Head of Department, carry out up to 10 days' work during maternity or adoption leave without bringing the maternity or adoption leave to an end. These are called KIT days, i.e. if an employee comes in to work for a 1-hour training session then does no other work on that day, they will have used one of their KIT days.

In accordance with legislation, working for part of any day will count as one KIT day. This provision does not apply during the 2-week compulsory maternity leave period commencing on and including the day on which childbirth occurs.

Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

The employee will be paid their basic daily rate for the hours worked. ***The manager must complete a change form and forward to the HR Department to confirm a KIT day(s) and hours worked.*** The Employee Services Department can provide detail of the calculation of the payment due upon request.

However it should be noted that this provision does not confer any right on the Trust to require any work to be carried out during the maternity leave period, nor any right on an employee to request work during this period. Also, there is no obligation on either the Trust or the employee to make use of these days.

Any KIT days worked will not extend the total maternity or adoption leave period.

In accordance with legislation, working for part of any day will count as one KIT day.

5.9 Maternity and Adoption Leave: Other Terms and Conditions of Employment

5.9.1 Pay Increments

Adoption/ Maternity leave will count as service for annual pay increments. Where a pay award is made during a period of contractual paid adoption/ maternity leave, or an award is backdated to this time, the employee's adoption/ maternity pay will be recalculated accordingly.

An employee on adoption/ maternity leave will progress through a KSF gateway on the due date, unless concerns have been formally raised previously about their ability to meet the KSF outlines prior to adoption leave in accordance with the Trust's KSF Policy & Capability Procedure.

5.9.2 Professional Clinical Registration

Employees on adoption/ maternity leave will be expected by the Trust to maintain their registration throughout the period of the leave (both paid and unpaid) and may be contacted by the Trust should issues about maintaining their registration need to be clarified. This is regardless of the relevant professional body guidance, which may indicate that maintaining professional registration is not required during periods of leave.

5.9.3 Regular Car Users

Where adoption/ maternity leave is granted under this policy, the lump sum payment will be paid for the remainder of the month in which the car was out of use and for a further 3 months thereafter.

Payment will be made at the rate of 50% of the lump sum payment for a further 3 months or until the end of adoption leave, whichever is less. No further payment will be made if the car is out of use for 6 months or longer.

Employees not intending to return to work will have payment limited to the period of paid adoption leave granted under this policy.

5.9.4 Lease Cars

Employees are entitled to retain their lease cars during adoption/ maternity leave. Where an employee is absent from work for an extended period on account of adoption/ maternity leave and that absence exceeds four months the employee may return their vehicle upon written confirmation from the appropriate manager and incur no penalty solely arising from that early termination of the agreement

5.9.5 Annual Leave

The amount of annual leave to be taken or carried over must be discussed and approved by the manager and confirmed in writing to the employee before the start of his/her adoption leave.

Annual leave will continue to accrue during adoption leave at the rate applicable to the contract of employment at the time the adoption leave commences. At the end of the adoption/ maternity leave period, if an employee is returning to work on a part-time basis, their annual leave will be calculated on a pro rata basis from the date their new contract commences.

Normal 'carry over' rules as set out in the Trust's Annual Leave Policy apply. Employees should therefore take annual leave accrued before the start of that adoption/ maternity leave. Payment in lieu may be considered where accrual of annual leave exceeds normal carry over provisions.

Other rules relating to annual leave are set out in the Trust's Annual Leave Policy

5.9.6 Bank Holidays

There is no provision for the payment in lieu or carry over of Bank Holidays falling during any part of the adoption/ maternity leave period.

5.9.7 Financial Arrangements - Income Tax, National Insurance and Pension Contributions

Income Tax, National Insurance and Pension contributions calculated on the amount of adoption/ maternity pay due will be deducted from any payments made.

Adoption/ maternity pay will be paid in the same way as normal wages or salary, i.e. monthly.

Members of the NHS Pension Scheme must continue to pay pension contributions throughout their adoption/ maternity leave.

For those employees taking unpaid adoption/ maternity leave, pension contributions are assessed on the amount of pay received

immediately prior to the unpaid leave. Arrears of pension contributions, which have accumulated during the unpaid leave period, will be deducted on the employee's return to work over the same period as the accumulation took place.

In the event that an employee returns to work on a part-time basis, the period over which repayment takes place may be extended. The employee should contact the Employee Services Team in HR to discuss this.

5.9.8 Salary Sacrifice and Maternity Pay

Statutory Maternity Pay (SMP) is calculated based on earnings during the 8-week period leading up to the 15th week before the baby's due date. If an employee is sacrificing salary during this period, the SMP will be calculated on the lower amount.

To ensure that SMP is not reduced, an employee can decide to either stop the salary sacrifice and (in the case of the lease car scheme) can return the vehicle before the SMP calculation period, or keep the vehicle but transfer the salary sacrifice to a salary deduction arrangement again before the SMP calculation period.

Employees who are pregnant or expect to have a period of maternity leave should carefully consider whether to join a salary sacrifice scheme of any kind.

Occupational Maternity Pay (OMP) calculations are not affected by salary sacrifice schemes.

5.10 Ordinary Paternity Leave

5.10.1 Ordinary Paternity Leave

To qualify for Ordinary Paternity Leave, an employee must have at least 26 weeks continuous service by either:

- the end of the 15th week before the start of the week when the baby is due
- the end of the week when they are notified that they are matched with your child

An employee must also be either the:

- biological father of the child
- mother's husband or partner (including same-sex relationships)
- child's adopter
- husband or partner (including same-sex relationships) of the child's adopter

Employees who wish to apply to take ordinary paternity leave should complete the form at **Appendix 8** and send this to their manager for approval. Employees may take paid ordinary paternity leave either as

one block of 2 weeks' or two 1-week blocks (not odd days). The employee will receive Statutory Paternity Pay (SPP).

Employees are entitled to choose whether they want to start their paternity leave:

- From the date of the child's birth or the date from which the child is placed for adoption
- Or**
- If the child is born early, within a period of 56 days from the original expected date of the child's birth

Only one period of paternity/maternity support leave will be available to employees irrespective of whether or not more than one child is born as the result of the same pregnancy or more than one child is placed in adoption cases.

Paternity leave may also be taken: -

- If the baby is stillborn after 24 weeks of pregnancy
- Or**
- The baby is born at any point in the pregnancy but dies later

5.11 Shared Parental Leave

5.11.1 Shared Parental Leave (SPL)

SPL enables eligible parents whose child(ren) is due or will adopt a child on or after 5 April 2015, to choose how to share the care of their child during the first year of birth or adoption, providing parents with additional flexibility.

SPL can only be used by two people - the mother/adopter **and one** of the following:

- a) the father of the child (in the case of birth) **or**
- b) the spouse, civil partner or partner of the child's mother/adopter

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

5.11.2 SPL Entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

5.11.2 Statutory Shared Parental Pay (ShPP)

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

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

5.12 Parental Leave

A parent (father, mother or other person who has acquired formal parental responsibility for a child, as defined in the Children Act 1989) who has one year's continuous service with the Trust is entitled to apply for up to 3 months (13 weeks) unpaid parental leave.

Parents of children entitled to Disability Living Allowance under Part III of the Social Security Contributions and Benefits Act 1992 are entitled to apply for up to 18 weeks unpaid parental leave.

This leave can be taken during the period up until the child's 8th birthday, or where the child is entitled to Disability Living Allowance up to their 18th birthday, or where the child was placed with the employee for adoption, the 8th anniversary of the date on which the placement began, or the child's 18th birthday, whichever is the earlier.

The purpose of parental leave is to enable parents to care generally for their child(ren).

Employees should apply in writing to their Manager by completing the form at **Appendix 9** and giving as much notice as reasonably possible, but at least 21 days before the date they wish their leave to begin. The employee should give the following information when requesting leave:

- their responsibility or expected responsibility for the relevant child;
- the child's birth certificate, expected birth date or, in the case of a child who was placed with the employee for adoption, the date on which the placement began; and
- where the employee's entitlement depends upon whether or not the child is entitled to a disability living allowance, evidence of the child's entitlement to that allowance.

Parental Leave will be taken in blocks of time agreed with the individual's manager in light of the nature of their work and up to a maximum of 4 weeks for each individual child in any one year.

The dates of parental leave will be approved by the employee's manager, subject to service needs. The manager may exceptionally require an employee to postpone their parental leave for a period of up to 6 months, if the needs of the service require them to do so.

Within 7 days of receiving the employee's request, the manager should notify the employee in writing of the request for postponement, including the reason and the alternative dates proposed. If the proposed alternative date starts or continues after the expiry of the 8-year limit, the employee still has the right to take parental leave. The manager must amend ESR.

5.13 Childcare Vouchers

The Trust provides employees with the opportunity to purchase childcare vouchers on a salary sacrifice basis in conjunction with Imagine Co-operative Childcare.

Employees are recommended to seek early information regarding the implications of existing childcare vouchers on pay calculations.

They can be used for older children as well as pre-schoolers (up to the age of 15 or 16 with special needs) and are accepted by After School Clubs and Holiday Play schemes. They can be used to pay for any form of registered childcare.

Childcare Vouchers allow the parent to choose the kind of childcare they believe is best for their child and to change the kind of childcare they wish to use as regularly as they need.

Further information is available from the Trust's Childcare Coordinator whose details are available on the Trust Intranet at <http://chsnet/division-information/central-services/human-resources-/improving-working-lives> or who can be contacted by telephone on 0191 2831286

6 MONITORING COMPLIANCE/EFFECTIVENESS OF THE POLICY

Area for Monitoring	Method	Frequency	Responsibility	Monitoring Assurance Group	Lead for developing action plan	Group responsible for monitoring action plan
Number of staff taking maternity, adoption, paternity or adoption leave	Workforce Report	Quarterly	Deputy Director of HR	Executive Committee	Director of HR	Board of Directors

7 DISSEMINATION, IMPLEMENTATION AND TRAINING

- Dissemination to Managers via e-mail through Senior Manager Forum
- Team Brief
- Trust Intranet
- HR briefings at directorate meetings
- Grapevine newsletter

- HR Workshops
- ILM Training Programme

8 CONSULTATION, REVIEW AND APPROVAL/RATIFICATION

8.1 Consultation

Human Resources Strategy Group
Joint Consultative Group

8.2 Approval

Executive Committee

8.3 Ratification

Policy Committee

8.4 Review

Every 3 years or earlier if new legislation is introduced.

9. REFERENCES

- The Employment Act 2002
- The Employment Rights Act 1996
- The Work & Families Act 2006
- Management of Health and Safety at Work Regulations 1999
- NHS National Terms and Conditions Handbook
- Terms & Conditions of Service for Consultants 2003
- Terms & Conditions for Hospital Medical & Dental Staff 2002
- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Child and Families Act 2014
- Equality Act 2010

10. ASSOCIATED TRUST DOCUMENTATION

- Special Leave Policy
- Annual Leave Policy
- Attendance Management Policy
- Grievance Policy and Procedure
- Flexible Working Policy
- Organisational Change and Pay Protection Policy

CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**NEW AND EXPECTANT MOTHERS****RISK ASSESSMENT FORM****Hazards to be considered when carrying out a risk assessment:**

The following list gives a number of hazards that may present a higher risk to new and expectant mothers. Hazards can be divided into physical, chemical, biological and psychological. More details on general risk assessment can be found in the Health and Safety Manual.

This risk assessment is to be completed by the Manager of an employee who is:

Pregnant

New Mother

Breast Feeding

(Please tick boxes as appropriate)

The employees will need a new risk assessment at each stage of their condition.

Employee Name: _____

Job Title: _____

Ward/Department: _____

Hours of Work: _____

Assessor Name: _____

Job Title: _____

Signature: _____

Signature: _____

Date: _____

Review Date: _____

On completion of the risk assessment and any required actions, place a copy of this form in the employee's personal file.

If you require any assistance/advice with the risk assessment please contact the Health and Safety Department.

If you identify any work related health problems please refer the employee directly to the Occupational Health Department, including a copy of this risk assessment.

RISK ASSESSMENT FORM (CONTINUED)

Existing Workplace Hazard	Yes or No	Likelihood of exposure to hazard		
		Likely/ Frequent	Possible	Remote
Physical				
Shocks/vibration/excessive movement				
Manual handling				
High noise levels				
Ionising radiation				
Non-ionising radiation				
Extremes of cold or heat				
Long periods of standing				
Constraints of posture				
Psychosocial				
Stress				
Long hours/shifts/night work				
Violence				
Chemical				
Anaesthetic gases				
Cytotoxic drugs				
Biological				
Class 2, 3 and 4 agents				
Substances labelled R40, R45, R46, R60, R63, R64				
Carcinogens				
Mercury and its derivatives				
Hazardous substances easily absorbed through the skin				
Lead and its derivatives				
Ergonomic				
Visual display user				
Production Process				

If you have answered YES to any of these questions please complete the next section

GIVE DETAILS – e.g. duration of exposure, proposed action, and controls in place to minimize risk

Workplace Hazard	Recommendations, Controls in Place or Action(s) Taken

PROPOSED ACTION(S)

As a result of the risk assessment, the following action(s) are been taken:

Temporary adjustment(s) to working conditions:

Temporary adjustment(s) to working hours:

Suitable alternative work to be offered:

Suspend from work with full pay until further notice:

Comments:

Manager Signature: _____

Name: _____

Date: _____

Employee Signature: _____

Name: _____

Date: _____

CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**MATERNITY LEAVE NOTIFICATION FORM (FORM MNF)**

This form must be completed and forwarded with your **original** MAT B1 certificate to your manager as soon as possible, but not later than 21 days before the commencement of maternity leave.

PART 1 - TO BE COMPLETED BY ALL EMPLOYEES

Surname:		Forename:	
Home Address:			
Job Title:		Band:	
Ward/Department:			
Employee Number:		Directorate:	
Weekly Contracted Hours:		Date Continuous NHS Employment Commenced:	
Trust Start Date:		Expected Date of Childbirth as Confirmed by Doctor/Midwife Certificate:	

Note:

A Maternity Certificate (Form MAT B1) is valid only if the doctor's name and address are stamped in the space provided, or where issued by your midwife it states their address and registration number. The Trust cannot accept Form MAT B1 if your midwife or doctor signs it more than 20 weeks before your EWC

Expected Week of Childbirth (Should be a Sunday)	
11th Week Before Expected Week of Childbirth (Should be a Sunday)	
15th Week Before Expected Week of Childbirth (Should be a Sunday)	

MNF - PART 2

To be completed by employees intending to return to work after their maternity leave

- a) Entitlement is up to 52 weeks maternity leave.
- b) Employees with 12 months' NHS service as at 11th week before expected week of childbirth are entitled to Occupational Maternity Pay on condition that they return to work for the Trust or another NHS employer for at least 3 months after their maternity leave. If they do not do so, they must repay the difference between Statutory Maternity Pay and Occupational Maternity Pay.
- c) For members of the NHS Pension Scheme maternity leave counts as continuous service and therefore contributions are due to be paid for the whole period
- d) Various notice requirements expected of employees are outlined in this Policy. Failure to comply with these can affect an employee's right to return and payments due. All employees should therefore be clear about what is expected of them in this respect.

Number of days annual leave to be taken before maternity leave starts	
Date on which Maternity Leave is to start	
Last working day (taking into account any annual leave to be taken before maternity leave starts)	
Proposed date on which Maternity Leave is to end	
Proposed date of actual return to work (taking into account any annual leave to be taken before returning to work)	

I, the employee, have read the Trust's Parental Policy and accept the terms and conditions outlined above

Name: _____
(Employee)

Signed: _____

Date: _____

MNF - PART 3

To be completed by employees not intending to return to work after their maternity leave.

I do not intend to return to work after the birth of my child and I wish to apply for any maternity payments due to me. I understand that I am resigning from my post, have read a copy of the Trust's Parental Policy and have carefully considered all the options open to me.

Number of day's annual leave to be taken before maternity leave starts.	
Last working day (taking into account any annual leave to be taken before maternity leave)	
Date Maternity Leave to start	
Date Maternity Leave to end (this is the last official day of employment)	

Name: _____
(Employee)

Signed: _____

Date: _____

MNF - PART 4

To be completed by employees with more than 1 year’s continuous NHS service as at the 11th week before the expected date of childbirth who wish to retain the right to return to work but who wish to defer their decision on whether to return to work or not

- a) Employees taking this option will receive Statutory Maternity Pay only in the first instance. If the employee then returns to work, an allowance will be paid in 3 monthly installments following their maternity leave as per this policy.
- b) For employees who are members of the NHS Pension Scheme, pension scheme contributions will be deducted for the whole maternity leave period.
- c) Various notice requirements which are expected of staff are outlined in this Policy. Failure to comply with the notice requirements can affect an employee’s right to return. It is therefore important that employees are clear about what is expected of them in this respect.

Number of annual leave days to be taken before maternity leave commences	
Last working day (taking into account any annual leave to be taken before maternity leave)	
Date on which Maternity Leave is to start	
Proposed date on which Maternity Leave is to end	
Proposed date of actual return to work (taking into account any annual leave to be taken before return from maternity leave)	

I, the employee, have read the Trust’s Parental Policy and accept the terms and conditions outlined above

Name: _____
(Employee)

Signed: _____

Date: _____

MNF - PART 5

TO BE COMPLETED BY MANAGER

I have checked the dates given with the above employee and her entitlements to maternity leave and pay and enclose MAT B1 Certificate. (If MAT B1 not available this must be sent to the relevant Employee Services Officer as soon as possible, but should not delay the submission of this completed form).

I have discussed all options open to her, including KIT days and keeping in contact during her maternity leave.

Name: _____
(Manager)

Signed: _____

Job Title: _____

Date: _____

A copy of this form **must** be placed in the employee's personal file, please **send the original form to the relevant Employee Services Officer** as soon as possible, together with a **Contractual Changes Form** if the employee is intending to return to work after her maternity leave and a **Termination Form** if the employee is not returning to work after her maternity leave.

Note:

Managers must also send a Contractual Change Form to the HR Department when the employee returns to work, confirming the actual date of return and the hours which they will be working.

CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**MATERNITY LEAVE RETURN FORM (FORM MLR)****PERSONAL DETAILS**

Last Name:	
First Name:	
Title:	
Home Address:	
Job Title:	
Ward/Department:	
Contact Telephone Number:	
Contact E-Mail Address:	

MATERNITY DETAILS

Date of birth of child:	
Date of intending to return from maternity leave:	

Note:

You should give at least 28 days' notice of your intention to return to work. If you give less than 28 days' notice your return to work may be delayed so that 28 days' notice has been given and you will receive written notification of your effective return to work date.

Name: _____
(Employee)

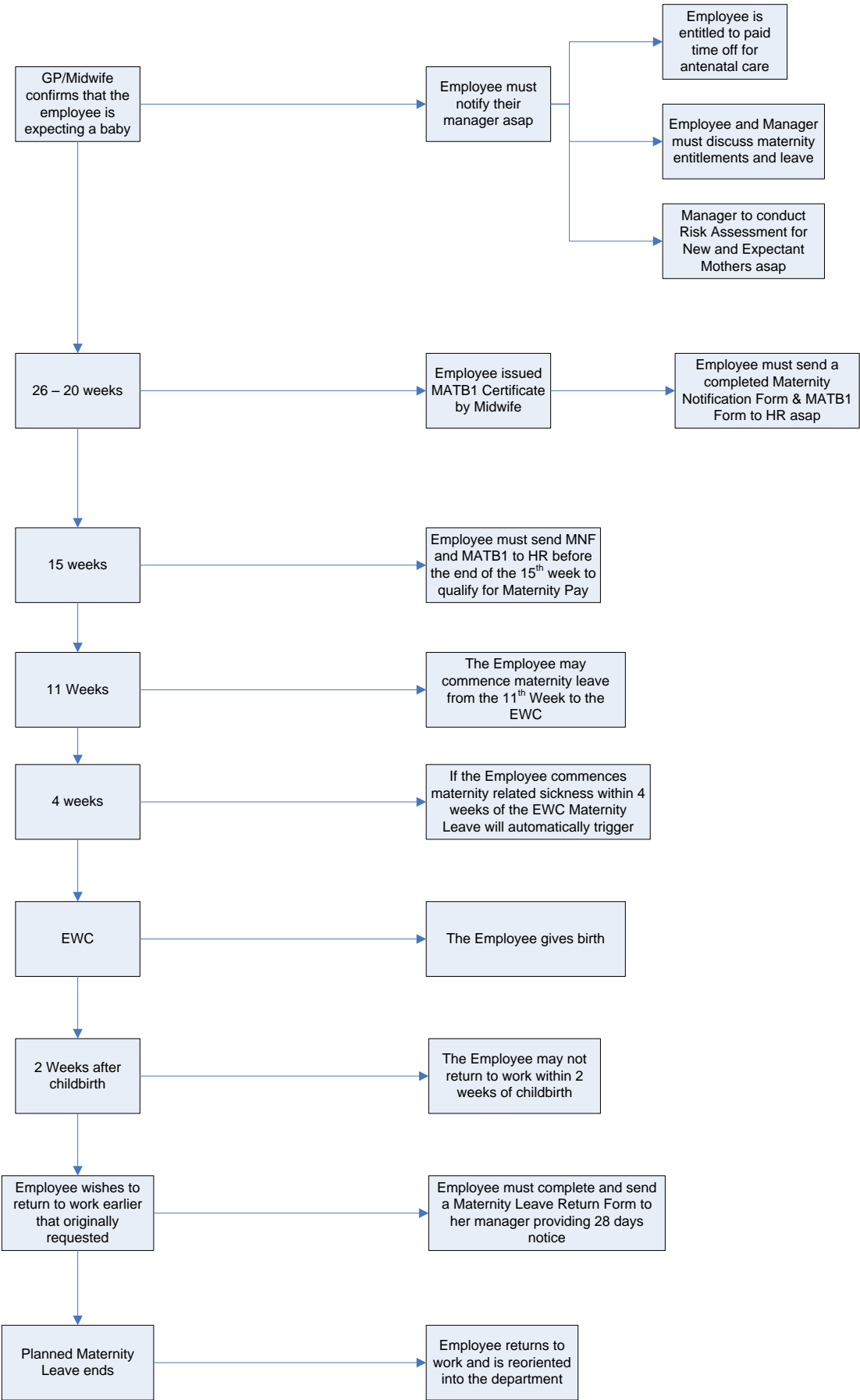
Signed: _____

Date: _____

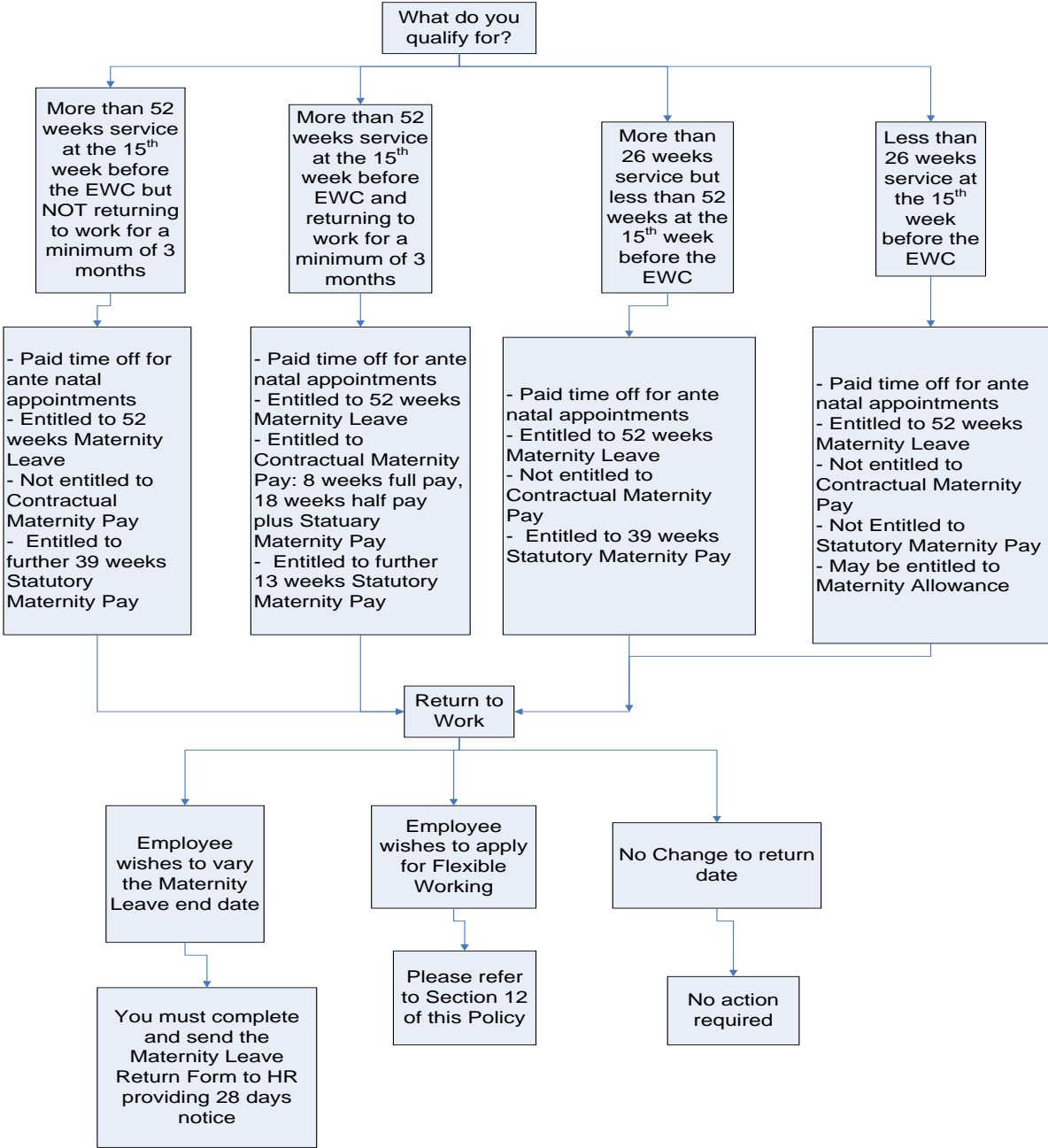
Please return this form to your manager

Manager on receipt of this form please complete a Contractual Changes Form and return to Employee Services Officer in the HR Department.

Maternity Leave Process



Maternity Benefits Entitlement Process



ADOPTION LEAVE NOTIFICATION FORM (ADNF1)

Please read the Parental Policy before completing this form and discuss your plans with your manager. You should tell him/her when you expect your leave to start and complete this form within 7 days (or 28 days if adopting overseas) of the date the adoption agency told you that you had been matched with the child, unless this is not reasonably practicable.

(28 days before leave due to start in SAP regs)

This form **must** be accompanied by a Matching Certificate OR (if adopting overseas) official notification confirming the central authority has, or is prepared to, issue a certificate confirming you are eligible to adopt and have been assessed and approved as being a suitable adoptive parent

Adoption payments can only be made when the Matching Certificate/Official Notification Document has been received.

I confirm that I will be the primary carer of a newly matched child, have read the Parental Policy and confirm the following:

PART 1**TO BE COMPLETED BY ALL EMPLOYEES**

Surname	Forename(s)	Title
Home address		
Job Title		
Ward/Department		
Directorate		
Contact Telephone Number		
Contact E-Mail Address		
Trust Start Date		
NHS Start Date		
The child is expected to be placed on		

PART 2

TO BE COMPLETED BY EMPLOYEES WISHING TO RETURN TO WORK FOLLOWING ADOPTION LEAVE

- a) Entitlement is up to 52 weeks' adoption leave.
- b) Employees with 12 months' NHS service ending with the week in which they are notified of being matched with the child for adoption are entitled to Occupational Adoption Pay on condition that they return to work for the Trust or another NHS employer for at least 3 months following adoption leave. If they do not fulfill this requirement they will have to repay the difference between the Statutory Adoption Pay and Occupational Adoption Pay.
- c) For members of the NHS Pension Scheme, adoption leave counts as pensionable service and therefore contributions are due to be paid for the whole period
- d) Various notice requirements, which are expected of employees are outlined in the Parental Policy. Failure to comply with these can affect an employee's right to return and payments due. It is therefore important that employees are clear about what is expected of them in this respect.

ORDINARY ADOPTION LEAVE (OAL)

I wish to take _____ weeks' OAL (maximum available 26 weeks).

I wish my OAL to start on: _____ and I will to return to work on:-

The expected date of placement of the child is: _____

ADDITIONAL ADOPTION LEAVE (AAL)

Please indicate if you intend to take AAL after your OAL. The maximum AAL you can take is 26 weeks.

I wish to take _____ weeks AAL after my OAL. My AAL will start on:-
_____ and I will return to work on:- _____

DECLARATION – TO BE COMPLETED BY EMPLOYEE

It is my intention to return to work at the end of my adoption leave.

My attention has been drawn to the right of the Trust to reclaim the whole or part of the non-statutory element of adoption pay if I fail to return to work and continue in employment for at least 3 months.

Name: _____
(Employee)

Signed: _____

Date: _____

PART 3

TO BE COMPLETED BY EMPLOYEES NOT INTENDING TO RETURN TO WORK AFTER THEIR ADOPTION LEAVE.

I do not intend to return to work after the adoption of my child and I wish to apply for any adoption payments due to me. I understand that I am resigning from my post, have read a copy of the Trust's Parental Policy and have carefully considered all the options open to me.

Number of days annual leave due to be taken before adoption leave	
Date on which adoption leave will start	
Last working day <i>(taking into account any annual leave to be taken before adoption leave)</i>	
Date adoption leave to end <i>(This is the last day of employment)</i>	

Name: _____
(Employee)

Signed: _____

Date: _____

PART 4

TO BE COMPLETED BY EMPLOYEES WITH MORE THAN 1 YEAR'S CONTINUOUS NHS SERVICE ENDING WITH THE WEEK IN WHICH THEY ARE NOTIFIED OF BEING MATCHED WITH THE CHILD FOR ADOPTION, WHO WISH TO RETAIN THE RIGHT TO RETURN TO WORK BUT WISH TO DEFER THEIR DECISION ON WHETHER TO RETURN OR NOT

- a) Employees taking this option will receive Statutory Adoption Pay only in the first instance. If the employee then returns to work, an allowance for CAP due will be paid in 3 monthly installments following their adoption leave.
- b) For members of the NHS Pension Scheme, adoption leave counts as pensionable service and therefore contributions are due to be paid for the whole period
- c) Various notice requirements, which are expected of staff are outlined in the Parental Policy. Failure to comply with these can affect employees' right to return to work. It is therefore important that employees are clear about what is expected of them in this respect.

No of days annual leave to take before adoption leave period	
Date on which adoption leave will start	
Last working day <i>(taking into account any annual leave to be taken before adoption leave)</i>	
Proposed date on which adoption leave will end	
Proposed date of actual return to work <i>(taking into account any annual leave to be taken before return from adoption leave)</i>	

Name: _____
(Employee)

Signed: _____

Date: _____

PART 5

TO BE COMPLETED BY MANAGER

I have checked the dates provided with the above employee and their entitlement to adoption leave and pay and enclose the relevant Matching Certificate/Official Notification.

I have discussed all options open to them.

Name: _____
(Manager)

Signed: _____

Job Title: _____

Date: _____

Please keep a copy of this form in the employee's personal file and send the original form plus Matching Certificate/Official Notification to the relevant Employee Services Officer, in the HR Department as soon as possible

Managers must also send a Non ESR MSS Change Form to the HR Department when the employee returns to work, confirming the actual date of return and the hours which they will be working. If the employee is not returning to work after adoption leave, the manager must terminate their employment via ESR MSS.

ADOPTION LEAVE RETURN FORM (ADLR2)

If you wish to request to return to work earlier than a date previously specified or you are intending not to return to work, you must give 28 days' notice by completing this form. If less than 28 days' notice is given then your return to work may be delayed so that 28 days notice has been given and you will receive written notification of your effective return to work date.

If you intend to return to work after your adoption leave, you do not need to give formal notice of your return, but should keep your manager informed of your intentions

PERSONAL DETAILS

Surname		Forename(s)		Title	
Home address					
Job Title					
Ward/Department					
Contact Telephone Number					
Contact E-Mail Address					

ADOPTION DETAILS

Date child was adopted	
Date of intended return from adoption leave	

Name: _____
(Employee)

Signed: _____

Date: _____

**All completed forms should be returned to
Employee Services Officer, HR Department, Sunderland Royal Hospital,
Kayll Road, Sunderland, SR4 7TP**

CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**ORDINARY PATERNITY LEAVE FORM**

Please refer to Section 5 of the Parental Policy to check your eligibility to apply.

Surname:		Forename:	
Home Address:			
Job Title:		Band:	
Ward/Department:			
Employee Number:		Directorate:	
Date Continuous NHS Employment Commenced:		Trust Start Date:	
Expected Date of Childbirth as Confirmed by Doctor/Midwife Certificate:		If the baby has been born, the actual date of birth:	

In cases of Adoption:

Date adopter advised of being matched with child:	
Expected date of placement:	
Or, if the child has been placed, date of placement:	

Dates of Ordinary Paternity Leave:

I would like my ordinary paternity leave and pay to start on:	
I want to be away from work for:	<input type="checkbox"/> One Week <input type="checkbox"/> Two Weeks

Declaration:

<input type="checkbox"/>	I am: <ul style="list-style-type: none">- the baby's father, or- married to or in a civil partnership with the mother/adopter, or- living with the mother/adopter in an enduring family relationship, but am not an immediate relative
<input type="checkbox"/>	I will have responsibility for the child's upbringing
<input type="checkbox"/>	I will take this period of time off work to support the mother/adopter or care for the child

Employee's Signature:	
Date:	

Please pass this form to your manager for authorisation.

Manager's Signature:	
Date:	

Please send this Form to the Employee Services Team in the Human Resources Department.

CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**SHARED PARENTAL LEAVE FORM****PART 1: Your details**

Surname:		Forename:	
Home Address:			
Job Title:		Band:	
Ward/Department:			
Employee Number:		Directorate:	
Date Continuous NHS Employment Commenced:		Trust Start Date:	
Expected Date of Childbirth as Confirmed by Doctor/Midwife Certificate:		If the baby has been born, the actual date of birth:	
Start and end dates of any maternity/adoption leave and pay taken:		Total amount of Shared Parental Leave available:	

In cases of Adoption:

Date adopter advised of being matched with child:	
Expected date of placement:	
Or, if the child has been placed, date of placement:	

Details of Shared Parental Leave (SPL):

Are you the mother/primary adopter?	Yes / No
Name of other parent:	

Dates of the amount of SPL you intend to take:	
Dates of the amount of SPL the other parent intends to take:	
Amount of SPL remaining (this is 50 weeks minus number of weeks maternity/adoption leave taken):	weeks
Amount SPL you intend to claim:	weeks
Amount of SPL the other parent intends to claim:	weeks
Do you hold a Certificate of Sponsorship?	Yes / No
Do you have any salary sacrifice arrangements?	Yes / No If yes please detail

Dates of paid annual leave to be taken before and/or after SPL leave (in agreement with your line manager)		
Before SPL	From:	To:
After SPL	From:	To:
<i>It is your responsibility to ensure that all accrued annual leave is taken prior to commencing, if this is not possible you will be required to take it directly at the end of the SPL.</i>		
<i>If during your SPL, you change your mind about when you intend to return to work, you must give us at least 8 weeks' notice of your new intended date of return.</i>		

Employee Declaration:

<input type="checkbox"/> I am: <ul style="list-style-type: none"> - the baby's father, or - married to or in a civil partnership with the mother/adopter, or - living with the mother/adopter in an enduring family relationship, but am not an immediate relative
<input type="checkbox"/> I will have responsibility for the child's upbringing
<input type="checkbox"/> I will take this period of time off work to support the mother/adopter or care for the child

Declaration (continued)

I wish to apply for Shared Parental Leave (SPL) and/or pay and confirm that I meet, or will meet the eligibility conditions and am entitled to take SPL and/or Shared Parental Pay (ShPP). I confirm the information I have given is accurate and that should I cease to be eligible for either SPL or ShPP I will immediately inform the Trust. I understand the information contained in this form is binding except in exceptional circumstances.

Signed: Date:

Please now ensure your partner completes the form and declaration below

PART 2: Partner's declaration

Surname or family name:	
First Name:	
Home Address:	
National Insurance Number:	
Are you the:	Mother/adopter of the child () Father of the child or () Spouse, civil partner or partner of the mother/adopter ()
Name and business address of your Employer:	
Date you intend to return to work:	
Have you, in the 66 weeks leading up to the baby's expected due date/expected date of child birth, worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks?	Yes / No
Did you, on the date of the child's birth or placement for adoption, have the main responsibility for the child, along with the employee named in Part 1?	Yes / No

Declaration of Partner:

I confirm that the above information is correct. I confirm that I had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the named applicant above and that I consent to the amount of Shared Parental Leave and the above employee intends to take. I consent to the Trust processing the information contained within this form. I agree to the above named employee claiming shared parental pay and for the Trust to process any shared parental pay payments to the above named employee.

In the case where the partner is the mother/adopter: I will immediately inform the above named employee should I cease to satisfy the eligibility conditions and I can confirm I have reduced my maternity/adoption pay or maternity allowance.

Signed: Date:

Please pass this form to your line manager and attach a copy of your child's birth certificate.

Manager's Signature:	
Date:	

Please send this form to the Human Resources Department, Trust Headquarters, Sunderland Royal Hospital, Kayll Road, Sunderland, SR4 7TP.