

MATERNITY, PATERNITY & ADOPTION LEAVE

This Policy is designed to help employees understand their entitlement to Maternity, Paternity & Adoption leave. The document applies to all Kingston Hospital Foundation Trust employees and meets all existing maternity related legislations covered under section 15 of the NHS Terms and Conditions Handbook.

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INTRODUCTION

This Policy is designed to help you to understand your entitlement to maternity, paternity and adoption leave and pay, to explain what you need to do to ensure that you get your entitlements and to answer any questions that you may have. If you have any questions that this guide does not cover, please contact the AskHR Team.

1. POLICY STATEMENT

If an employee is pregnant there are a number of steps the Trust must take to ensure that the member of staff receives the correct information and entitlements regarding maternity leave and pay; and to ensure the employee is supported during their pregnancy, throughout their maternity leave and when they return to work. There are a number of choices the member of staff will need to make at work regarding their pregnancy and their maternity leave and pay. This policy and associated procedures set out the arrangement for financial support and leave arrangements for members of staff who are pregnant; wish to take paternity leave and adopt.

2. OBJECTIVES

- Set out the statutory provision for maternity, paternity and adoption leave.
- Set out the way in which this provision is managed by the Trust.
- Provide guidance on safer working for pregnant staff and those returning following maternity leave.
- Provide a resource of information for employees and managers on help and support for staff who are expecting or planning to adopt.

3. TRUST POLICY EQUALITY STATEMENT

The Trust is committed to promoting equality, valuing diversity and protecting Human Rights and is committed to eliminating discrimination against any individual on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, as well as to promote positive practice and value the diversity of all individuals and communities.

4. SCOPE

This policy applies to all Trust employees on permanent and fixed term contracts who are expecting a baby or adopting a child and meets all existing maternity, paternity, and equalities legislation as outlined in section 15 of the Agenda for Change - NHS Terms and conditions handbook 1/2010.

5. DEFINITIONS

EDC	Expected date of childbirth
EWC	Expected week of childbirth
MAT B1	Maternity certificate confirming expected date of childbirth (available from GP or midwife around 20 th week of pregnancy)
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay
MA	Maternity Allowance
OML	Ordinary Maternity Leave
AML	Additional Maternity Leave

6. ROLES AND RESPONSIBILITIES

Human Resources

HR is responsible for providing help, advice and support to managers and staff under this Policy.

The AskHR team will support managers with the administration of maternity, paternity and adoption leave notifications. The AskHR team will process maternity, paternity and adoption leave paperwork and provide staff with their entitlement letter.

Employee

Employees who wish to access statutory maternity, paternity or adoption leave are required to inform their manager within time scales set out in this Policy

Managers

Managers are required to adhere to the procedures set out in this Policy to ensure that staff receive appropriate help and support both during pregnancy, during their agreed leave and to assist them to return to work. Managers are required to carry out a pregnancy risk assessment form once they have been notified of a pregnancy.

Payroll

Payroll is responsible for processing maternity, paternity and adoption leave pay.

PROCEDURES RELATING TO MATERNITY AND ADOPTION LEAVE

8. GIVING NOTICE FOR YOUR MATERNITY / ADOPTION LEAVE

7.1 To qualify for paid and unpaid maternity / adoption leave you should notify your line manager and your AskHR team no later than the end of the 15th week before the expected week of childbirth (EWC) / placement, which is known as the "qualifying week", of:

- Your intention to take maternity / adoption leave
- The intended start date of your maternity / adoption leave
- That you intend to return to work with Kingston Hospital NHS Foundation Trust or another NHS employer for a minimum period of three months after your maternity leave has ended, where Occupational Maternity Pay is due
- Your MATB1 form from your midwife or GP giving the expected date of childbirth.

7.2 If you are not able to give the required notice as above, you should give it as soon as reasonably practicable. Your line manager may delay the start date of your maternity leave and pay (if applicable) if you do not provide the above notice or a reasonable explanation for failure to provide the same. This will not affect the amount of maternity leave or pay you will be entitled to.

8. RIGHT TO MATERNITY / ADOPTION LEAVE FOR 52 WEEKS

You are entitled to 52 weeks' maternity leave, irrespective of the length of your continuous service. This is made up of 26 weeks' Ordinary Maternity Leave, followed by 26 weeks' Additional Maternity Leave. You are required to take a minimum of 2 weeks' compulsory maternity leave starting on the day on which childbirth occurs.

9. RIGHT TO RETURN ON CURRENT TERMS & CONDITIONS

Following maternity / adoption leave you are entitled to return to your current job under your original contract or, if this is not possible, to a suitable alternative post on no less favourable terms and conditions.

10. PAY

10.1 Maternity / adoption pay can be made up of both Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP).

10.2 The amount and type of maternity / adoption pay to which you are entitled will depend on your continuous service within the NHS and Kingston Hospital and whether or not you intend to return to work. The flowchart attached to this policy (Appendix 1) will help you to work out your entitlements. See section 9 for full details of how maternity pay is calculated.

11. TIME OFF FOR ANTENATAL APPOINTMENTS

You are entitled to reasonable time off for appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. You must show your manager, on request, a certificate confirming you are pregnant and an appointment card or similar showing an appointment has been made. Antenatal care may include medical appointments, parenting classes, antenatal classes, relaxation classes etc. They do not need to be held / run by a clinical practitioner.

12. STATUTORY MATERNITY PAY (SMP)

- 12.1 Statutory Maternity Pay (SMP) - SMP is provided by the Department of Work and Pensions (DWP) and is paid to you directly through Payroll.
- 12.2 You will receive SMP for 39 weeks if you:
- Have been continuously employed by Kingston Hospital NHS Foundation Trust for a period of at least 26 weeks by the qualifying week, which is the 15th week before the expected week of childbirth (EWC).
 - Earn enough to pay National Insurance contributions.
 - Have given your manager notification of your intentions (see Section 7).
- 12.3 The rate of SMP is 90% of your average weekly earnings for the first six weeks, and the lesser of the lower rate SMP or 90% of your average weekly earnings for a further 33 weeks.
- 12.4 SMP is only payable when you are absent from work. This does not include Keeping in Touch days (see section 19).
- 12.5 Work on the Trust Bank is permitted during unpaid maternity leave (once SMP entitlement is exhausted) but would not normally exceed one shift/day per week.
- 12.6 If you are not entitled to SMP but meet the qualifying conditions based on your recent employment and earnings record, you may be able to claim 39 weeks' Maternity Allowance (MA) from the Department for Work and Pensions/Jobcentre. The AskHR team will provide you with an SMP1 form to enable you to claim this allowance. MA is 90% of your average weekly earnings, up to a maximum of the current rate of SMP.

13. OCCUPATIONAL MATERNITY PAY (OMP)

- 13.1 OMP is paid in accordance with the rules laid down in Section 15 of the NHS Terms and Conditions of Service Handbook (previously known as Agenda for Change Terms and Conditions of Service Handbook), and the Medical & Dental Terms and Conditions.
- 13.2 To qualify for OMP you need to have one year's continuous NHS service at 11 weeks before your EWC.

14. ENTITLEMENT TO OMP UNDER AGENDA FOR CHANGE OR MEDICAL AND DENTAL TERMS & CONDITIONS

- 14.1 You will receive full pay for the first eight weeks of your maternity / adoption leave. This will include any SMP to which you are entitled, but will not exceed your usual full pay.
- 14.2 For the next 18 weeks of maternity / adoption leave, you will receive half of full pay, plus any SMP to which you are entitled, provided that the total receivable does not exceed full pay.
- 14.3 For the next 13 weeks you will receive lower rate SMP. The subsequent 13 weeks of maternity / adoption leave will be unpaid.

15. HOW IS MATERNITY / ADOPTION PAY CALCULATED?

- 15.1 The maternity pay (SMP and OMP) which you receive is calculated by averaging your total pay (gross earnings) over an 8 weeks period. The reference period used by the Payroll Department will be the 8 weeks which precede the 15th week before your EWC. If you are due an increment or pay award then this will be taken into account.
- 15.2 If you are in a salary sacrifice scheme you are advised to decide by week 12 of your pregnancy whether to stay in the scheme or to leave, as you must withdraw from the scheme by week 17 of your pregnancy to avoid reduced maternity pay. Remaining in the scheme will mean a reduced maternity pay but ongoing childcare savings. For more information please refer to the Trust's salary sacrifice policy on the Trust Intranet, or contact the Payroll Department.

16. WHEN DO I START MY MATERNITY / ADOPTION LEAVE?

- 16.1 The earliest that you can normally start your maternity leave is 11 weeks before your EWC. However, there are exceptions as follows.
- 16.2 If your baby is born before you intended to commence your leave, your maternity leave and pay will commence the day after the birth of your baby. You must notify your Manager as soon as is reasonably practicable of the date of birth
- 16.3 The earliest that you can normally start your maternity leave is 11 weeks before your EWC. However, there are exceptions as follows.
- 16.4 If your baby is born before you intended to commence your leave, your maternity leave and pay will commence the day after the birth of your baby. You must notify your Manager as soon as is reasonably practicable of the date of birth.
- 16.5 If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before the EWC, but before the date you intended to commence your leave, your maternity leave period begins automatically on the day after the first day of absence. You must notify your Manager as soon as possible that you are absent from work wholly or partly because of pregnancy-related illness and of the date on which your absence for that reason began.

17. THE MATERNITY / ADOPTION PROCEDURE – WHAT DO I NEED TO DO?

- 17.1 This procedure explains what you need to do to ensure that you receive your maternity pay/leave entitlements and that your maternity leave is organised properly within your department.
- 17.2 It is helpful and recommended that you notify your manager as soon as possible that you are pregnant and of the EWC
- 17.3 Your manager will need to conduct a pregnancy workplace risk assessment to ensure your continued health and safety during your pregnancy (Appendix 6). If a potential risk is identified your manager will refer you to Occupational Health & Wellbeing for advice. Although there are no specific risks from working at night, individual conditions of work and health may need to be taken into account. Further advice regarding the suitability of night work may be sought by your manager from Occupational Health & Wellbeing.

- 17.4 It is also advisable to discuss arrangements for your return from maternity leave with your manager as soon as possible. If you intend to seek reduced hours after your return from maternity leave it is helpful to discuss this with your manager before commencing maternity leave. You are not required to confirm your exact return date prior to commencing your maternity leave.

18. APPLICATION FOR MATERNITY / ADOPTION LEAVE / PAY

- 18.1 You need to inform your line manager that you will be applying for maternity leave/pay no later than the end of the 15th week before the week your baby is due, or as soon as is reasonably practicable.

Download and complete an Application for Maternity Leave form (Appendix 3), giving your current post, contact details and your start date for maternity leave. This form should be given to your line manager with your MATB1 form, which is the certificate confirming your pregnancy and the expected date of the birth (also known as Expected Date of Confinement). Your doctor or midwife will give this date to you by your 26th week of pregnancy.

- 18.2 Once your completed application form and MATB1 certificate are received in the Human Resources Department a member of the AskHR team will write to you within 28 days, confirming your entitlements and your latest date to return to work. If you plan on leaving your employment with the Trust prior to the commencement of your maternity leave, or not returning to the Trust following your maternity leave, you should contact the AskHR team as soon as practicable to discuss what entitlements and pay you may be eligible to receive. Written confirmation will be sent by email to you within 28 days of receipt of your completed application and a valid MATB1 form, and copied to your line manager and the payroll department. Your MATB1 form will be returned to you.
- 18.3 Any changes to your maternity leave dates should be provided to your manager with 28 days' notice before the date originally notified or the new date, whichever is earlier.

19. 'KEEPING IN TOUCH' DAYS

- 19.1 To support occasional training, or help keep in touch without losing SMP, 'Keeping in Touch' (KIT) days are available to take during maternity leave. These KIT days allow your manager and you to make occasional, reasonable contact during a maternity period. They can be used to work for the Trust for up to ten days, by mutual agreement with your manager, without losing SMP. Any days of work will not extend the maternity leave period, KIT days are intended to facilitate a smooth return to work from maternity leave.
- 19.2 The employee will be paid at their basic daily rate for the hours worked. Working for part of any day will count as one KIT day.
- 19.3 Examples of a KIT day could be to attend training or refresher courses, consultation meetings, or to ease your return to work. Important points to note include the following:
- Working for part of any day will count as one KIT day.
 - The decision to undertake a KIT day must be made by agreement between you and your manager.
 - This provision does not apply during the two week period commencing on and including the day on which childbirth occurs.

- The KIT day will not bring your maternity leave to an end and any such days of work will not extend the maternity leave period.
- The Trust has no right to demand that you undertake any such KIT work and you cannot insist that you undertake such work.
- You will be paid at your basic rate for the hours worked, less appropriate maternity leave payment for KIT days worked.
- If you are breastfeeding you must be risk assessed before working a KIT day.
- Payment for KIT days are made in the first salary after your return to work.

20. LEAVE ENTITLEMENTS DURING MATERNITY / ADOPTION LEAVE

- 20.1 You will continue to accrue both annual leave and bank holiday entitlement during both paid and unpaid maternity leave.
- 20.2 All maternity leave counts as 'service' for the purpose of satisfying the service qualification for entitlement to additional leave based on years of service.
- 20.3 Your annual leave entitlement will remain the same as if you continued working. You may take annual leave prior to commencement of your maternity leave but, as with all annual leave, this is at the discretion of, and must be authorised by, your manager. You cannot take annual leave during your maternity leave.
- 20.4 Annual leave and bank holiday entitlement accrued during maternity leave, and any untaken leave accrued prior to maternity leave and carried over to the following leave year, should normally be taken immediately at the end of your maternity leave. This must be authorised by your manager.
- 20.5 If a change in the number of hours you work has been agreed on your return from maternity leave, the majority of annual leave and bank holiday entitlement accrued during maternity leave should be taken before any such change can be implemented. Any new working pattern would take effect after the accrued leave is taken, and a new annual leave entitlement (if applicable) would be calculated from the effective date of the change.

21. SICKNESS ABSENCE DURING PREGNANCY

- 21.1 If you are sick with a non-pregnancy-related illness during your pregnancy but before the date that you have agreed to commence your maternity leave, then normal sick pay arrangements will apply.
- 21.2 You need to advise your manager as soon as possible in the event of pregnancy-related illness. Pregnancy related sickness absence will not result in action under the Trust's Sickness Absence Policy and Procedure, nor will it be used to the detriment of the employee.
- 21.3 If you are sick with a pregnancy-related illness before the date that you have agreed to commence your maternity leave and prior to the 4th week before your EWC then normal sick pay arrangements will apply.
- 21.4 If you are absent from work wholly or partly because of your pregnancy, your maternity leave will start automatically at the 4th week before your EWC (expected week of confinement).
- 21.5 There is no need to report any sickness during the period of your maternity leave (either paid or unpaid).

22. RETURN TO WORK

If you have indicated that you will be returning to work, your manager will assume that you are taking your full maternity leave entitlement (52 weeks) unless they are notified otherwise. You must give at least 28 days' (4 weeks) notice in writing of your return date. This is to give reasonable notice of your intended return date to enable arrangements for your return to be made.

23. PROCEDURE FOR PATERNITY LEAVE

This applies to:

- The biological father of the child.
- Mother's husband or partner (including same-sex relationships).
- Nominated carer.

Employees have a right to take up to 2 weeks Paternity Leave on the birth of a child, or placement of a child for adoption.

24. ELIGIBILITY

You must be the father of the child (including adoptive fathers), the mother's husband or partner (whether opposite or same sex), or nominated carer.

25. THE ENTITLEMENT

25.1 Paid Paternity Leave

In order to be eligible for occupational pay you must have 12 months' continuous NHS service at the beginning of the week in which the baby is due.

If you are not eligible for occupational Paternity pay you may be entitled to Statutory Paternity Pay (SPP), i.e. if you do not have twelve months' continuous NHS service, but have worked continuously for Kingston Hospital NHS Trust for 26 weeks ending with the 15th week before the baby is due.

25.2 Unpaid Paternity Leave

Employees who do not satisfy the above requirements will be entitled to take up to two weeks unpaid paternity/partner leave.

You can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

Leave may start:

- from the date of the child's birth (whether this is earlier or later than expected)
or
- from a chosen number of days or weeks after the date of the child's birth. Leave can start on any day of the week on or following the child's birth but must be completed:
- Within 8 weeks (56 days) of the actual date of birth of the child or

If the child is born early, within the period from the actual date of birth up to 8 weeks (56 days) after the first day of the expected week of birth.

Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

This period may be extended by a further one week's (maximum) paid leave in cases of particular distress, e.g. serious illness of the mother or child, depending on the individual circumstances.

26. NOTICE REQUIREMENTS

Employees planning to take Paternity Leave must meet with their manager and inform the AskHR team of their intention to take Paternity Leave by the end of the 15th week before the baby is expected, unless this is not reasonably practicable. They will need to know:

- The week the baby is due
- Whether you wish to take one or two weeks' leave
- When you want your leave to start

You can change your mind about the date on which you wish your leave to start providing you give at least 28 days' notice (unless this is not reasonably practicable).

27. SELF-CERTIFICATE

You must provide HR with a completed self-certificate as evidence of your entitlement to Paternity Leave and Pay. A self-certificate is attached to this policy (Appendix 4) or may be downloaded from the Intranet.

28. PAYMENT

Payment will be for one or two consecutive weeks as you have chosen. Your pay will include any SPP to which you are entitled. The rate of SPP is the same as for SMP.

Employees who have average weekly earnings below the Lower Earnings Limit for NI purposes will not qualify for SPP.

29. RETURN TO WORK AFTER PATERNITY LEAVE

You are entitled to return to the same job following Paternity Leave and will be protected from suffering unfair treatment, detriment or dismissal for taking, or seeking to take Leave.

30. PROCEDURE FOR PATERNITY LEAVE AND PAY FOR ADOPTION

The provisions in respect of Paternity Leave for adoption are similar to the general provisions for Paternity Leave but make specific provisions for adoption arrangements as opposed to childbirth. It applies to the husband or partner (including same-sex relationships) of the child's adopter. Details are as follows:

30.1 Notice Requirements

Employees planning to take Paternity Leave must meet with their manager and inform their HR of their intention to take Paternity Leave and must give 7 days' notice within 7 days of being notified of the match or where this is not possible as soon as reasonably practicable. Any changes to the intended leave will require notification to your manager 28 days in advance.

30.2 Self-Certificate

You must give your HR a completed self-certificate as evidence of your entitlement to Maternity Support Leave and Pay (statutory and occupational). A self-certificate is attached to this policy (Appendix 5) or may be downloaded from the Intranet.

31. CONTACT DETAILS

AskHR:	020 8973 5392
Bank Partners	0333 577 3411
Payroll Helpdesk	020 8973 5338
Payroll/Pensions Officer	020 8973 5339

32. USEFUL LINKS

<http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/statutory-maternity-pay-smp/>

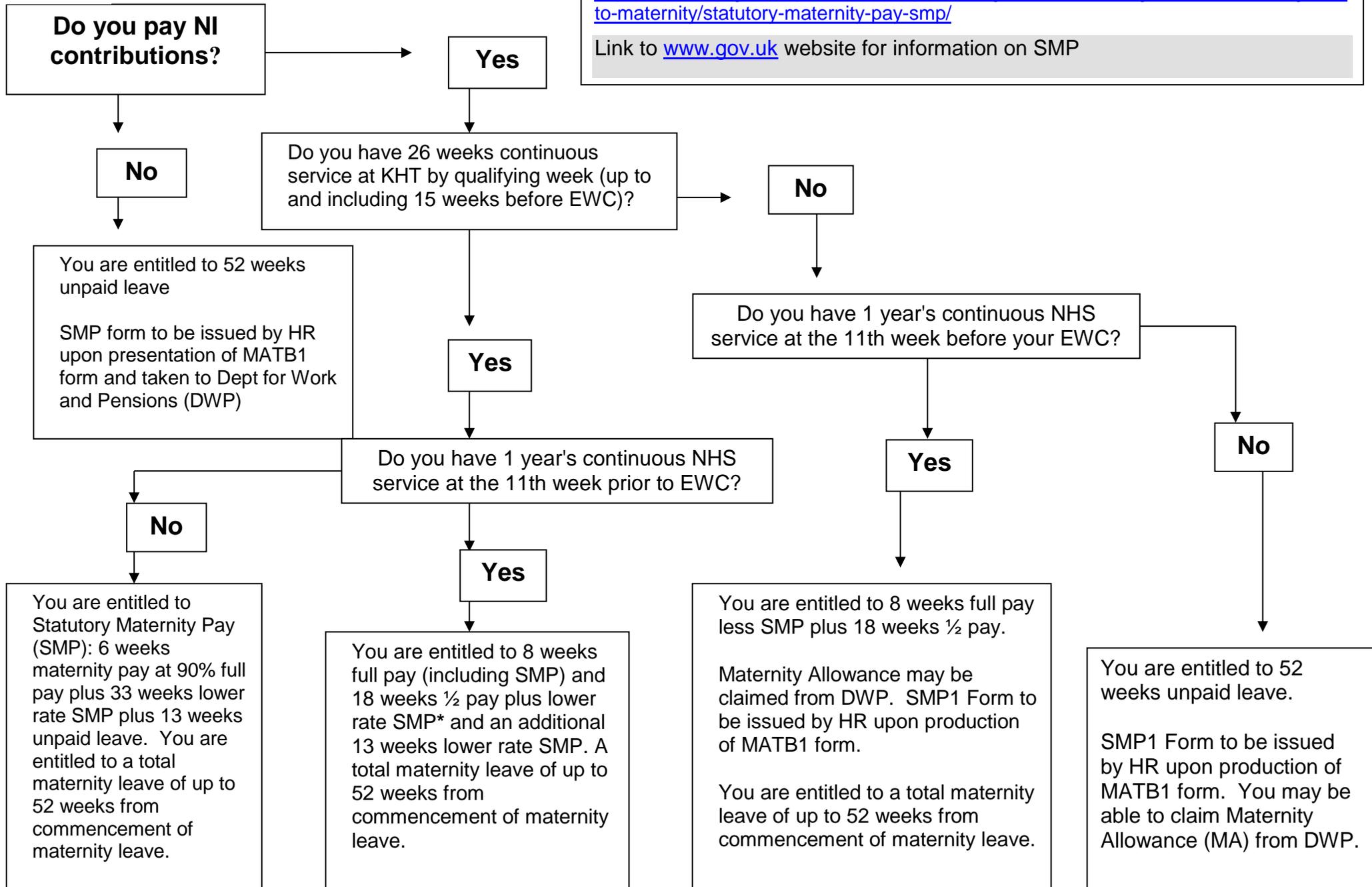
<http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/workandfamilies/index.htm>

www.gov.uk

APPENDIX 1

<http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/statutory-maternity-pay-smp/>

Link to www.gov.uk website for information on SMP



APPENDIX 2

Frequently Asked Questions

- **What happens in the event of a stillbirth or miscarriage?**

If you miscarry earlier than the 24th week of pregnancy normal sick leave provisions will apply.

If you have a stillbirth from the 24th week of pregnancy onwards, or if you have a live birth at any time in your pregnancy and the baby subsequently dies you will be eligible for maternity leave and pay in the usual way.

In the event of distressing circumstances we would encourage you to make use of the Trust's Employee Assistance Programme, details of which can be found on the Intranet or via the Occupational Health Department.

- **What about the health and safety of me and my unborn baby during pregnancy?**

Under Health and Safety legislation, it is the responsibility of your manager and the Trust, with your co-operation, to ensure the health and safety of you and your unborn baby during your pregnancy. Your manager, with advice from the Occupational Health & Wellbeing Department if necessary, will assess the workplace risks to you and your unborn baby's health and safety.

As a result of this you may be asked to take additional protective measures. This may involve wearing additional protective clothing or it may mean you have to stop carrying out certain aspects of your job. In some rare circumstances this may also require you to change your hours of work to avoid risks. Any change will be for the safety of you and your unborn baby and it is important that you follow your manager's instructions and advice, if sought, of the Occupational Health Department.

In very rare circumstances the duties of your job may be such that for the safety of you and your unborn baby, it may be necessary for you to be offered suitable alternative employment for a temporary period up until your maternity leave commences.

- **What happens to my pension during maternity leave?**

If you are paying into the NHS Pension Scheme, your pension contributions will continue at the same rate and will be deducted from your maternity pay. However, when your maternity pay ends and you go onto unpaid maternity leave then your employee pension contributions will stop. During unpaid maternity leave the employer's contribution will continue to be paid and arrears of your employee contributions will accumulate.

When you return to work these arrears will be deducted from your pay; the repayments are calculated on your pay immediately prior to commencing unpaid maternity leave. They will be collected over the same time scale as they built up, e.g.: if you are on no pay for three months, the accumulated arrears will be deducted over the three months following your return to work. If this creates financial difficulties please contact the Payroll Manager to discuss alternative methods of repayment.

If you have an added year's contract then during any periods of no pay your arrears for the added years will continue to be calculated on your pensionable pay prior to the commencement of your maternity leave.

By maintaining your pension contributions for the whole of the maternity leave period your Life Assurance and your pension will be protected at your normal rate of pay. These repayments are compulsory unless

you choose to opt out of the pension scheme; if you choose to do so please contact the Payroll/Pensions Officer.

If you require any further information please contact the Payroll/Pensions Officer via the Payroll Helpdesk.

If you are paying into a private pension scheme, it is advisable to check the impact your maternity leave may have on the policy at the earliest possible opportunity.

- **What if I do not wish to return to work after maternity leave?**

You are required to provide your normal period of notice in writing if you do not intend to return to work after your maternity leave.

Your continuous service with the Trust will be extended to reflect your entitlement of 52 weeks' maternity leave as from the commencement of your maternity leave.

- **What happens if I change my mind about returning to work?**

If, having indicated that you intend to return to work following maternity leave, you subsequently decide not to do so, it is essential that you notify your manager and the AskHR team of your resignation in writing as soon as possible, giving your normal notice period, in accordance with your Statement of Terms and Conditions of Employment.

There is a considerable difference in your entitlement to maternity pay and leave depending on whether you return to work with Kingston Hospitals NHS Foundation Trust or another NHS employer within 15 months of the commencement of your maternity leave or not. If you received OMP then you will be required to repay the OMP less any SMP received. If you are able to alert your manager and the AskHR team in writing before all your maternity pay is paid then this may reduce the amount of money that you need to pay back.

Please note that returning to work on a Bank Register will not be recognised as a return to work for this purpose.

- **What if I want to change my hours on return from maternity leave?**

You have the right to return to work on your current hours (see Section 6.1).

However, you have the right to request flexible working patterns. You should apply for flexible working arrangements in writing, in accordance with the Trust's Work-Life Balance Policy, which is available on the Intranet. Flexible working is at the discretion of your manager and will be dependent on the needs of the service, but you will be required to work a minimum of one shift/day per week.

- **What if I am still breastfeeding when I return to work?**

You should let your manager know in writing if you are planning to breastfeed when you return to work. Ideally you should do this before you return so that your manager has time to plan.

Your manager should carry out a risk assessment to identify risks to you (as a breastfeeding mother) or to your baby, and make alternative arrangements for you if necessary. Your manager will also ensure that you take your rest periods in an appropriate place that is suitable for breastfeeding, or expressing breastmilk. Toilets are not suitable areas for this purpose.

- **What if I become pregnant during my maternity leave?**

If you become pregnant during your maternity leave, you must notify your manager and the AskHR team of this in accordance with Section 4 of this guidance. If a subsequent period of maternity leave were to begin either during or at the end of your current maternity leave, your rights on your eventual return would be the same as they would have been had you taken a single period of maternity leave.

- **What if I am on a fixed-term or training contract?**

If you are on a fixed-term or training contract which expires after the 11th week before the expected week of childbirth, your contract will be extended to allow you to receive 52 weeks' maternity leave and you will receive any occupational and statutory maternity pay to which you are entitled. Absence on maternity leave (paid and unpaid) will not constitute a break in service. If there is no right of return because your contract would have ended if pregnancy and childbirth had not occurred, you will not be required to repay your occupational maternity pay.

- **What is the minimum period that I must return to work for, so that I do not have to repay the occupational element of my maternity pay?**

You will need to return to work in the NHS in a substantive post for a minimum of three months commencing within 15 months of the beginning of your maternity leave. This can be with the Trust or a different NHS employer.

- **What happens if I leave and go to work for another NHS Organisation?**

If you work for another NHS Organisation in a substantive post for a minimum of three months commencing within 15 months of commencing your maternity leave then you will be paid maternity pay on the same basis as if you had returned to your previous post at the Trust. You will be required to send in a copy of your contract or letter confirming your commencement date with the new Organisation within that 15 month period otherwise you will be asked to pay back the difference in your entitlements.

- **What are my entitlements if I am adopting a child?**

You are entitled to adoption leave and pay where a child is matched and placed for adoption within the UK. You may also be entitled to adoption leave and pay where a child is adopted from overseas, although the details may depend on your individual circumstances. Adopters must adopt via an approved adoption agency and those adopting from overseas will need a certificate of approval from the Secretary of State for Health. Where the child is below the age of 18 adoption leave and pay will be in line with the maternity leave and pay provisions set out in this guidance. To qualify for entitlement to adoption leave and pay, you must be newly matched with a child for adoption by an adoption agency. Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children. Please refer to the Trust's Work Life Balance Policy for further details of eligibility and entitlements.

- **What if I have a Surrogacy Agreement?**

If you enter into a legal surrogacy arrangement, once the legal process has commenced your eligibility and entitlements will be the same as for adoption leave. Adoption/surrogacy leave and pay is available to one member of a couple where a couple jointly adopt. The other member of the couple may be entitled to Maternity Support Leave and pay.

- **What is Maternity Support Leave?**

Maternity Support Leave (known as **Paternity/Partner Leave**) applies to biological and adoptive fathers, nominated carers and same-sex partners. Employees have a right to take up to two weeks' Maternity Support Leave on the birth of a child, or placement of a child for adoption. The father of the child, or the mother's partner, is also entitled to unpaid leave to attend up to 2 antenatal appointments. Please refer to Section 2 of the Policy.

- **What is Share Parental Leave?**

This is the right of eligible parents to jointly share up to 52 weeks of leave and pay (less any maternity leave and pay already taken), within the first year of the baby's birth, or the first year of adoption. This applies to fathers, or partners of mothers of children, or a joint adopter. Please refer to the Trust's Shared Parental Leave Policy for further information.

- **What is Parental Leave?**

Parental leave offers you the right to take unpaid time off work to spend more time with your child. You can request to take parental leave if you have been employed at Kingston Hospital NHS Trust for a minimum of one year, and share parental responsibility for the child. You can take a maximum of 18 weeks in total up to your child's 18th birthday with a maximum period of four weeks in any year. The leave must be taken in blocks of one week, except at the discretion of your manager or where the child is entitled to Disability Living Allowance, in which case it can be taken in days. You must put a request for Parental Leave in writing to your manager with a least twenty-one days' notice. The Trust is entitled to postpone leave for up to six months (unless this would pass the date of the child's 18th birthday) if it considers that the taking of this leave would be unduly disruptive to the operation of business. Please refer to the Work Life Balance Policy for details.

- **What happens to my annual increment during maternity leave?**

Maternity leave counts as service for the purpose of annual increments, therefore your incremental date will remain unchanged. In the event of an annual increment or pay award being implemented during paid maternity leave, your maternity pay will be increased accordingly.

APPENDIX 3

APPLICATION FOR MATERNITY / ADOPTION LEAVE

PROCEDURE

This application form should be read and completed in conjunction with the Employee Guide to Maternity Entitlements and the Work-Life Balance Policy. Complete the sections below with your details and your due date (or Expected Week of Confinement – EWC) and date you want to start maternity leave. Maternity leave is calculated in weeks commencing on Sunday. Your due date for this application will be the Sunday preceding the date advised on your MATB1. Once completed this form should be brought to the HR department with your MATB1 form. **Please complete both sides of the form and sign overleaf.**

Personal Details	
Name:	
Address:	
Home Contact Number(s):	
Home Email Address:	
Employment Details	
Job Title:	Employee Number:
Department:	
Work Ext:	Contracted hours per week:

Manager Details	
Manager:	
Manager Job Title:	
Manager Ext:	
Confirmed maternity leave start date with manager on:	
Maternity Details	
Due Date (EWC) as confirmed by MATB1 form in the w/c: Sunday -	
Date MATB1 signed:	
Maternity Leave commencing: Sunday -	
Service and Maternity Pay Details (to be completed by HR Department)	
Full Pay Ends:	Half Pay Ends:
SMP Ends:	Maternity Leave Ends:
Latest Date Of Return To Work:	
Kingston Hospital NHS Trust service commenced:..... Verified Yes/No	
Continuous substantive NHS service commenced:..... Verified Yes/No	

IMPORTANT INFORMATION

Unless you have indicated otherwise, the calculation for your maternity pay assumes that you will be returning to work following the birth of your child. Should you decide to resign from your post at any time prior to or during your maternity leave, you should do so in accordance with your Statement of Terms and Conditions of Employment. If you wish to return earlier than the date stated on this form you are required to give 2 months (56 days) notice. As your maternity entitlement will vary in accordance with your decision, you are required to agree that **failure to return to work for a minimum period of three months following maternity leave will render you liable to refund the whole of your occupational maternity pay.**

Annual leave and bank holiday entitlement is accrued throughout your maternity leave. Annual leave accrued prior to maternity leave should be taken if possible before the commencement of maternity leave. Any accrued annual leave (whether accrued before or during maternity leave) should be taken if possible immediately upon return from maternity leave. Annual leave is booked as per normal departmental policy and with the agreement of your line manager.

DECLARATION:

I agree to the conditions contained within this document, and confirm that the information therein is correct to the best of my knowledge. I confirm that any previous service stated overleaf is both continuous and substantive and I understand that any overpayment due to error in this respect will be recovered by the Trust's Payroll Department.

I agree to inform my manager and the Human Resources Department if any of the information I have provided should change.

Applicant's Signature:.....Date:.....

APPENDIX 4

Paternity Leave/Pay - Self-Certificate (BIRTH OF A CHILD)

Your dates for pay and leave

The baby is due on
 And, if the baby has been born,
 please enter the actual date of birth
 I would like my maternity support
 leave to start on
 I want to be away from work for one/two* weeks (*delete as appropriate)

/ /
/ /
/ /

Your declaration

Surname

First name(s)

Payroll No

National Ins No

I declare that I am (tick the appropriate box below):

- The biological father of the child
- Mother's husband or partner (including same-sex relationships)
- Nominated carer

- And
- I have responsibility for the child's upbringing
 - I will take time off work to support the mother and/or care for the child.

Signature

Date

Manager's signature that dates have been discussed and agreed **Date**

APPENDIX 5

Paternity Leave/Pay - Self-Certificate (ADOPTION)

Your dates for pay and leave

The child is being placed with me on

And, if the baby has been born,

please enter the actual date of birth

I would like my adoption support

leave to start on

I want to be away from work for one/two* weeks (*delete as appropriate)

Your declaration

Surname

First name(s)

Payroll No

National Ins No

You must be able to tick all the boxes below to get Statutory Paternity Pay and maternity support leave.

I declare that

- I will not be taking adoption leave in respect of the child
- I am either married to, or the partner of the child's adopter
- I have responsibility for the child's upbringing
- I will take time off work to support the mother and/or care for the child.

Signature

Date

Manager's signature that dates have been discussed and agreed

Date

Child's adopter

APPENDIX 6

PREGNANT WORKERS – RISK ASSESSMENT CHECKLIST

Location:	Department:	Date:
Name:		

The Management of Health and Safety at Work Regulations 1999 require organisations to ensure there are no risks to women in their employment who are new or expectant mothers. Most of the risks in this category have already been controlled by existing legislation such as The Control Of Substances Hazardous to Health Regulations and the Manual Handling Operations Regulations. However an additional risk assessment of women who are pregnant, have recently given birth or who are breast-feeding is required.

An assessment of the hazards to staff who are pregnant, have recently given birth or who are breast-feeding is to be carried out by department managers on the attached pro forma worksheets which have been formulated using guidance from the Health and Safety Executive. These are generic and will require review if an individual staff member has a known history of miscarriage or other medical condition when pregnant. It is assumed all staff will inform their line managers, in writing, once they become pregnant.

* PHYSICAL AGENTS

- | | | |
|--|------------------------------|-----------------------------|
| Is there exposure to shocks, vibration or movement? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Are manual handling tasks involved which might introduce a risk of injury? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Will there be exposure to high noise levels? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Is there any exposure to radiation? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Is there any exposure to non-ionising electro magnetic radiation? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Is there any exposure to extremes of temperature? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Does the movement or posture involved in the work pose a risk? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Does the mental and physical fatigue involved pose a risk? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Is there any risk of physical violence? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Are there slippery, wet surfaces which could pose a risk to balance? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

* BIOLOGICAL AGENTS

- | | | |
|---|------------------------------|-----------------------------|
| Is there exposure to any biological agents in hazard groups 2,3, & 4?
(e.g. hepatitis B, HIV, herpes, TB, syphilis, chickenpox, typhoid) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Is there exposure to any biological agents that are known to cause
abortion, or physical/neurological damage? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

* CHEMICAL AGENTS

Is there exposure to any of the following?

- | | | | |
|---|------------------------------|-----------------------------|--|
| - substances labelled: | | | |
| R40 Possible risk of irreversible effects | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| R45 May cause cancer | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| R46 May cause heritable genetic damage | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| R61 May cause harm to the unborn child | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| R63 Possible risk of harm to the unborn child | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| R64 May cause harm to breastfed babies | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
|
 | | | |
| - mercury and derivatives | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| - materials known to be absorbed through the skin | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| - carbon monoxide | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| - lead and derivatives | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |

PHYSIOLOGICAL ASPECTS

There are certain physiological conditions which occur during pregnancy which should be taken into account. These include:

- morning sickness which may be relevant where early morning shifts are worked, or where there may be exposure to nauseating smells;
- backache, which may be associated with manual handling activities and poor work postures;
- posture is also significant if varicose veins and/or haemorrhoids develop - the latter also being linked with a hot work environment;
- change in balance, during third trimester, more prevalence to fall
- frequent visits to the toilet may be difficult if it is not always possible to leave the job/site of work;
- increasing size may present problems in the use of protective clothing, of working in confined spaces and with manual handling;
- dexterity, agility, co-ordination, speed of movement and reach may all be impaired due to increasing size.

Recommendations:

For example, please consider the following practical changes for those entering the later stages of their pregnancy:

Consider the provision of additional back and foot rests to ensure comfort when seated at a workstation.

Consider a change of duty with regards to manual handling operations being undertaken: do not allow the use of access equipment in relation to high level storage areas i.e. foot and kick stalls.

Consider the reallocation of significant and repetitive manual handling operations.

Consider assigning "evacuation buddy's" to provide an escort during evacuation situations so that the mum to be can be brought down staircases safely and calmly.

Consider relocating a community worker in to an office location

Name of Assessor:

Job title:

Date:

Review Date:

Please contact the Health and Safety Advisor for assistance, thank you

Gilly Ede

**Kingston Hospital NHS Foundation Trust
Equality Impact Assessment (EqIA)**

Initial Screening Tool

This is designed to help you to assess the impact of your procedural document, proposal or service on all equalities target groups, and support you to gather data or identify the need to gather data/information at this stage of the process

Questions	Answers
Who is the procedural document aimed at?	All employees of KHFT
What are the main aims and objectives?	To ensure that the Trust <ul style="list-style-type: none"> • Complies with the statutory provision for maternity, paternity and adoption leave • Provides guidance on safer working for pregnant staff and those returning from maternity leave
Identify the data/information you have regarding the use of the service/process by diverse groups. Use qualitative/quantitative and anecdotal information	<ul style="list-style-type: none"> • ESR Workforce Information – number of requests recorded • TRAC Recruitment reports on Equality and Diversity • Staff Survey Results

Equality/Diverse Group	Who?
Does it affect any one group less favourably than another?	<ul style="list-style-type: none"> • Patients, their carer or families • Employees
Age	No
Disability	No
Gender Reassignment	No
Marriage and civil partnership	No
Pregnancy and maternity	No
Race	No
Religion or Belief	No
Sex and Sexual Orientation	No

Please state your findings. Who will be affected positively or negatively in relation to this procedural document and how?

Additional Comments

The very nature of this policy sets out the principles to follow to ensure that we remove disadvantages suffered by staff and all users of Kingston Hospital's services due to their protected group characteristics (i.e. age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)

Is the impact in your opinion:-

Low

Medium

High

Neutral

Please indicate whether a full screening is necessary?

Yes

No

Equality Impact Assessment screening involvement - Signatures

Managers Signature:.....

Date:

Division/Directorate.....

All individuals who took part in the EqlA are required to sign this document.

Additional Signatures

Signature:..

Print:

Role:...**Human Resources Business Partner**

Division/Directorate... **Workforce Directorate...**

Date:

MONITORING SHEET

Element to be monitored i.e. measurable policy objective	Position responsible for monitoring	Method	Frequency	Reporting arrangements – Committee/Group that monitoring is reported to, including responsibility for action plans
The Policy will be reviewed on an as and when basis in line with legislative change, good practice guidance, case law and / or any other relevant changes. The next official review date is Jan 2021	HR Department	Audit	Every 3 years unless there is legislative change	Monitoring arrangements for compliance and effectiveness will be reported to the EMC
The number of appeals received from requests not being granted	AskHR team	Audit	Annual	Will be reported to EMC

VERSION CONTROL SHEET

Version	Date	Author	Status
V5	12.04.2012	D Edgell	<ul style="list-style-type: none"> • Inclusion of Equality statement • Interim amendments as a result of new maternity pay guidelines • Addition of version control sheet
V6	16.05.2012	D Edgell	<ul style="list-style-type: none"> • Interim amendments for changes to Bank Holiday entitlements
V7	29.10.2012	D Edgell	<ul style="list-style-type: none"> • Interim amendments as a result of new maternity application procedure
V8	24.04.2013	D Edgell	<ul style="list-style-type: none"> • Amendment to eligibility for maternity leave/pay in the event of a live birth at any time in pregnancy (Section 21) • Amendment to entitlement for parental leave (Section 30)
V9	05.03.2014	D Edgell	<ul style="list-style-type: none"> • Expansion of eligibility for parental leave for adopted children (Section 30.8) • Amendment to HR contact details (Section 31)
V10	06.03.2016	D Edgell	<p>Update to bank holiday and statutory leave entitlements accrued during maternity leave</p> <p>Update to maternity application procedure</p> <p>Updates to include change to Shared Parental Leave and Statutory Shared Pay</p>
V11	21.09.2017	G Judge	