**Maternity, Adoption, Paternity and shared Parental Leave**

##

*Approved by the Board, 24/09/2020, due for review 24/09/2023*

## **Purpose and Scope**

This policy and procedure applies to all current employees at The New Cross Gate Trust (The Trust), whether full or part-time, temporary or fixed-term. The purpose of this policy and procedure is to provide managers and staff with clear information about our maternity, adoption, paternity and shared parental leave provisions.

1. **Maternity leave, pay and arrangements surrounding returning to work**

This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave. This document provides basic guidance on the health and safety aspects of working whilst pregnant, although further specific information can be obtained from your line manager.

[*Internet reference for Statutory Maternity Leave and Pay: https://www.gov.uk/maternity-pay-leave*](Internet%20reference%20for%20Statutory%20Maternity%20Leave%20and%20Pay%3A%20https%3A/www.gov.uk/maternity-pay-leave%20)

**Procedure**

**Telling your manager that you are pregnant**

As soon as you know that you are pregnant, you are encouraged to tell your manager. This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

## **Entitlements**

Ante-Natal Care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give your manager as much notice as possible of your appointments and, after the first one, should show them the appointment card from the hospital or clinic.

Maternity Leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick Leave during your Pregnancy or Maternity Leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early Births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

## **Maternity Pay**

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

* You have at least 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
* You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.
* You have provided a MAT B1 form stating your expected week of childbirth;
* You are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth).

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39 week period, SMP is paid at 90% of your average weekly earnings. The Trust will top this up to 100% for the first 6 weeks.

Thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

## **Adoption/Surrogacy arrangements**

If you take time off to adopt a child or have a child through a surrogacy arrangement, you may similarly be eligible for statutory adoption pay and leave. The primary adopter can take up to 52 weeks’ Statutory Adoption Leave. The first 26 weeks is known as ‘Ordinary Adoption Leave’ (OAL), the last 26 weeks as ‘Additional Adoption Leave’ (AAL). Please refer to the Adoption Leave Policy for further information.

## **Shared Parental Leave (SPL)**

You are entitled to curtail your maternity (or adoption leave) leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. Further details are provided below.

## **The Effect of Maternity or Adoption Leave on Contractual Benefits**

During your maternity (or adoption leave) leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML/OAL and AML/AAL you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP/Statutory Adoption Pay Entitlements.

Annual Leave

Your contractual annual leave entitlement continues to accrue during your maternity/adoption leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity/adoption leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Pension Scheme

Occupational pension contributions continue during OML/OAL and during any period of paid maternity/adoption absence.

## **Maintaining Contact during Maternity or Adoption Leave**

Some people choose to have little if any contact with work during their maternity/adoption leave while others want to maintain a high level of contact. Before you start your maternity/adoption leave, your manager will meet with you to discuss reasonable contact arrangements during your maternity/adoption leave. Below is a list of the sorts of information you may want to be kept informed about:

* Notes of team and other important meetings
* Details of internal vacancies which arise
* Details of important announcements given in the team meeting
* Details of significant developments to working practices
* Details of changes to the team structure
* Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

## **Keep in Touch (KIT) Days**

You may work for up to 10 days during your maternity/adoption leave. KIT days can only be worked by mutual agreement; that is to say both you and the employer must agree to the work / training taking place. When agreeing KIT days you and your manager should agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, you and your manager should agree a rate that is acceptable to both for that week which must be equal to or in excess of the rate of SMP. Note: A partial day’s work will be counted as a complete day's work for these purposes.

## **Returning to Work**

We will assume that you will take your full maternity or adoption leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words you do not have to notify us if you intend to return to work at the end of your AML/AAL.

If you want to return to work before the end of your maternity/adoption leave, you will need to notify your manager in writing giving at least eight weeks’ notice of your intended return date. If you do not give at least eight weeks’ notice, your manager may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML/OAL. If you return to work after a period of AML/AAL, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

## **Requesting a Change to your Pattern of Work**

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria).

## **Your Health and Safety**

Risk Assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. Your Manager may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you within your capability, for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell your manager of your pregnancy, your manager will hold a meeting with you to discuss health and safety issues. In consultation with you, your manager will complete a risk assessment, agreeing with you any measures to be taken. Your manager will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with your manager.

Rest Facilities

There should be somewhere at each work place where a pregnant or nursing mother can rest. This may be a staff room, first aid room or if space does not permit, a comfortable chair away from the work area may have to suffice.

Please refer to Page 17 in regard to the **Data Protection Statement** which applies to all the policies within this document.

1. **Adoption Leave**

This document sets out our policy on adoption leave, pay, and arrangements surrounding returning to work after adoption leave. It also sets out the procedures that The Trust and employees need to follow at various stages, before, during and after adoption leave.

*[Internet reference for Statutory Adoption Leave and Pay: https://www.gov.uk/adoption-pay-leave](https://www.gov.uk/adoption-pay-leave)*

## **Procedure**

**Telling your manager that you are adopting**

If you are the primary adopter you must inform your manager in writing of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You need to tell your manager when the child is expected to be placed with you and when you want your adoption leave to start.

You can change your mind about the date on which you want your leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

Within 28 days of receiving your notice of intention to take adoption leave, we will write to you confirming the latest date on which you must return to work after adoption leave.

## **Matching Certificate**

You must give your manager documentary evidence from your adoption agency as evidence of your entitlement to Statutory Adoption Pay. Employers can also ask for this as evidence of entitlement for adoption leave. You should ask your adoption agency for this documentary evidence, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates.

## **Adoption Appointments**

You are also entitled to time off for appointments prior to the adoption placement commencing.

* The primary adopter is entitled to take paid time off to attend up to 5 pre-adoption appointments.
* The co-adopter will be entitled to take unpaid time off to attend up to 2 pre-adoption appointments.

The time off is capped at six and a half hours’ time off work on each occasion. You should give your manager as much notice as possible of your appointments and, after the first one, should show them the appointment letter/card. The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption.

## **Timing of adoption leave**

Please discuss the timing of your adoption leave with your manager as early as possible. Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

Leave can start:

* on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
* when an employee has been matched with a child to be placed with them by a UK adoption agency
* when the child arrives in the UK or within 28 days of this date (overseas adoptions). Further information on overseas adoptions can be found on the [Government website](https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad-sc5).

## **Contact during adoption leave**

We may need to make contact with you during adoption leave. This may be to discuss plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during their absence. More info on this can be found in the maternity policy under ‘Maintaining Contact during Maternity and Adoption Leave’.

## **Keep in touch days**

You may work for up to 10 ‘keep-in-touch’ (KIT) days during your adoption leave without bringing your adoption leave to an end and without loss of a week's statutory adoption pay. More info on this can be found in the maternity policy under ‘Keep in touch (KIT) Days.

## **Entitlements**

Your entitlements to the following all mirror the rights and entitlements set out in the maternity policy which includes:

* Adoption pay and contractual adoption pay,

*(Statutory Adoption Pay for employees is 90% of their gross average weekly earnings for the first 6 weeks; The Trust will top this up to 100% of pay for the first 6 weeks. Thereafter you will receive the weekly lower statutory adoption rate or 90% of your weekly earnings, whichever is the lesser amount.)*

* The length of time that you can take as adoption leave,
* The entitlement to pay awards,
* The arrangements regarding keeping in touch with the office during your adoption leave,
* The right to transfer some of your adoption leave, under the Shared Parental leave provisions, and
* The effect of adoption leave on contractual benefits (e.g. annual leave, pension scheme)

## **Shared Parental Leave (SPL)**

You may be entitled to curtail your adoption leave and pay and instead take SPL and pay in conjunction with the co-adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of placement. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

## **Returning to Work**

You have the right to return to work to the same job if you return following ordinary adoption leave. If you return to work after additional adoption leave, you may return either to the same job but if this is not possible, you may return to another suitable job that is on no less favourable terms and conditions.

More info on this can be found in the maternity policy under ‘Returning to Work’.

## **Requesting a Change to Your Pattern of Work**

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria).

Please refer to Page 17 in regard to the **Data Protection Statement** which applies to all the policies within this document.

1. **Paternity Leave**

## **Purpose and Scope**

We are committed to encouraging family friendly policies where practicable. Detailed below is an outline of entitlement to paternity leave and pay. Immediately you discover your partner is pregnant, you should contact your Manager so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

*[Internet reference for Statutory Paternity Leave and Pay:](https://www.gov.uk/paternity-pay-leave)* <https://www.gov.uk/paternity-pay-leave>

## **Eligibility**

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

## **Ante-Natal Appointments**

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to two of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. “Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

You should endeavour to give your manager as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Employees who are adopting a child are entitled to take time off to attend adoption appointments. Please check with your line manager with regard to your entitlements in this respect.

## **Ordinary Paternity Leave (OPL)**

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave.  OPL can commence from the date of the child’s birth, or child’s placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.

Ordinary Paternity Leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. 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.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

Notification of Ordinary Paternity Leave

You must inform your manager in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. You must tell your manager:

* The week the baby is due,
* Whether you wish to take one or two weeks’ leave, and,
* When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

## **Ordinary Statutory Paternity Pay (OSPP)**

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP. The Trust will top this up to 100% pay for two weeks.

## **Shared Parental Leave (SPL)**

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child’s father (in the case of birth) or the spouse, civil partner or partner of the child’s mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See below for further information on Shared Parental Leave.

## **Pay Increases Awarded During Paternity Leave (PL)**

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the ‘new’ rate of pay that applies to the job you are returning to.

## **Returning to Work**

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

## **Requesting a Change to Your Pattern of Work**

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria).

## **Additional paternity leave**

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

Please refer to Page 17 in regard to the **Data Protection Statement** which applies to all the policies within this document.

1. **Shared parental leave**

## **Purpose and Scope**

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term. It does not apply to agency workers or to self-employed contractors.

The purpose of this policy and procedure is to provide managers and staff with clear information about our shared parental leave (SPL) provisions. This document sets out our policy on SPL, shared parental pay (ShPP) and arrangements surrounding returning to work after SPL. It also sets out the procedures which we need to follow at various stages, before, during and after SPL.

SPL also applies where a child is placed for adoption. The arrangements in relation to adoption are very similar to those that apply in relation to the birth of a child. If you are considering taking SPL in relation to the adoption of a child you should contact your line manager who will provide you with further information regarding eligibility and notice requirements.

*[Internet reference for Statutory Shared Parental Leave and Pay: https://www.gov.uk/shared-parental-leave-and-pay](https://www.gov.uk/shared-parental-leave-and-pay)*

## **Policy**

Our policy is to comply with both the spirit and the letter of the law on SPL rights. To this end our aim is to inform you of your rights and provide clear procedures.

## **Summary of SPL**

SPL allows working parents to share periods of leave and/or pay entitlement following the birth or adoption of a child. Up to 50 weeks statutory maternity leave (SML) and up to 37 weeks statutory maternity pay (SMP) may be available to be shared. The leave can be shared so that it is taken at the same time as your partner or at different times.

How much leave or pay can be shared will depend upon how much maternity leave and maternity pay has been used by the child’s mother/primary adopter. It is only the untaken balance that can be taken. If for example the child’s mother/primary adopter is entitled to 52 weeks maternity leave and 39 weeks maternity pay and has taken 16 weeks leave and pay, the balance of 36 weeks leave and 23 weeks’ pay can be shared.

In order for SPL to be taken the child’s mother or main parent must meet the eligibility criteria and bring her/his entitlement to maternity leave or maternity pay or maternity allowance (MA) to an end. However, if you are the child’s birth mother you must take the compulsory 2 weeks maternity leave following birth.

If you are the child’s father or mother’s partner, you must also meet eligibility criteria to take SPL. If the mother/primary adopter and you are not going to take SPL but stay with maternity or adoption leave you may still have an entitlement to statutory paternity leave and pay.

## **Eligibility Criteria**

SPL can only be used by two people:

* The mother/main adopter, and,
* Either the father of the child, or, 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.

## **Evidence of Entitlement**

Within 14 days of the SPL entitlement notification being given, we will request you to confirm in writing:

* The name and business address of your partner’s employer (where your partner is no longer employed or is self-employed their contact details must be given instead);
* In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth);
* In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

To be entitled to SPL, you must produce this information within 14 days of our request.

## **Forms to be Completed**

Mothers opting to take SPL

Please refer to the ACAS website for [Shared Parental Leave Forms](http://www.acas.org.uk/index.aspx?articleid=4911)

Any mother who wants to take SPL will need to provide 3 notices/declarations:

* Leave curtailment notice

This gives us written notice that you will end your maternity leave in favour of taking SPL.

* Opt-in notice

This explains that you are entitled to take SPL and that you intend to take it.

* Period of leave notice

This sets out the start and end dates of your SPL and if you intend to claim ShPP, if applicable.

NOTE: These notices must be received by the organisation at least 8 WEEKS BEFORE YOU INTEND TO TAKE SPL.

Fathers (or partners of mothers) opting to take SPL

You must give us, no later than 8 weeks before you want the SPL to start:

* An opt-in notice and
* A period of leave notice

## **Booking Shared Parental Leave**

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. If you return to work between periods of SPL, the next period of SPL can start on any day of the week. SPL can be taken at any time until 12 months after the baby is born. It cannot start until 2 weeks after the birth.

You can choose to take SPL at the same time as your partner or at different times to your partner. You can also choose to take a continuous block of time or you can ask to take it as discontinuous periods.

Continuous leave notifications (known as ‘notices’)

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).

You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to you and that you have given us at least 8 weeks’ notice. You may submit up to 3 separate notifications for continuous periods of leave.

Discontinuous leave notifications (‘notices’)

A single notification may also contain a request for 2 or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work (for example, an arrangement where an employee will take 6 weeks of SPL by working every other week for a period of 3 months).

Where there is concern over accommodating the notification, we may request a meeting with a view to agreeing an arrangement that meets the needs of both parties.

We will consider a discontinuous leave notification but we have the right to refuse it. If the leave pattern is refused, you can either withdraw your request within 15 days of giving it, or you can take the leave in a single continuous block.

You have the right to submit up to 3 notices specifying leave periods you are intending to take. Remember that if you want to change your mind over a period of SPL and submit a variation notice, this will count as another of the 3 notices. If you withdraw a notice for discontinuous leave within 15 days of submitting it, it will not count as one of the 3 notices.

## **Maximum Number of Blocks of Leave**

The total number of periods of leave which you will be able to take is 3.

## **Responding to a SPL Notification**

Once we receive the leave booking notice, we will deal with it as soon as possible, but a response will be provided no later than the 14th day after the leave request was made. All eligible notices for continuous leave will be acknowledged in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to both parties against any adverse impact to The Trust.

If we believe that it will be difficult to accommodate a request for discontinuous leave you will be invited to discuss this at a formal meeting. At the meeting you may, if you wish, be accompanied by a workplace colleague or a trade union representative. The purpose of the meeting is to discuss:

* The leave proposed,
* What will happen while you are away from work,
* How the leave proposal could be agreed,
* Whether a modified arrangement would be agreeable, and
* What the outcome may be if no agreement is reached.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

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

## **Variations to Arranged SPL**

You have the right to vary or cancel an agreed and booked period of SPL, provided that you advise us in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request.

A change as a result of a child being born early, or as a result of The Trust requesting it be changed, and provided you are agreeable to the change, will not count as one of the 3 notifications. Any variation will be confirmed in writing by the organisation.

## **Shared Parental Pay (ShPP)**

Statutory ShPP of up to 39 weeks (less any weeks of statutory maternity pay claimed by you or the other parent) may be available provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

## **The Effect of SPL on Contractual Benefits**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual Leave

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager.

Pension Scheme

If you are a member of the pension scheme, we will continue to make the employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the actual amount of any ShPP you are receiving. You must inform The Trust in writing if you wish to make up any shortfall in employee contributions.

## **Maintaining Contact During SPL**

Some people will choose to have little, if any, contact with work during their SPL while others want to maintain a high level of contact. Before you start your SPL, your manager will meet with you to discuss reasonable contact arrangements during your SPL. Below is a list of the sorts of information you may want to be kept informed about:

* Notes of team and other important meetings
* Details of internal vacancies which arise
* Details of important announcements given in the team meeting
* Details of significant developments to working practices
* Details of changes to the team structure
* Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

## **Shared Parental Leave in Touch (SPLIT) Days**

You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days during your SPL (SPLIT days). This is in addition to any KIT days that you may have taken during maternity leave. SPLIT days are not compulsory and must be discussed and agreed with your manager. You will be paid at your normal basic rate of pay for time spent working on a SPLIT day, which will be inclusive of any ShPP entitlement.

## **Returning to Work**

If you want to end a period of SPL early, you must give us 8 weeks' prior notice of the return date. It is helpful if you give this notice in writing. If you have already used your three notifications to book and/or vary leave then we do not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

If you want to extend your SPL you must submit a new Period of Leave Notice at least 8 weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted 3 periods of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

You will have been formally advised in writing by us of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify us otherwise. If you are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

On returning to work after SPL, you are entitled to return to the same job if your aggregated total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one you occupied immediately before commencing maternity/paternity/ adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if you had not been absent.

If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

## **Fraudulent Claims**

Where there is a suspicion that fraudulent information may have been provided or where we have been informed by the HMRC that a fraudulent claim was made, we will investigate the matter further in accordance with the usual disciplinary procedures.

Please refer to Page 17 in regard to the **Data Protection Statement** which applies to all the policies within this document.

## **Data Protection Statement**

The following statement applies to all policies within this document

When managing your Maternity, Adoption, Paternity and Shared Parental leave and pay we will process personal data collected in accordance with the [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy-compliant-with-the-gdpr-/162690/).

Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage leave and pay.

Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.