



Appendix 11: Maternity Support (Paternity) Leave Policy

Name	Maternity Support (Paternity) Leave Policy
Summary	This policy sets out the rights and responsibilities of employees who wish to take maternity support (paternity) leave. This will apply to biological and adoptive fathers, nominated carers and same-sex partners.
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Golden Jubilee Foundation Values Statement

What we do or deliver in our roles within the Golden Jubilee Foundation is important, but the way we behave is equally important to our patients, customers, visitors and colleagues. We know this from feedback we get from patients and customers, for example in “thank you” letters and the complaints we receive.

Recognising this, the Golden Jubilee Foundation have worked with a range of staff, patient representatives and managers to discuss and promote our shared values which help us all to deliver the highest quality of care and service across the organisation. These values are closely linked to our responsibilities around Equality.



Our values are that we will:

- Take responsibility for doing our own job well
- Treat everyone we meet in the course of our work with dignity and respect
- Demonstrate through our actions our commitment to quality
- Communicate effectively, working with others as part of a team
- Display a “can do” attitude at every opportunity.

Our policies are intended to support the delivery of these values which support employee experience.

1 Policy Statement

This policy sets out the rights and responsibilities of employees who wish to take maternity support (paternity) leave. This will apply to biological and adoptive fathers, nominated carers and same-sex partners.

Golden Jubilee Foundation (GJF) recognises that biological and adoptive fathers, nominated carers and same-sex partners have a need and desire to spend time at home during a period of family extension, be that the birth or adoption of a child.

The policy aims to implement best practice in the processing of applications, management of employees who wish to take paternity leave and return to work arrangements following paternity leave.

2 Maternity Support (Paternity) Leave and Pay

The following provisions for maternity support (paternity) leave and pay are as set out within Section 35 of the NHS Terms and Conditions of Service Handbook. However, they apply to all individuals employed by GJF, including the Executive Level and Senior Management cohort and Doctors and Dentists.

These provisions exceed statutory minimums by a significant margin.

2.1 Eligibility

All employees whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, will have a right to take two weeks' maternity support (paternity) leave whether or not they return to NHS employment. Maternity support (paternity) leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take maternity support (paternity) leave where the other adoptive parent has elected to take adoption leave. The employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's primary carer.

An employee will be entitled to paid maternity support (paternity) leave if:

- i) they have 12 months' continuous service with one or more NHS employers at the beginning of the week in which the baby is due (or in the case of adoption, ending with the week in which they are notified of being matched with the child for adoption);
- ii) in the case of a birth child, they notify their employer in writing (using a completed SC3 "Becoming a Parent" form) at least 28 days before they want the leave to start (the employer should accept later notification if there is good reason):

(a) of their intention to take maternity support (paternity) leave;

(b) of the length of maternity support (paternity) leave they wish to take (i.e. one or two consecutive weeks);

(c) of the date on which their partner's baby is due;

(d) of the date on which they wish the leave to commence;

(e) that the employee is the baby's biological father; or married to the mother; or civil partner of the mother; or living with the mother in an enduring family relationship but not an immediate relative; and

(f) that the purpose of the leave is to care for the child or to support the mother.

iii) in the case of an adopted child, they notify their employer in writing no later than 7 days after the date on which notification of the match with the child was given by the adoption agency (the employer should accept later notification if there is good reason):

(a) of their intention to take maternity support (paternity) leave;

(b) of the length of maternity support (paternity) leave they wish to take (i.e. one or two consecutive weeks);

(c) of the date on which the adopter was notified of having been matched with the child;

(d) of the date on which the child is expected to be placed for adoption;

(e) of the date on which they wish the leave to commence;

(f) that the purpose of leave is to care for the child or support the child's adopter and that the employee is married to or living with the adopter in an enduring family relationship but not an immediate relative; and

(g) provide evidence of entitlement to maternity support (paternity) leave and pay by producing a 'matching certificate' from the adoption agency (or in the case of overseas adoption, a copy of the 'official notification' and, within 28 days of the child's entry into Great Britain, inform the GJF of the date of entry and provide evidence of this date in the form of a plane ticket or copies of entry clearance documents).

2.2 Continuous service

In order to calculate whether the employee meets the qualification set out in paragraph 2.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

2.3 Notification

In addition to 2.1 (ii) and (iii) above, employees should be encouraged to notify their line manager as soon as possible after their partner becomes pregnant or they are notified of being matched with the child for adoption. The rules regarding notification apply irrespective of the employee's entitlement to paid leave under this policy.

2.4 Confirming maternity support (paternity) leave and pay

An employee should be written to upon receipt of their application form, detailing what they must do (if anything) and their entitlements to pay and leave together with dates (where these can be confirmed).

Following discussion with the employee, the employer should confirm in writing the employee's entitlement to paid leave (or statutory entitlement or unpaid leave if the employee does not qualify under this agreement);

2.5 Paid maternity support (paternity) leave

2.5.1 Amount of pay

Subject to the eligibility criteria detailed above, there will be an entitlement to two weeks' occupational maternity support (paternity) pay. The employee will receive full pay less any receivable statutory paternity pay at the rate which applies at the time.

2.5.2 Calculation of maternity support (paternity) pay

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity/Adoption Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

2.6 Commencement and duration of leave

Maternity support (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. It cannot be taken over two separate periods. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Maternity support (paternity) leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

2.6.1 Changing the maternity support (paternity) leave start date

If the employee subsequently wants to change the date from which they wish their leave to start, they should notify their employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

2.6.2 Stillbirths

A qualifying employee will be entitled to paid leave if their baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

2.6.3 Multiple Births

Entitlement to paternity leave for twins, triplets, etc. is the same as for a single birth. Only one period of occupational paternity pay is ordinarily available when there is a multiple birth.

However, NHS organisations have scope for agreeing locally more favourable arrangements where they consider it necessary, or further periods of unpaid leave.

2.7 Contractual rights

During maternity support (paternity) leave an employee retains all of their contractual rights.

2.7.1 Increments

Maternity support (paternity) leave shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on maternity support (paternity) leave would progress through a KSF gateway on the due date, if concerns had not been raised about the ability to meet their KSF outline prior to maternity support (paternity) leave.

2.7.2 Accrual of annual leave and public holidays

Annual leave and public holidays will continue to accrue during maternity support (paternity) leave provided for by this agreement.

2.7.3 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

2.8 Pre-maternity support (paternity) Leave

Reasonable time off should be given to attend ante-natal classes (or in the case of adoption, official meetings in the adoption process, such as court sessions and interviews).

Requests for such time off leave will be considered in accordance with the Special Leave Policy (or with the Adoption and Fostering Policy in the case of adoption).

2.9 Step-parents

When a step-parent is adopting a partner's children, there is scope for local arrangements on the amount of leave and pay in addition to time off for official meetings. If they meet the eligibility criteria, the employee would also be entitled to parental leave following the adoption.

2.10 Miscellaneous provisions

If an employee leaves employment prior to the birth of the child/placement for adoption there will be no entitlement to Statutory Paternity Pay (SPP). If an employee's contract ends after the baby is born/child is placed for adoption then the employee will still be entitled to SPP. However, if the employee starts work for a new employer SPP will not be paid for any week worked with the new employer.

2.10.1 Employees with less than 12 months' continuous service

If an employee does not satisfy the conditions in [paragraph 2.1](#) for occupational maternity support (paternity) pay, but has 26 weeks' continuous service with their employer assessed at

the 15th week before the week the baby is due, they may be entitled to Statutory Paternity Pay, depending on their earnings level.

If the employee's earnings are too low for them to qualify for Statutory Paternity Pay, they may be entitled to other welfare benefits. In such circumstances, the employee should seek further information from their local Job Centre Plus or social security office.

2.10.2 Information about statutory maternity/adoption and paternity leave and pay

There are occasions when employees are entitled to other statutory benefits/allowances and Information about all statutory maternity/adoption and paternity rights can be found using the following links:

<https://www.gov.uk/search?q=maternity+leave>

<https://www.gov.uk/search?q=statutory+maternity+pay>

Information about health and safety for new and expectant mothers at work can be found using the following link:

<http://www.hse.gov.uk>

3 Return to work arrangements

3.1 On the employee's return to work, they should be advised of the following:

- Parental leave entitlement;
- Right to request flexible working arrangements.

3.2 Returning on flexible working arrangements

If, at the end of maternity support (paternity) leave, the employee wishes to return to work on different hours, the NHS employer has a duty to consider this and to seek to facilitate this, wherever possible, bearing in mind the needs of the service. If possible, the employee will return to work on different hours, in the same job. If this is not possible, the employer must provide written, objectively justifiable reasons for this and the employee should, wherever possible, be given the option to return to a role at the same pay band and undertaking work of a similar nature and status, to that which they held and undertook prior to their absence. It may not be

possible for an employee to have their flexible working request accommodated either in her existing role or through the provision of an alternative role.

If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect the employee's right to return to their job under their original contract, at the end of the agreed period.

3.3 Sickness following the end of maternity support leave

In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply as necessary.

3.4 Reforms of flexible parental leave

Under a new system of flexible parental leave (called Shared Parental Leave), parents will be able to choose how they share care of their child during in the first year after birth. Employed mothers will still be entitled to 52 weeks of maternity leave; however, working parents will be able to opt to share the leave.

Mothers will have to take at least the initial two weeks of leave following the birth as a recovery period. Following that they can choose to end the maternity leave and the parents can opt to share the remaining leave as flexible parental leave.

The Government introduced the changes to flexible parental leave in April 2015.

Further information is available from

<https://www.gov.uk/search?q=reform+of+flexible+parental+leave>

Dignity at Work

The Golden Jubilee Foundation is committed to providing all reasonable support to employees who become new biological or adoptive parents. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are new biological or adoptive parents. It is a requirement of this policy that all employees of the organisation respect this principle.

4 Questions or Concerns

GJF recognises that, from time to time, employees may have questions or concerns relating to their maternity support (paternity) rights. It is the policy of GJF to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity support (paternity) provisions are complex, if an employee's partner becomes pregnant or an employee is notified of a match to a child for adoption, they should clarify the relevant procedures with [name] to ensure that they are followed correctly.

5 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

6 Monitoring, Review and Evaluation

This policy and procedure has been assessed for relevance and screened for equality impact, to identify and mitigate, where possible, any potential for the policy and procedure to have differential impact on employees having regard to their differences, such as ethnicity, gender, disability, age, sexual orientation, religion, literacy or belief.

This policy will be monitored, reviewed and evaluated every three years by the Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.