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To be read in conjunction with (identify which internal documents)	Agenda for Change Terms and Conditions Handbook

SUPPORTING REFERENCES	<ul style="list-style-type: none"> <li>▪ Employment Relations Act 1999</li> <li>▪ Employment Act 2002</li> <li>▪ Work &amp; Families Act 2006</li> </ul> <a href="http://www.dwp.gov.uk/lifeevent/benefits/statutory_maternity_pay.asp#workedout">http://www.dwp.gov.uk/lifeevent/benefits/statutory_maternity_pay.asp#workedout</a>
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## **INTRODUCTION**

### **MATERNITY PAY AND LEAVE REGULATIONS**

Entitlements to maternity pay and leave are governed by agreements made by the Employment Relations Act 1999, Employment Act 2002, Work and Families Act 2006, Agenda for Change Terms & Conditions and Trust Conditions.

Maternity pay and leave regulations entitle all expectant mothers to 52 weeks maternity leave to include a maximum of 39 weeks paid leave.

The benefits you receive are dependent upon whether or not you intend to return to work following childbirth, your length of service and your level of earnings. This policy explains your entitlements in detail.

General information to assist you before, during and after your maternity leave is outlined below, together with reference to other policies which may be of assistance to you and most frequently asked questions should be answered within this document.

Please refer to the [admin pack](#) for checklists and application forms once you have read the policy.

If you wish to return to work after your pregnancy, please refer to **Section A** of these notes.

If you do not wish to return to work, or you are undecided at this stage, please refer to **Section B**.

In each section essential information is given on the benefits to which you are entitled and how to claim these benefits.

**Should you wish to discuss any aspect of your pending maternity leave or any other issue(s) associated with this please do not hesitate to contact a member of the Employee Relations Team on 01254 732977 (Internal 82977).**

## **GENERAL INFORMATION**

## 1. **INFORMING YOUR MANAGER THAT YOU ARE PREGNANT**

It is advisable to inform your manager as soon as possible that you are pregnant. Whilst you may not be ready immediately to inform your colleagues and other staff, it is important that your manager is aware to enable them to carry out a pregnancy risk assessment.

### (a) **Provision for Alternative Work during Pregnancy**

The Trust undertakes specific risk assessments to develop safe systems of work to cover situations where expectant mothers will be working and to ensure that your work does not adversely affect you or your baby.

If in the period prior to the 4<sup>th</sup> week before the expected week of delivery, your GP or the Occupational Health Department is of the opinion that you are incapable of carrying out your normal duties, or where the Trust or GP considers that to continue your normal duties would put yourself and / or your unborn child at risk, (but you have not been advised to refrain from work), then there is provision to find you alternative work on your normal rate of pay, if such work is available.

If your GP is concerned of your duties, it is your responsibility to inform your manager, so that appropriate alternative arrangements can be made.

Where it is not reasonably practicable to offer alternative employment you shall be suspended on full pay.

## 2. **ANTE-NATAL CARE**

You are entitled to take reasonable time off with pay to attend ante-natal appointments (this may also include parent craft and relaxation classes) on the advice of a Doctor, Midwife or Health Visitor. Wherever possible, employees are requested to book the first or last appointment of the day. You will be required to produce proof of future appointments and to give your manager reasonable notice that you will be taking time off for your appointment.

## 3. **SICKNESS ABSENCE DURING PREGNANCY**

If you continue working beyond the 4<sup>th</sup> week before your expected week of delivery and are absent from work on account of sickness unrelated to pregnancy, any absence will be treated as sick leave until the date previously agreed that you should commence maternity leave.

Or if you are on sick leave, with a pregnancy related illness during the period from the 4<sup>th</sup> week before the expected week of delivery then maternity leave will automatically commence.

Pregnancy related illness, for the purposes of sickness absence monitoring, will be disregarded however meetings and support will be put into place where appropriate.

## 4. **COMMENCEMENT OF MATERNITY LEAVE**

You may commence your maternity leave at any time from the beginning of the 11<sup>th</sup> week before the expected week of delivery.

## 5. **LEAVE AND PAY**

Leave and pay entitlements will differ depending on your length of continuous NHS service and whether or not you intend to return to work following your maternity leave. Further information is provided within this policy in Sections A and B and it is advisable to read through both sections prior to applying for maternity leave.

Section A (Page 12)                      Staff who intend to return to work

Section B (Page 14) Staff who either (a) do not intend to return to work or (b) are undecided at this stage.

### **Qualifying Week**

The qualifying week is the 15<sup>th</sup> week before the expected week of delivery. This qualifying week is used as a reference point for the purposes of assessing entitlement to statutory maternity pay and also for calculating an average of full pay.

## 6. **KEEPING IN TOUCH**

Before going on leave, you and your manager should discuss and agree any voluntary arrangements for keeping in touch during your maternity leave including:-

- . Keeping you informed of any developments at work.
- . Nearer the time of your return to work discussing ways to help facilitate your return.
- . Keeping your manager in touch with any developments that may affect your intended date of return.

You are also entitled to 10 “Keeping in Touch (KIT)” days throughout your maternity leave period without losing statutory payments for that week, or ending your maternity leave.

These Keeping in Touch days may only be worked if both you and your manager agree and can be used for any form of work or things such as training and team events. There is no obligation for either party to utilise these days.

For any KIT days worked the employee will be paid at their normal hourly rate (plus any unsocial hour/enhancement payments if applicable) for the hours worked minus any statutory entitlement for that day. This will not affect any statutory entitlement for the remaining days of that week.

## 7. **EMPLOYEES ON FIXED TERM OR TRAINING CONTRACTS**

Employees including Medical Practitioners whose fixed term or training contracts expire after the 11th week before the baby is due, and who would otherwise qualify for occupational maternity leave, will have their contracts extended to enable them to receive 39 weeks paid maternity leave. In those cases where the employee does not qualify for paid maternity leave, their contracts will be extended to allow them to receive statutory maternity pay. Contracts will not be extended to cover a period of additional unpaid leave.

Where a medical practitioner or other employee is participating in a planned rotation of appointments as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post with the same or another employing Authority, irrespective of whether the contract would have ended if pregnancy and childbirth had not occurred. In such circumstances, the contract will be extended to enable the practitioner to complete the agreed programme of training.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, you will not have to repay your maternity pay to the Trust, unless the Trust can demonstrate that the declaration of intent to return was not signed in good faith.

Further information from NHS Employers around maternity leave and medical staff can be found in the fact sheet 'Maternity Issues for Doctors in Training' and can be accessed via the following link:

<http://www.nhsemployers.org/Aboutus/Publications/Documents/Maternity%20issues%20for%20doctors%20in%20training.pdf>

## 8. **COMPULSORY MATERNITY LEAVE**

Under the Employment Rights Act 1999, you are not permitted to work for the two weeks immediately following the birth of your child.

## 9. **PREMATURE BIRTH**

If your child is born prior to the 11<sup>th</sup> week before the expected week of delivery, you are still entitled to full maternity leave and pay applicable to your length of service, and this will commence on the day following the birth of your baby.

If your baby is in hospital, you may choose, with the agreement of your manager, to split your maternity leave entitlement, i.e. taking a minimum period of two weeks leave after childbirth and then return to work and take the balance of leave following the child's discharge from hospital.

If childbirth occurs before the planned date of maternity leave then this will automatically commence.

## 10. **HOW AM I AFFECTED IF MY CHILD DOES NOT LIVE?**

This unhappy occurrence would affect you in the following ways:-

- a) If your baby is stillborn after 24 completed weeks of pregnancy you shall be entitled to maternity pay and leave, applicable to your length of service, as if your baby was born alive.
- b) If your baby has died in the first 28 days (neonatal death) you will be entitled to the full maternity pay and leave applicable to your length of service.
- c) If you miscarry prior to 24 completed weeks of pregnancy, you will not be entitled to statutory maternity pay. You may however be unfit to return to work. Equally if your baby sadly dies before 24 weeks but you give birth after this time you will not be entitled to statutory maternity leave. Sick pay entitlement will be applicable as per agenda for change terms and conditions

## 11. **RETURNING TO WORK**

If you wish to return to work earlier than originally intended and confirmed on your maternity leave application form, you must confirm your intended date of return to work in writing, to your manager, 8 weeks before your date of return. If you fail to give 8 weeks notice, the Trust may postpone your return date accordingly to allow 8 weeks notice.

If you have notified us of your intention to return to work you have the right to return to your job under your original contract and on no less favourable terms and conditions. However, you may request to return on any basis agreed with your manager and this may include part-time working, job sharing or flexible working. If you do wish to consider adjustment to your normal working hours on your return from maternity leave you may wish to access the Trust's Flexible Working Policy (Policy Number 23). This should be submitted no later than 8 weeks prior to your date of return.

You are required to give notification of your return to work from maternity leave by completing and submitting a maternity return to work form to your manager. This form must be forwarded to the Payroll Department to keep them informed of your return to work date and ensure you are paid correctly upon return.

## 12. **FAILURE TO RETURN TO WORK**

For those staff who are entitled to occupational maternity pay, if having notified the Trust of your intention to return to work you then fail to do so within a maximum of 15 months from the beginning of your maternity leave, (or If, having notified the Trust of your intention to return to work you then fail to complete the required 3 month period within 15 months of the beginning of your maternity leave) you will be liable to refund the whole of the occupational maternity pay received, less statutory maternity pay to which you are entitled.

## 13. **ANNUAL LEAVE DURING MATERNITY LEAVE**

Annual leave and bank holidays will continue to accrue during maternity leave, whether paid or unpaid, provided for by this agreement.



In agreement with your line manager, annual leave is to be taken before and / or after the formal (paid and unpaid) maternity leave period. Consideration needs to be given to accrued annual leave, which would overlap the annual leave year. In these circumstances normal annual leave carry over procedures will be used, i.e. 1 working week.

Employees that have to start their maternity leave suddenly, before their planned date, or are unable to take their annual leave with a valid reason, should not be penalised for not utilising their annual leave entitlement prior to the start of their maternity leave, especially in circumstances where their maternity leave will take them over the end of the annual leave year. In such situations the employee should be allowed to request to carry forward the outstanding annual leave that they were unable to take into the new leave year even if this is in excess of the normal principles of carrying forward annual leave.

Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement. The Trust policy is that where staff change their contracted hours partway through a month they should not lose entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month. For step by step calculations please refer to the Annual Leave Guidance Notes within the Annual Leave Policy (HR48).

All maternity leave whether paid or unpaid will count as service for the purpose of satisfying the service qualification for entitlement to additional annual leave based on years of service.

#### 14. **INCREMENTAL DATES**

Absence on maternity leave, whether paid or unpaid, shall count towards the normal annual increment on the employee's scale.

#### 15. **PENSION CONTRIBUTIONS**

As maternity leave is counted as continuous service, contributions to the pension scheme must be maintained. If you choose to take a period of unpaid maternity leave, the unpaid pension contributions will accumulate at a rate applicable to your pay immediately before commencing unpaid leave.

Upon return to work any pension contributions that are outstanding as a result of taking unpaid maternity leave will normally be deducted over the same period as the unpaid leave taken.

If you require further information regarding your pension please contact the Pensions Officer, East Lancashire Financial Services, on 01254 732014 (Internal 82014)

#### 16. **REGULAR CAR USERS**

If you are a regular car user, you should seek advice from the Travel & Employee Expenses Section (Tel: 01254 732014) on the payments you will receive during maternity leave.

Staff who hold a car parking permit may wish to temporarily postpone this while on maternity leave. Please contact the car parking team on 01254 734562 for more information.

#### 17. **NEW AND BREASTFEEDING MOTHERS**

In accordance with its aim to enable mothers to achieve a balance between work and life, the Trust will assist, wherever possible, in providing facilities to enable mothers to continue breastfeeding. The Trust realises that adjustment to motherhood is an important transition and will support a balanced approach back into employment within the Trust, taking into account the psychological wellbeing of the mother.

Please see Trust Policy HR56 – Return to Work and Breastfeeding Policy for further information.

On returning to work, new mothers are advised to provide written notification to their manager that they are breastfeeding. Managers are required, in accordance with the Management of Health and Safety at Work (Amendment) Regulations 1996 to carry out a written risk assessment to new mothers and to do what is reasonably practicable to control the risk.

#### 18. **CHILD & FAMILY CARE SUPPORT**

The East Lancashire N.H.S. Organisations offer Child and Family Care support and this is to provide information to staff regarding childcare within East Lancashire, including:-

- Nursery provision (day nurseries, nursery school and county council nursery schools and classes)
- Holiday play-schemes (NHS and Non-NHS)
- Child-minders
- Crèches
- Pre-school / Playgroups
- Out-of-School care
- Childcare Vouchers

Advice regarding benefits will also be available, e.g. working tax credit, child tax credit.

For further information please contact the Employee Relations Team on 01254 732977 or email [employee.relations@elht.nhs.uk](mailto:employee.relations@elht.nhs.uk).

#### 19. **CONSECUTIVE PERIODS OF MATERNITY LEAVE**

If you fall pregnant whilst already on maternity leave you will still be entitled to paid and unpaid maternity leave as outlined in this policy. All maternity leave periods count as continuous service.

An average of full pay is calculated over a set period, determined by HM Revenue and Customs (this is usually the 8 weeks prior to the qualifying week – please refer to section 5 on page 7 of this policy). This set period of 8 weeks may fall within

your current maternity pay period and this may have an effect on the next amount of maternity pay. Where there are consecutive maternity leave periods it must not be assumed that the amount of pay will remain the same. Please contact Payroll Services for further information and calculations.

20. **SHARED PARENTAL LEAVE**

A new shared parental leave and pay system has been introduced for children due on or after 5<sup>th</sup> April 2015.

Under this section of the policy you will be able to convert part of your statutory maternity leave and pay entitlement into shared parental leave. It will be possible to convert up to 50 weeks of the full (52 weeks) maternity leave entitlement into shared parental leave and up to 37 weeks of the full (39 weeks) statutory maternity pay into shared parental pay. It is compulsory that you take 2 weeks leave following the birth, which cannot be converted to shared parental leave or pay.

21. **CAR LEASE SCHEME**

If you have taken part in the Car Lease Scheme offered by Tuskers, please indicate in the appropriate section of the application form. Please notify Tuskers directly of your impending maternity leave on contact number 0333 400 2020. Please note that you will continue to make the payments during your maternity leave, however if your salary falls below the minimum that allows the deduction to be made then the Trust will make the payments on your behalf. If these payments are made, they will be recovered from yourself within 3 months of your return to work.

If you decide not to return to work you will need to decide what you wish to do with your salary sacrifice car. Should you wish to terminate the car contract during your maternity leave period you may be liable for any termination fee payable and you should check this with Tuskers. If you wish to terminate the car contract at the end of your maternity period i.e. when you leave the Trust you may be eligible for the termination protection however any unpaid rentals will be repayable to the Trust and will be invoiced accordingly.

## **SECTION A**

This section applies to employees who intend to return to work following the birth of their baby.

### 1. **Leave**

If, at the beginning of the 15<sup>th</sup> week before your expected week of delivery, you have completed 26 weeks or more continuous service in the NHS or a local authority (this service can either be in a full-time or part-time post where you are entitled to paid leave for normal sickness absence), you are eligible for the following maternity benefits:-

- 39 weeks maternity leave with pay.
- The right to return to work under your original contract and on no less favourable terms and conditions of employment after 39 weeks.
- You will also have entitlement to additional maternity leave, which including the period of paid maternity leave, will total 52 weeks (i.e. a further 13 weeks unpaid leave).
- During your maternity leave (both paid and unpaid) you will retain all of your contractual rights except remuneration.

### 2. **Pay**

#### **Occupational Maternity Pay**

To qualify for occupational maternity pay, you must have 52 weeks' continuous service in the NHS by the 11<sup>th</sup> week prior to your expected date of delivery and intend to return to work. In most cases, those employees who qualify for maternity leave with pay will receive:-

- First 8 weeks at full pay
- The next 18 weeks at half pay plus statutory maternity pay or maternity benefit (if qualify), providing the total received does not exceed full pay.
- For the last 13 weeks the employee will receive statutory maternity pay **(Please see table below for more details)**
- Please note "full pay" shall be calculated on the basis of your average earnings and "half pay" means half the full pay so determined. Statutory maternity pay is a set rate which is determined by Jobcentre Plus.

#### **Statutory Maternity Pay**

Employees who do not have the qualifying service for occupational maternity pay, but have worked for the Trust for at least 26 weeks continuing into the 15<sup>th</sup> week before their baby is due, will be entitled to 39 weeks paid maternity leave and may

receive statutory maternity pay during this period. **(Please see table below for more details)**

Statutory maternity pay for eligible employees can be paid for up to 39 weeks, usually as follows:

- the first 6 weeks - 90% of their average weekly earnings (AWE) before tax
- the remaining 33 weeks - £136.78 or 90% of their AWE (whichever is lower)
- Tax and National Insurance need to be deducted.
- It is paid in the same way as your wages (e.g. monthly or weekly).  
(Tax and National Insurance will be deducted.)

If you have less than 26 weeks service you may be entitled to maternity allowance and this is claimed from the Benefits Agency (e.g. Job Centre Plus). **(Please see table below for more details)**. The rates of pay are the same as outlined above.

### **Calculation of Maternity Pay**

Not all staff receive the same amount of pay every month and so an 'average' of full pay must be calculated. Full pay is calculated by taking an average of the 8 weeks' pay prior to the qualifying week. (The qualifying week is the 15<sup>th</sup> week prior to the estimated date of delivery). For exact calculation and further information, please contact ELFS, Payroll Services On 01254 732014 (Internal 82014)

#### **4. Application for Maternity Leave - Process**

In order to claim the benefits outlined above you must:-

- a) Not leave employment prior to the 11<sup>th</sup> week before the expected week of delivery.
- b) Inform your manager in writing before the 15<sup>th</sup> week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable) of:-
  - i) your intention to take maternity leave and intention to return to work following the birth of your baby.
  - ii) your intention to continue working in the National Health Service\* for at least 3 months after you return to work.
  - iii) the date you intend to commence maternity leave – do not include any annual leave dates taken additionally before or after maternity Leave.
- c) Submit your Mat B1 maternity certificate and application form at least 28 days before commencing maternity leave. Either your Midwife or General Practitioner will give this certificate to you. **Failure to submit your MATB1 could result in a delay in paying your Maternity Pay.**

## **SECTION B**

This section applies to employees who do not intend to return to work or who are undecided about returning following maternity leave.

## 1. Leave

- You are entitled to 39 weeks paid leave in the first instance and how you are paid during this period is explained in further detail in the next section.
- If you decide that you are not returning to work, your employment with the Trust will terminate on the last day of your paid maternity, or any annual leave that you have accrued that you wish to take immediately after maternity leave.
- If you are undecided about your return to work and subsequently do decide to return to work, you are entitled to a period of 13 weeks unpaid maternity leave following your 39 week paid period.
- During your maternity leave (both paid and unpaid) you will retain all of your contractual rights except remuneration.

## 2. Pay

In most cases, if you have worked for the Trust for at least 26 weeks continuing into the 15<sup>th</sup> week before the baby is due you will be entitled to 39 weeks maternity leave and you may receive statutory maternity pay.

There are two rates of statutory maternity pay and you will receive:

- The first 6 weeks at the earnings related rate which is 90% of average full pay.
- 33 weeks at the standard rate, which is determined by the Department of Work and Pensions.

If you have less than 26 weeks continuous NHS service you will also be entitled to 39 weeks maternity leave however during this period you may receive maternity allowance and you will have to claim this from the Job Centre Plus.

## 3. Application for Maternity Leave - Process

In order to claim the benefits outlined above you must:-

- a) Not leave employment prior to the 11<sup>th</sup> week before the expected week of delivery.
- b) Inform your manager you are pregnant, that you intend to take maternity leave and you do not intend to return to work or are undecided about returning at this stage. You must inform them at least 28 days before your maternity leave commences (or, if this is not possible, as soon as is reasonably practicable).
- c) Submit your Mat B1 maternity certificate and application form no less than 28 days before the commencement of your maternity leave. Either your Midwife or

General Practitioner will give this certificate to you. **Failure to submit your MATB1 could result in a delay in paying your Maternity Pay.**

4. **Claiming your right to return to work**

If you have notified your manager that you are undecided about returning you must confirm with your manager, in writing, no later than 8 weeks before the end of the 39 week maternity pay period as to whether or not you intend to return to work. If you fail to do so you may forfeit your right to return.

If you do decide to return to work, you will be entitled to additional maternity leave (i.e. a further 13 weeks unpaid leave; a total of 52 weeks).

If you intend to take additional leave you must notify your manager at the same time as your notification of intent to return. In addition, you must give your Manager at least 8 weeks' notice of the date you intend to return, in writing.

5. **Maternity Pay on Returning to Work**

Providing you complete 3 months service following your return, your maternity pay will be recalculated in accordance with the relevant conditions and, where appropriate, any balance in pay and entitlements will be reimbursed to you.

## SECTION C

# **MATERNITY SUPPORT (PATERNITY) PAY AND LEAVE REGULATIONS**

## **Ordinary Maternity Support (Paternity) Leave and Pay**

### **1. Entitlement**

All employees are entitled to two weeks maternity support (paternity) leave and this applies to:

- Biological Fathers
- Adoptive Fathers
- Nominated Carers
- Same-sex partners

### **2. Pay**

Employees will either receive statutory maternity support (paternity) pay or occupational maternity support (paternity) pay depending on length of service:

Statutory maternity support (paternity) pay is at a flat rate determined by the Department of Work and Pensions and is paid to those staff who have less than 12 month's continuous service with one or more NHS Employers at the beginning of the week in which the baby is due.

Occupational maternity support (paternity) pay is an employee's average of full pay. Staff with at least 12 months' continuous service with one or more NHS Employers at the beginning of the week in which the baby is due are eligible for this payment. Full pay is calculated based on the average weekly earnings rules used for calculating maternity pay – see paragraph 3(b), under Section A of this policy.

### **3. Commencing Ordinary Maternity Support (Paternity) Leave**

Ordinary maternity support (paternity) leave can commence before or after but must be within 56 days of the child's birth. The leave may start on any day of the week.

### **4. Applying for Ordinary Maternity Support (Paternity) leave**

You should notify your manager in writing before the 15<sup>th</sup> week before the expected date of delivery of your intention to apply for ordinary maternity support (paternity) leave or if this is not possible, as soon as is reasonably practicable.

You should complete the SC3 form, which can be found by clicking on [www.hmrc.gov.uk/forms/sc3.pdf](http://www.hmrc.gov.uk/forms/sc3.pdf) and submit as soon as is reasonably practicable.

The form should be submitted to the East Lancashire Financial Services, Arkwright Court, Commercial Road, Darwen, BB3 0FG. A copy should also be submitted to your Manager for attendance recording purposes.

## **SECTION D**



## **SHARED PARENTAL LEAVE AND PAY**

### **1. Entitlement to shared parental leave**

You will be entitled to shared parental leave if you are the mother of the child and will be responsible (or partly responsible) for the upbringing of the child. An employee who is the father of the child will also be entitled to shared parental leave. The father (or mothers' partner) should consider using up the entitlement to two weeks paternity leave before taking shared parental leave as any untaken paternity leave will be lost once shared parental leave begins.

An employee who is the mothers' partner will be entitled to shared parental leave if he or she is to share the responsibility for the care of the child with the child's mother.

### **2. Leave and pay**

The mother is eligible for shared parental leave if she:

- Has at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the Trust until the week before any period of shared parental leave that she takes.
- Has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child.
- Is entitled to statutory maternity leave in respect of the child and;
- Complies with the relevant maternity leave curtailment requirement (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirement.

The partner is eligible for shared parental leave if they:

- Have at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that they take.
- Has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child and;
- Complies with the relevant shared parental leave notice and evidence requirements.

Shared Parental Leave will be paid at the statutory maternity rate of pay or 90% of the employees average weekly earnings whichever is lower.

### **3. Notification requirements**

Each eligible employee can give their employer up to 3 separate notices. Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave. If a parent asks for discontinuous blocks of leave in a notification the Trust can refuse and require that the total weeks of leave in the notice to be taken in a single continuous block. However, where the employees' notification is for a continuous block of leave the Trust is required to agree

Not less than eight weeks before the intended start date of shared parental leave, you must give a written opt-in notice setting out the following points:

- The names of the two parents.
- Start and end dates of your maternity leave.
- The contact details of partners workplace.
- How much shared parental leave each of the two parents will be taking (this can be changed at a later date and the full allocation does not need to be used).
- How much statutory shared parental pay is being claimed (which will be 39 weeks less the amount of statutory maternity pay claimed).
- How much shared parental pay will be claimed by each parent (this can be changed at a later date and the full allocation does not need to be used).
- What will be the start and end dates for each period of the shared parental leave (this will be an indication only and will not be binding on you).
- A declaration by both parents that they meet the statutory conditions for entitlement to shared parental leave and pay.

#### **4. Booking Shared Parental Leave**

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of 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. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

#### **5. Continuous leave notifications**

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, six weeks in a row).

An employee has 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 them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

#### **6. Discontinuous leave notifications**

A single notification may also contain a request for two 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 the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see “Discussions regarding Shared Parental Leave” above).

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

## **7. Responding to a Shared parental Leave Notification**

Once the Manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the service needs.

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.

The employee 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.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

## **8. Fraudulent Claims**

The Trust can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further and a referral may be made to the Trust’s Local Counter Fraud Specialist. Fraud constitutes gross misconduct and may lead to disciplinary action, without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.