

## 1. Policy Statement

NHSBT are committed to providing support to you to manage your childcare for new-born babies or when you adopt a child. This policy provides support and information on leave that is available to you, when you become a parent. It explains the different leave options you have available to you, the eligibility requirements, how to request it and when this may be taken. See NHS Terms and Conditions and relevant Terms and Conditions for Medical Staff.

When using the policy, you should also refer to the supporting FAQs.

## 2. The Process

When you know that you are going to become a parent, you need to consider what type of leave you want to have during the first year of their birth or placement with you. There are 4 types of leave you can consider depending on your eligibility:

- Maternity leave
- Adoption leave
- Maternity Support (previously Paternity) leave
- Shared Parental leave

If you are pregnant or will be the primary adopter you must take the first 2 weeks immediately after giving birth or having a child placed with you, as you are not permitted to work during this time.

### Types of Leave

#### Maternity, Adoption, Fostering to adopt or Surrogacy Leave

If you are the child's birth parent, the surrogate mother or will be the primary adopter, you are able to request maternity or adoption leave which can be up to a maximum of 52 weeks, which includes 2 weeks' compulsory leave.

As soon as you know you are pregnant, approved for adoption or if adopting, you have had confirmation of a 'match', you must tell your manager. For pregnant employees, your manager will carry out a risk assessment to ensure any adjustments are made to your role, if required.

You need to consider, discuss and agree with your manager;

- When you want to start your maternity/adoption leave
- If you wish to take any shared parental leave
- How long you will want to take off work
- What continuous service you will have, to work out the level of pay you will receive
- How you and your manager will keep in touch during your leave
- Whether any Keeping in Touch (KIT) days will be used during your leave
- What annual leave you will have available prior to your leave and when this may be taken

- Whether you wish to carry on with any government childcare support scheme you are in. To find out more about this, contact HR Direct.
- If you are planning to return to work after the leave
- Whether you want a 1-2-1 with HR Direct to discuss your leave options. If so, you will need to contact them directly to arrange this.
- Whether you might want to consider a return to flexible working and if so when you should submit your request

Once you have discussed the above, you are required to complete the Maternity/Adoption form. You must provide this to your manager:

- ✓ before the end of the 15<sup>th</sup> week, before your expected week to give birth for maternity/surrogacy/surrogate adoption,
- ✓ for adoption, no more than 7 calendar days after the day you are notified of having been 'matched' with a child.
- ✓ If you are adopting from overseas you must inform your manager, no more than 28 days after having received your 'Official Notification', or if this is not possible as soon as you can.

You will also need to provide confirmation of your pregnancy or adoption through supplying original documents:

- Maternity - MatB1 certificate (if you have 2 jobs within different organisations you will need to ask for 2 MatB1 forms)
- Adoption - name and address of the adoption agency, date of notification of being *matched*, date on which the child is expected to be *placed*.
- Adoption through surrogacy – written surrogacy agreement or solicitor's correspondence confirming the arrangement and a copy of the 'Surrogate Birth Parent' MatB1

If you are able, you should note how long you wish to take off work, on the form. If you are unsure at this stage, your manager will note your leave as the full 52 weeks. You can change this prior to your leave or during your leave (with notice). HR Direct will confirm your start and end date of your leave in writing within 28 days of your receiving your form. If you wish to change the start date of your leave or return to work before your leave end date, you must tell your manager in writing, giving at least 28 days' notice.

Once your baby is born, you should inform your Manager of the actual date of birth as soon as you can.

## Pay

You must have 12 months continuous service with NHSBT or another NHS employer to receive paid and unpaid occupational mat leave and Occupational Maternity Pay. (you will need to declare this to be eligible for Occupational Maternity Pay(OMP). There are 2 elements to pay;

The eligibility criteria for OMP are defined in the NHS Terms and Conditions and those for SMP are defined by the Government.

### Occupational Maternity/Adoption Pay (OMP/OAP)

- Your entitlement to Occupational Maternity or Adoption Pay depends on your length of continuous NHS service (including that with NHSBT and other NHS employers) as at the 11<sup>th</sup> week before your due date. The details are in NHS Terms and Conditions Handbook; section 15.

The level of OMP is calculated based on average pay,

You may opt to take your pay spread equally over the period of your leave or defer payment until you return to work. However, once you have indicated your decision and submitted your form you *cannot* change this decision.

If you declare you will be returning to work within the NHS or NHSBT at the end of your maternity leave but change your mind and do not, you will be expected to repay any Occupational Maternity or Adoption Pay (OMP or OAP) received during your leave.

### **Statutory Maternity Pay (SMP)**

- Your entitlement to Statutory Maternity or Adoption Pay (SMP/SAP) is defined by the government and is based on your length of service with NHSBT at the 15th week before your due date. Your level of National Insurance (NI) earnings must also meet the minimum level.

If you do not qualify for SMP you may be entitled to Maternity Allowance. NHSBT's Payroll team will let you know and will send you the relevant claim form so that you can make a claim if this applies to you. MA would be paid direct by the government, not by NHSBT.

### **Maternity Support leave (previously Paternity) for Second Parent**

If your partner is pregnant or is the primary adopter of a child, as second parent, you may be eligible for up to 2 weeks Maternity Support leave. These weeks can be taken as a single period of two weeks or in one week blocks. You can vary the dates of your leave, provided you give your Manager at least 28 days' notice of the change.

In order to request this, you must be either the:

- baby's biological father
- married to, or in a civil partnership with, the birth parent/primary adopter of the child
- female partner in a same sex couple
- have or expect to have responsibility for the child's upbringing
- living with the birth parent/person adopting the child in an enduring family relationship but are not an immediate relative
- partner of someone who is adopting a child or fostering to adopt

To receive pay full pay for this period, you will need to have 26 weeks continuous NHS service by the 15<sup>th</sup> week before the expected date for your child to be born or, before the end of the week in which you are notified of being matched. Should you not have this service, you will still be able to take up to 2 weeks in one-week blocks, however this will be unpaid.

You will need to complete Maternity Support form and provide it to your manager at least 28 days before you wish to start your leave.

You can choose to start your leave either;

- on the date of your baby's birth or placement with you
- within the first 52 weeks from when your child is born or placed with you (if this is on the original expected/placement date)
- within 52 weeks of your child's original expected week of birth/placement (if this date is earlier than the original expected/placement date)
- the date your child enters the UK
- within 52 weeks of when your child enters the UK

Your Maternity Support leave cannot start before the date your child is due to be born or placed with you. If you specify your leave date to be the date your child is due to be born and you are at work on that day, your leave will begin on the next day.

## Shared Parental Leave (SPL)

SPL allows you to share your childcare with your partner. You are able to split up to 50 weeks leave between you and your partner during the first year of your child's life, or first year of placement with you.

- The first 2 weeks are compulsory which the birth parent/primary adopter must take.
- The split can be taken as you wish, if the total amount of leave you are both taking does not go over the remaining 50 weeks.
- You can request to take your leave in split periods e.g. 3 weeks in the first month, 2 weeks in the 2<sup>nd</sup> month etc, however any period you request must be taken in 1-week blocks, and all leave must be taken within in the first 52 weeks following your child's birth or before the 1<sup>st</sup> anniversary of their placement.

If you want to take SPL, you will need to provide details of how you want to take the leave to your manager by completing the Shared Parental leave form, ideally before your baby is born. If you have already commenced Maternity or Maternity Support leave, you will need to provide 8 weeks' notice (before you want to start the SPL) that you want to change the type of leave you are taking to SPL.

You need to consider, discuss and agree with your manager the details outlined in your Shared Parental leave form and:

- Whether you wish to have access to SPL Keeping in Touch (SPLIT) days during your leave
- What annual leave you will have available prior to your leave and when this may be taken
- If you are planning to return to work after the leave

In addition, should you wish to have a 1-2-1 with HR Direct to discuss your leave options, you will need to contact them directly to arrange this

If you are the **birth parent or primary adopter**, to be eligible to request SPL you must;

- Have at least 26 weeks' continuous employment by the end of the 15<sup>th</sup> week before the date you are expecting to give birth and continue to be in employment with NHSBT until the week before you take your SPL.
- Have the main responsibility for the care of your child at the date of their birth
- Be entitled to statutory maternity/adoption leave for your child
- Have provided curtailment of your maternity leave;

*And*

- Have provided details of the SPL you are requesting, and the evidence required
- Continue to be employed whilst on SPL

If you are the **partner (second parent) of the birth mother or primary adopter** of your child, to be eligible to request SPL you must;

- have 26 weeks' continuous employment by 15<sup>th</sup> week before your child is expected to be born
- have a set amount of average weekly earnings;
- have responsibility for your child at the date of their birth (apart from the responsibility of the birth parent)

Once your period of leave is agreed, if you want to amend the period/s you must provide written notice of the requested change to your manager. This must be provided at least 8 weeks before the date you want the changes to start. You may ask for a maximum of three changes during your total leave.

Due to the complex nature of Shared Parental Leave, due to the involvement of two parents, often working for different employers, we strongly suggest that you speak to HR Direct, who will be able to guide you through your options and the potential issues you may encounter with the process.

## Your pay

To be eligible for Occupational Pay for maternity leave or adoption leave you must be planning to return to work for at least 3 months after the leave ends, and the return date must be within 15 months of the start of your leave.

## Accrual of Annual Leave

You will continue to accrue annual leave while on maternity/adoption leave which you should try to take before you return to work. Should you apply for Flexible Working and this is agreed, this will only become effective after you have used the annual leave you have accrued.

## Antenatal/Adoption meetings

You are allowed reasonable paid time off to attend antenatal appointments if you are:

- pregnant,
- the intended parents of a surrogacy
- the partner (second parent) of the birth parent

This also includes parenting and relaxation classes, when prescribed by a healthcare professional. You must discuss the time off with your manager in advance and you may be asked to sign a declaration confirming your relationship, and the appointment details. If you are adopting or fostering to adopt a child, you are allowed reasonable time off to attend any official meetings in the adoption process.

## Returning to work

Before you return to work you should discuss and agree with your manager any requirements you have on your return including:

- training or re-familiarisation
- any outstanding annual leave you have accrued while off work and when/how this will be taken
- any flexible work request for consideration

## Keeping in touch days (KIT) or Shared Parental Leave in Touch days (SPLIT)

Before going on leave you will need to agree arrangements for keeping in touch. It is good practice for both you and your manager to keep in touch during this time. You should agree appropriate times and methods. In addition, Keep in Touch days allow you to come back to work e.g. for development opportunities, to keep up to date with changes, attend meetings or training etc. They will be paid at basic daily rate for the hours you work less any maternity/shared parental leave payment due for that day. If you have not agreed these days before you go on leave you will need to contact your manager at least 28 days before you want to use a KIT day to agree if this is possible.

You are allowed up to:

- 10 days when on Maternity or Adoption leave
- 20 days for both parents if you are on shared parental leave

The numbers of days are pro rata'd for part time staff.

If you work more than the days available to you, your maternity/shared parental leave payments will be stopped.

## Fixed Term Contracts

If you are employed on a fixed term contract which is due to expire after the 11th week before the week your child is due or the week in which you are notified of a Match for adoption, then your NHSBT contract will be extended to enable you to receive Maternity/Adoption leave, Statutory Maternity or Adoption Pay (SMP/SAP) and Occupational Maternity or Adoption Pay (OMP/OAP), if you would normally be eligible to receive this. The extension is to allow Maternity/Adoption Pay only, unless you have been advised your contract will not be extended past the end of your maternity leave.

If your NHS employment ceases at the end of your fixed term contract and there is no right of return because your contract would have ended if pregnancy and childbirth /adoption / shared parental leave had not occurred or been taken, the repayment provisions set out in paragraph 15.82 of the NHS Terms and Conditions will not apply.

If you are Matched for adoption and meet the eligibility criteria for Adoption pay, but your employment is subsequently terminated before the child is placed with you, then you may still be eligible for statutory Adoption Pay (unless you start working for another employer). Adoption Pay will begin 14 days before your expected date of placement. If your contract ends 14 days or less before the placement date, Adoption Pay will begin on the day after your last day of work.

Special arrangements may apply if you are adopting from overseas if you meet the qualifying criteria and your employment ends before the child enters the UK. Seek further advice from HR Direct.

### Unpaid Parental Leave

Eligible employees can take **unpaid parental leave** for different reasons. These may include for example:

- looking after your child's welfare
- spending more time with your children or to look after them during school holidays
- caring for your child when they are off school sick
- going to school open days or events with your child
- settle them into new childcare arrangements

If you need time off to care for your child or make welfare arrangements for them, you can take up to 4 weeks unpaid Ordinary Parental Leave per year, up to a maximum of 18 weeks in total up to your child's 18<sup>th</sup> birthday. The leave must be taken in blocks of one week (a 'week' is equivalent to your standard working week).

To apply for this, you must discuss your request with your manager at least 21 days before you want to take the leave but preferably with as much notice as possible so that your request can be considered. You will need to agree how long you wish to take, the start date and end date for your leave, confirm you are eligible to take the leave and that you have enough leave left to take. Your manager will need to consider operational requirements when deciding your request. If it is not possible to take your requested dates, alternative dates should be agreed during the meeting which must be within 6 months of your original requested start date. Your manager will not be able to ask for a postponement if you are requesting the leave to be taken immediately after completion of Maternity/Adoption/Paternity or Shared Parental Leave. If the new date agreed would take your leave past your child's 18<sup>th</sup> birthday your leave will still be given.

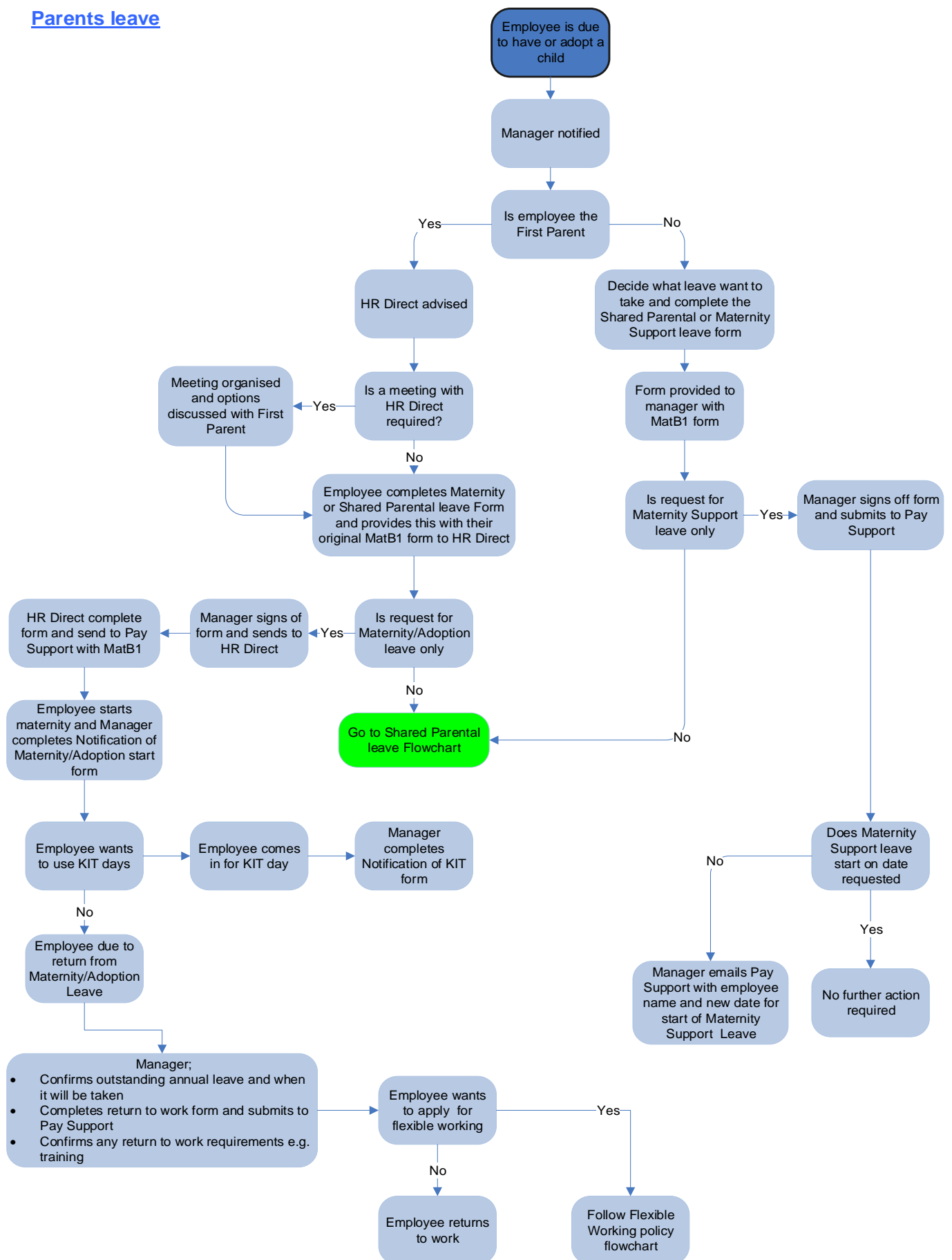
To be able to apply for the leave you must have 12 months or more continuous NHS/NHSBT service and must also have 'caring responsibility' for your child which means you are either the child's;

- Birth parent/second parent (named on the birth certificate)
- Adoptive parent
- Legal guardian
- Or have parental responsibility

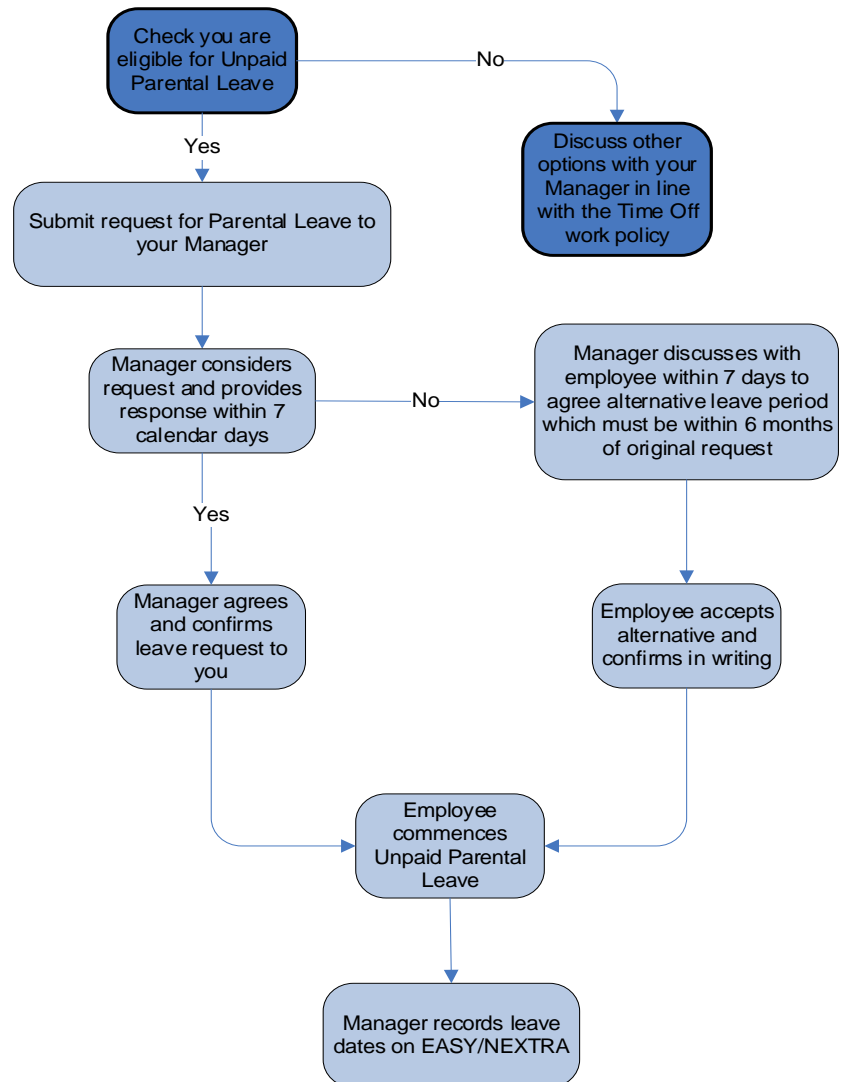
You will also need to confirm that your child is less than 18 years of age. Your manager can ask for proof of eligibility e.g. birth certificate.

### 3. Flowcharts

#### Parents leave

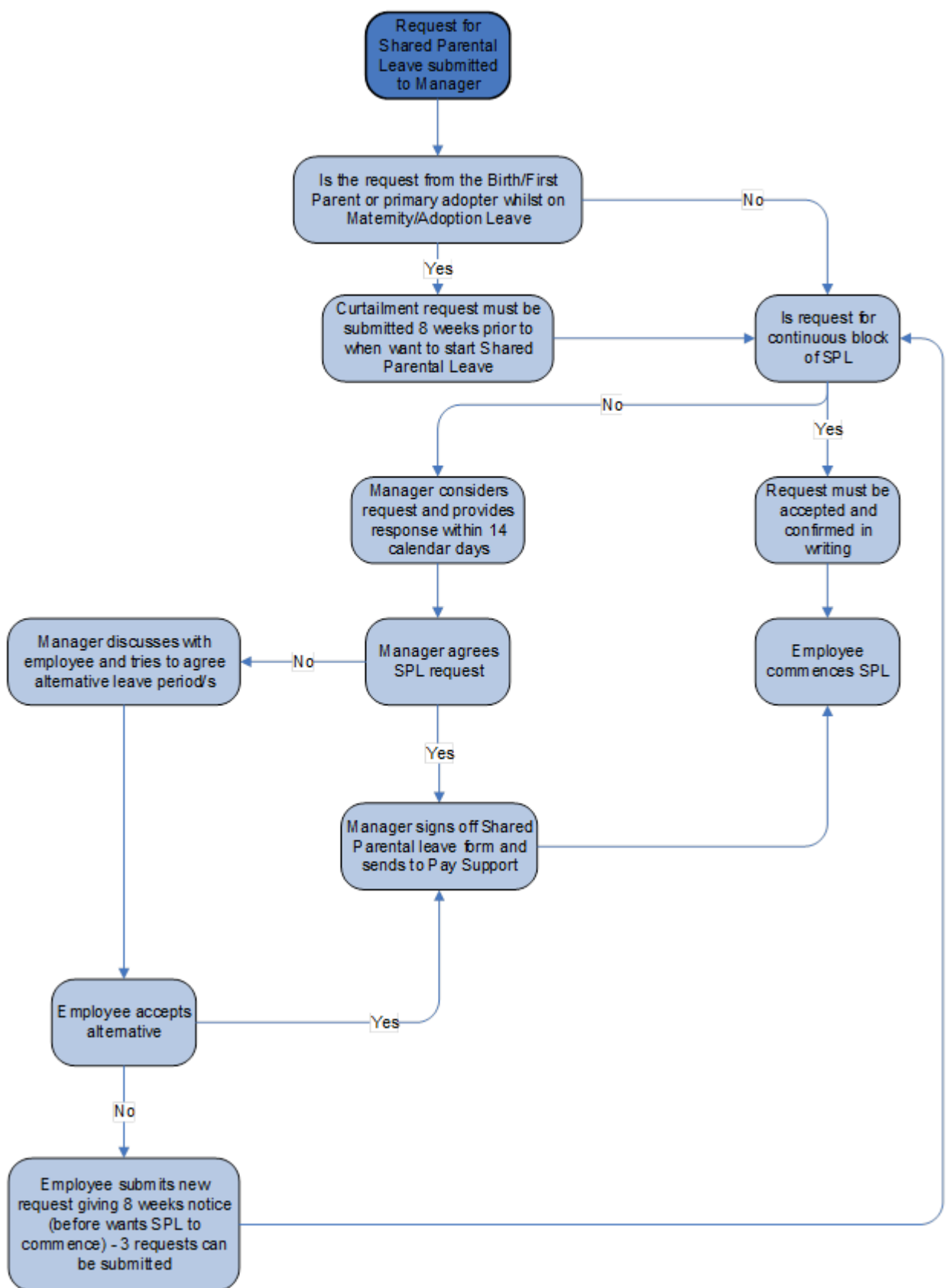


## Unpaid Parental Leave





# Shared Parental Leave



## 4. Policy Approval and Review

Policy version	UCD/People/Parents/007v3.2
Title	Parents Policy
Approved by SPC	22 <sup>nd</sup> February 2024
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This document replaces	UCD/People/Parents/007v3.1
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