

## 1. SALISBURY NHS FOUNDATION TRUST

### New Parent Leave and Pay Policy and Procedure

#### 1. Quick Reference Guide

This policy sets out employee entitlements to maternity, adoption, shared parental and new parent (paternity) leave and pay entitlements.

Version Information			
Version No.	Updated by	Updated On	Description of Changes
1.0	HR Advisor	June 2022	Full policy redevelopment – supersedes previous maternity leave policy
2.0	Head Of Employee Relations & Policy	March 2025	Amended to add new entitlement to Neo-Natal Leave

#### 2. Introduction and Purpose

- Salisbury NHS Foundation Trust (the ‘Trust’) is committed to supporting prospective and new parents through all aspects of pregnancy or adoption; throughout the subsequent leave period and their return to work.
- This policy sets out the statutory and occupational entitlements for staff who require maternity, adoption, shared parental and new parent (paternity) leave and pay.
- **Definition and Abbreviations**

The following abbreviations will be used throughout the document:

**EDC:** Expected Date of Childbirth

**EDW:** Expected Week of Childbirth

**EDP:** Expected Date of Placement in cases of adoption

**KIT:** Keeping in Touch Day

**MAT B1:** Maternity Certificate which will be issued to the expectant birth parent by their doctor or Midwife stating the date on which your baby is due

**OMP/OAP:** Occupational Maternity/Adoption Pay

**SMP/SAP:** Statutory Maternity/Adoption Pay

**SPP:** Statutory Paternity Pay

**ShPP:** Shared Parental Pay

**SPL:** Shared Parental Leave

**SSP:** Statutory Paternity Pay

**SCNP:** Statutory Neonatal Pay

Types of New Parent Leave	
<b>Maternity leave and pay</b>	Applies to pregnant employees and those who have just given birth.
<b>Adoption leave and pay (including surrogacy)</b>	Applies to the child's adopter, if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting and the intended parents in a surrogacy arrangement where they are applying for a parental order within 6 months of the child's birth.
<b>New Parent Support leave and pay (formally Paternity Pay)</b>	Applies to the second parent on the birth certificate (including biological or adoptive parents) and partners of the bearing parent, regardless of gender.

<b>Shared Parental Leave</b>	Applies to parents, adopters, partners, including civil partners or those with main caring responsibilities. It enables mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed.
<b>Neonatal Care Leave</b>	Any parent (or primary carer) of a baby born on or after 6 April 2025 admitted to neonatal care for at least seven continuous days within the first 28 days of life. All employees who are parents of, or have another "qualifying personal relationship" with, a baby who is receiving neonatal care will be eligible. The right will apply from day one of employment. Parents include adoptive parents and intended parents under a surrogacy arrangement.

### 3. Eligibility

These policies and procedures apply to all employees (medical and non-medical) engaged on a contract of service including those on fixed-term contracts. It excludes agency, contractor, bank and volunteer colleagues. Entitlements under this policy vary depending on your length of service with an NHS employer and your decision to return to your job following leave.

### 4. Scope

4.1 These policies and procedures include: applying for Maternity and Adoption Leave (including fostering to adopt and surrogacy) Shared Parental Leave, New Parent Support Leave and Parental Leave. The following definitions are referred to in these policies and procedures.

4.2 This policy does not apply where a child is not newly matched for adoption. For example, when a step-parent is adopting a partner's child(ren) or where there is already an established relationship with the child for example if the child(ren) has already been fostered prior to adoption. In this situation you will be entitled to time off to attend official meetings and may wish to exercise other provisions outlined in the Flexible Working Policy and Special Leave Policy.

### 5. New Parent Leave Introduction

5.1 All employees will have the right to take 52 weeks of maternity or adoption leave, or up to 52 weeks of shared parental leave (minus any maternity or adoption leave taken). Employees can choose to end their maternity or adoption leave to access shared parental leave.

5.2 Leave and pay is also available for partners of new parents to provide support (New Parents Support Leave formally paternity leave).

### 5.3 Notification of New Parent Leave

5.3.1 You should tell your manager as soon as possible that you are pregnant or that you will be adopting. This is important as your manager will provide you with support and guidance during this period. This also enables your manager to plan for your absence including identifying how your work will be managed during this time.

### 5.4 Maternity leave and pay:

5.4.1 An employee working full-time or part-time will be entitled to paid and unpaid maternity leave under the NHS occupational maternity pay scheme if:

- i) they have 12 months' continuous service with one or more NHS employers (Please see [Appendix A - Recognised Employers for Continuous Service](#)) at the beginning of the 11th week before the expected week of childbirth;

- ii) they notify their employer via their line manager in writing before the end of the 15<sup>th</sup> week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):
  - of their intention to take maternity leave
  - of the date they wish to start their maternity leave (employees can choose when to start their maternity leave), this can usually be any date from the beginning of the 11th week before the baby is born
  - that they intend to return to work with the same or another NHS employer for a minimum period of three months after their maternity leave has ended
  - they provide a MATB1 form from their midwife or GP giving the expected date of childbirth.

5.4.2 The employee and manager must complete a pregnancy risk assessment.

## 5.5 Adoption leave and pay

5.5.1 An employee working full-time or part-time will be entitled to paid and unpaid adoption leave under the NHS occupational adoption pay scheme if:

- i) they are the primary carer in the adoption arrangement made by an official adoption agency, or they are the intended parent through a surrogacy arrangement and commit to applying for a parental or adoption order (see <https://www.gov.uk/legal-rights-when-using-surrogates-and-donors>). For employees in a couple, only one person can get adoption leave and pay and therefore employees should decide with their partner who will receive it)
- ii) they have 12 months' continuous service with one or more NHS employers (Please see Appendix A - Recognised continuous service) by either:
  - the beginning of the week in which they are notified of being matched with a child for adoption
  - or the 15th week before the baby's due date if applying via a surrogacy arrangement and where the employee is eligible and intends to apply for a parental order
- iii) they notify their employer via their line manager in writing before the end of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement:
  - of their intention to take adoption leave
  - of the date they wish to start their adoption leave
  - that they intend to return to work with the same or be directly employed by another NHS employer for a minimum period of three months after their adoption leave has ended
  - and provide written confirmation from their placing authority of the matching decision or a parental statutory declaration that they intend to apply for a parental order in the case of a surrogacy arrangement.

5.5.2 The employee and manager must complete the adoption leave, pay notification form attaching the relevant adoption confirmation (i.e. matching certificate for UK adoptions/ official notification for overseas adoptions) to comply with the above notification requirements. This form must be completed to ensure that the employee's assignment is changed in ESR to reflect the correct period of leave and that they are paid correctly.

## 5.5.3 Fostering for adoption

Prospective adopters who have been approved by their adoption agency under a “concurrent” or “fostering for adoption” arrangement may choose to start their adoption leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of placement will not affect any adoption pay payable under this agreement.

#### 5.5.4 Adoption disruption

Should the adoption break down (“Be disrupted”) the employee will be entitled to continue their adoption leave and receive the appropriate payment for that time.

#### 5.5.5 Overseas adoption

For an employee to qualify for adoption leave and or pay resulting from an overseas adoption, they must:

- i) tell their employer the date of the official notification (permission from a GB authority for an adoption abroad) and the estimated date that the child will arrive in GB. This must be done within 28 days of receipt of the official notification;
- ii) tell their employer the actual date the child arrives in GB within 28 days of this date;
- iii) provide their employer with a minimum of 28 days’ notice of when they wish to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered GB and must start no later than 28 days after the child has entered GB);
- iv) provide appropriate documentation and proof of the adoption to the employer including but not limited to the official notification and evidence that the child has entered GB.

### 5.6 Shared parental leave and pay

5.6.1 Shared parental leave and pay can be taken at any time within one year from the birth or placement for adoption, providing two weeks’ compulsory maternity or adoption leave has been taken first.

5.6.2 An employee working full-time or part-time will be entitled to paid and unpaid shared parental leave under the NHS occupational shared parental leave and pay scheme if:

- i) they have 12 months’ continuous service with one or more NHS employers (Please see [Appendix A - Recognised Continuous Service](#)), at the beginning of the 11th week before the expected week of childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby’s due date if applying via a surrogacy arrangement
- ii) they notify their employer via their line manager of their wish to take shared parental leave and provide a minimum of eight weeks’ notice, through the submission of a booking notification form, which will confirm:
  - their intention to take shared parental leave
  - the date(s) they wish to access shared parental leave (noting that two weeks compulsory maternity or adoption leave must be taken by the mother or primary adopter before they can access shared parental leave)

- that they intend to return to work with the same NHS employer or be directly employed by another NHS employer for a minimum period of three months after their shared parental leave has ended
- that the mother or primary adopter has returned to work following maternity or adoption leave or has provided the binding notice confirming that they intend to bring their maternity or adoption leave and pay entitlements to an early end.

iii) they confirm that the other parent meets the statutory “employment and earnings test” by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The employee must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). This amount may be amended by the Secretary of State.

5.6.3 For employees that do not satisfy the eligibility requirements for the NHS occupational shared parental leave and pay scheme statutory provisions for eligibility and pay will apply as set out on the government website.

## 5.7 Neonatal Care Leave

### 5.7.1 What is Neonatal Care Leave?

Neonatal care is defined as medical or palliative care that starts within 28 days of the baby's birth and continues for a period of at least seven consecutive days.

This includes:

- Medical care in a hospital
- Medical care received elsewhere following a baby's discharge from hospital provided it under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals; or
- Palliative or end of life care

The Neonatal Care (Leave and Pay) Act 2023 comes into force on 6 April 2025, providing eligible employees with a right to take up to 12 weeks' leave where their child requires 7 (or more) days of continuous neonatal care starting within the first 28 days following their birth.

The right to neonatal care leave and pay aims to address the issue of parents of children who go into neonatal care having to use up a proportion of their existing family leave rights (maternity, paternity, etc. leave) to care for their baby in hospital.

### 5.7.2 How much Neonatal Care Leave will an employee be entitled too?

Employee's are entitled to take 1 week of Neonatal Care leave for each week that their baby spends in Neonatal Care. The minimum entitlement is 1 week, with a maximum entitlement of 12 weeks.

### 5.7.3 When can Neonatal Care Leave be taken?

Neonatal care leave must be taken within 68 weeks of a child's birth. This is to allow the leave to be taken *after* any maternity, paternity, adoption or shared parental leave.

As the last 13 weeks of maternity and adoption leave are unpaid, employees may choose to end their maternity or adoption leave after 39 weeks and switch to Neonatal care leave. If they are entitled to the maximum 12 weeks of Neonatal care leave, this would give them a total of 51 weeks

paid leave.

Employees may choose to take their full 52 weeks maternity or adoption leave entitlement and then take their entitled Neonatal Care Leave. This could give employees with the maximum Neonatal Care Leave entitlement to 64 weeks off work (albeit some of this time will be unpaid).

### Tier One Leave

- This leave is taken while an employee's baby is receiving neonatal care, or within seven days of them ceasing to receive neonatal care. The leave must be taken in continuous or non-continuous blocks of at least one week.
- As the mother is likely to be on maternity leave during the tier one period, tier one leave is most likely to be taken by the child's father or mothers partner. No advance notice is required for this leave.

### Tier Two Leave

- Begins more than seven days after the baby has stopped receiving neonatal care + must be taken as one continuous block.
- This leave will require notice of 15 days or more
- This leave will usually apply to the mother, who can decide to take neonatal care leave at the end of the paid maternity leave period or at the end of the full maternity leave period

## 6. How Pay is calculated?

6.1 Pay will be calculated using the average weekly earnings rules used for calculating SMP/SAP entitlements, subject to the following:

- Where you receive a pay award or annual increment before paid leave begins your pay will be recalculated for the entire period of your leave from the effective date of the increase.
- Where you receive a pay award or annual increment during your paid leave period, your pay will be recalculated to reflect the increase where appropriate.
- Where you receive less than full pay due to sick absence during the period used for calculating average weekly earnings, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

### 6.2 Paid Maternity and Adoption leave: amount of pay

6.2.1 Where an employee intends to return to work the amount of occupational maternity pay receivable is as follows:

- i) for the first eight weeks of absence the employee will receive full pay, less any statutory maternity pay or maternity allowance (including any dependants' allowances) receivable
- ii) for the next 18 weeks the employee will receive half of full pay, plus any statutory maternity pay or maternity allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay
- iii) for the next 13 weeks, the employee will receive any statutory maternity pay or maternity allowance that they are entitled to under the statutory scheme
- iv) for the final 13 weeks, the employee will receive no pay.

- 6.2.2 Entitlement Leave and Pay is summarised in **Appendix B** – New Parent Leave and Pay Entitlements.
- 6.2.3 In the event that an employee qualifies for occupational maternity pay benefits but has less than 26 week's continuous service with the Trust and therefore does not qualify for statutory pay benefits they would only receive occupational pay. Payroll will issue a SMP1 form to assess eligibility for maternity allowance.
- 6.2.4 By prior agreement, occupational maternity pay (OMP) may be paid in a different way, for example a combination of full pay and half pay, or total OMP spread equally over the maternity leave period (please note: SMP can't be averaged over the maternity leave period). Where occupational maternity pay has been paid in a different way, and the employee subsequently chooses to access shared parental leave and pay, the Trust may need to recalculate payments to ensure that there has not been any over or underpayment of entitlements.
- 6.2.5 Employees can request their payment preference prior to commencement of maternity leave.

### **6.3 Paid shared parental leave: amount of pay**

- 6.3.1 Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year.
- 6.3.2 Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay, maternity allowance or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent as follows:
  - i) for the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay
  - ii) for the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay
  - iii) for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme
  - iv) for the final 13 weeks, the employee will receive no pay.
- 6.3.3 Entitlement Leave and Pay is summarised in **Appendix B** – New Parent Leave and Pay Entitlements.
- 6.3.4 In the event an employee qualifies for occupational pay benefits but has less than 26 week's continuous service with the Trust and therefore does not qualify for statutory pay benefits they would only receive occupational pay.
- 6.3.5 An NHS employer will not pay more than 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational maternity or adoption or

shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

#### **6.4 Paid Neonatal Care Leave; amount of pay**

6.4.1 Employees who are entitled to neonatal care leave will be eligible for SNCP if they:

- Have at least 26 weeks' continuous service by the "relevant week", which will be the 15th week before the expected week of childbirth (in birth cases), or the week in which the adopter is notified of being matched with the child for adoption (in adoption cases); and
- Have normal weekly earnings of at least the lower earnings limit (£125 from April 2025) for the eight weeks immediately before the relevant week.

This entitlement is the same as statutory maternity pay and statutory adoption pay.

Employees to remain employed by the employer during the period from the end of the relevant week to the week in which the SNCP would be due.

6.4.2 The rate of SNCP will be the same as statutory family leave pay (£187.18 per week from April 2025), or 90% of the employee's average weekly earnings, if lower.

6.4.3 An employee will need to give their employer notice of their entitlement to SNCP and the week(s) for which it is payable. The employer will be able to require such notice to be given in writing.

#### **7 Time off for appointments**

7.1 During your pregnancy, you have the right to paid time off for antenatal care. Antenatal care may include relaxation and parent-craft classes, as well as appointments for antenatal care with a midwife

7.2 Employees being assessed for adoption have the right to reasonable paid time off for essential meetings.

#### **8 Commencing Maternity and Adoption Leave**

8.1 You must formally notify your manager by applying for maternity or adoption leave by completing the **New Parent Leave and Pay Policy Application Form: Appendix C1 - Maternity and Adoption** confirming when you wish your maternity or adoption leave to start.

If you wish to change the date of the start of your maternity or adoption leave you must give us at least 28 days' notice by amending your application.

**Maternity** - You must formally notify your manager at least by the 15<sup>th</sup> week before the EWC including providing a MATB1 signed by GP/Midwife. Your maternity leave can commence anytime from the 11<sup>th</sup> week before the EWC to the date your baby is due. If your baby is born before the date you are due to start your maternity leave will automatically start on this date and you should inform your manager as soon as reasonably possible.

**Adoption** - You must formally notify your manager at least 28 days before the child is placed with you including providing a Matching Certificate. Your adoption leave can commence anytime from 14 days before the placement. Or in cases where the child comes from outside the UK this will commence on the date the child enters the UK or up to 28 days later.

Upon receipt of your completed Maternity Leave Form and following an interview with your manager, you will receive written confirmation from your line manager of:

- (i) Your expected return to work date after Maternity, based on your 52 weeks entitlement under this agreement (should you state an earlier return date, this will be stated in your letter);
- (ii) The length of any period of accrued annual leave and public holidays which may have been agreed may be taken following the end of the formal maternity leave period;
- (iii) The requirement for you to provide at least 28 days' notice, should you wish to return to work before the expected return date.

Line Managers should complete the appropriate letter **Appendix D1- Maternity and Adoption Leave Arrangements Letter** and pass to the employee at the earliest opportunity.

The payroll department will notify you separately of your entitlements to paid/unpaid leave in accordance with the NHS terms and conditions (or statutory entitlements if you are not eligible for occupational maternity pay).

## **9 Applying for Shared Parental Leave**

**9.1** You should complete the New Parent Leave and Pay Policy Application Form: Shared Parental Leave - Appendix C2 Shared Parental Leave Form\_after Adoption, or Appendix C3 - Shared Parental Leave Application Form\_after Maternity, and submit to your manager providing at least 8 weeks' notice of your intention to take shared parental leave. You can provide up to 3 notices to book leave. This includes any notices to vary previously agreed leave. Your leave can be booked as a single period of leave, or it may be booked as discontinuous periods of leave. If a notice is withdrawn within the required timeframe, it will not count towards the three booking notifications cap. Your manager will discuss your leave request with you and will:

**Single blocks of leave.** Your manager can confirm single blocks of leave with you. You may amend your SPL, to end it sooner or to consolidate a number of discontinuous weeks into a single block of leave by giving 8 weeks' notice to your manager. Your manager will apply flexibility with regard to the start of your leave in the event of early and late births. At your managers' discretion, you may withdraw notice for SPL however your manager is not required to agree to withdraw the leave request

**Discontinuous periods of leave.** Your manager may wish to discuss your SPL pattern with you as this may have a detrimental impact on our service and may not be able to agree to the leave. Your manager will review alternative patterns of leave with you for a period of 2 weeks starting with the date you submitted your leave application.

Where an agreement to an alternative leave pattern is not reached your leave will be for the total amount of leave requested in a single block commencing on a date specified by you and no less than 8 weeks from the date of your original notice application. You have 5 days from the end of the 2-week review period in which to confirm the date your leave will commence. If you do not confirm a start date your leave will commence from the start date of the first period of discontinuous leave that you originally applied for. This will be confirmed to you in writing.

You may withdraw your notice for discontinuous blocks of leave within 15 days of submitting your notice providing an agreement has not been reached with your manager on your leave dates. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided.

**Accrued annual leave.** This can be taken at the end of shared parental leave.

Upon receipt of your completed Shared Parental Leave Form and following an interview with your manager, you will receive written confirmation from your line manager of:

- (i) Your expected return to work date after SPL, based on how you are sharing your 52 weeks entitlement under this agreement (should you state an earlier return date, this will be stated in your letter);
- (ii) The length of any period of accrued annual leave and public holidays which may have been agreed may be taken following the end of the formal SPL period;
- (iii) The requirement for you to provide at least 28 days' notice, should you wish to return to work before the expected return date.

Line Managers should complete the appropriate letter, Appendix D2 – Shared Parental Leave Confirmation Letter, or Appendix D3 – New Parent Support Leave Letter, and pass to the employee at the earliest opportunity.

The payroll department will notify you separately of your entitlements to paid/unpaid leave in accordance with the NHS terms and conditions (or statutory entitlements if you are not eligible for occupational maternity pay).

## **10 Risk Assessment**

10.1 You will be required to complete a risk assessment of your working environment and conditions Maternity Health and Safety Risk Assessment - Appendix E [If a medical practitioner or Occupational Health consider that you or your child are at risk by continuing in your post and with your duties, your manager will identify suitable alternative work for you or if this is not available paid leave will be considered.](#)

## **11 Maternity and Sick Absence**

11.1 If you are absent due to a maternity related illness or suspended on Health and Safety grounds in the 4 weeks before your baby is due your maternity leave will start automatically. In the case of maternity related illness this is the day after your first day of absence.

Absence prior to the last four weeks before the EWC, supported by a Doctors Certificate, or a self-certificate, shall be treated as sick leave in accordance with normal sickness provisions.

Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working till the maternity leave start date previously notified to the employer.

## **11.2 Sickness following the end of maternity, adoption, or shared parental leave**

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

## **12 Pre-term birth**

12.1 Where an employee's baby is born prematurely, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born at full term.

- 12.2 Where an employee's baby is born before the 11th week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.
- 12.3 Where an employee's baby is born before the 11th week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.
- 12.4 Where an employee's baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split their maternity leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and the rest of their leave following their baby's discharge from hospital.

### **13 Still birth**

- 13.1 In the event that an employee's baby is stillborn after the end of the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born alive. Parents who experience a still birth from the 24th week of pregnancy will be eligible for provisions under section 23 Child bereavement leave in the NHS Terms and Conditions handbook.

### **14 Miscarriage**

- 14.1 In the event where an employee has a miscarriage before the start of the 25th week of pregnancy, normal sickness absence provisions will apply.

### **15 Employees undergoing fertility treatment**

- 15.1 Employees who are undergoing IVF or other fertility treatment should take unpaid leave. You should discuss the situation with your manager who may be able to offer alternative suggestions to assist individuals depending on their circumstances, e.g. time off in lieu, different working pattern and/or annual leave.

### **16 Health and safety of employees pre and post birth**

- 16.1 Where an employee is pregnant or has recently given birth or is breastfeeding, the line manager must undertake a Maternity Health and Safety Risk Assessment - Appendix E of their working conditions. If it is found, or a medical practitioner considers, that an employee or the child would be at risk were they to continue with their normal duties, the line manager should provide suitable alternative work for which the employee will receive their normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay.
- 16.2 The line manager is responsible for undertaking this risk assessment jointly with the employee and must retain a copy of the completed form on the personal file.
- 16.3 Where a risk to health is identified and hazards can't be mitigated through local action planning or further advice is required to complete the assessment, a referral should be made to Occupational Health for further advice. The referral should be made in the normal way attaching the risk assessment and other relevant information as may support consideration.

16.4 Actions to ensure the safety of pregnant staff at work may include:

- Reasonable adjustments to the working arrangements

- Temporary redeployment to suitable alternative work (on the employee's normal rate of pay)
- Or medical exclusion on full pay where no suitable alternative work can be offered.

16.5 The assessment of risk should be reviewed as the pregnancy progresses to ensure actions remain appropriate to the circumstances.

16.6 These provisions also apply to an employee who is breastfeeding if it is found that their normal duties would prevent them from successfully breastfeeding their child.

16.7 A Maternity Health and Safety Risk Assessment must also be carried out for any employee who is breastfeeding and facilities must be provided.

## **17 Breast Feeding Facilities**

17.1 The Trust provides breast-feeding and rest facilities, with access to a private room to express and store milk. Your manager will also consider requests for flexible working arrangements to support breastfeeding.

Mothers are welcome to visit the on-site day nursery to express or breastfeed their baby whilst at work. Refrigerators are available for the storage of milk where needed. Please contact the day Nursery Manager, Tops Salisbury, Salisbury District Hospital, Telephone 01722 786393, for more information.

## **18 Annual Leave**

18.1 You will continue to accrue annual leave and public holidays on paid and unpaid leave. Where the amount of accrued annual leave and public holidays would exceed the normal carry over limit of 5 days, you may take annual leave and public holidays before and/or after your maternity or adoption leave. You should discuss this with your manager.

Payments in lieu may be considered as an option where accrual of annual leave exceeds normal carry over limits.

## **19 Keeping in Touch (KIT-days) / Shared Parental Leave in Touch (SPLiT) days**

19.1 Before going on leave, the employee and manager should also discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity, adoption, or shared parental leave, including:

- i) any voluntary arrangements that may help them keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work
- ii) keeping the line manager in touch with any developments that may affect their intended date of return.

19.2 To facilitate the process of keeping in touch, it is important that the employee and manager have early discussions to plan and make arrangements for "keeping in touch days" (KIT days), or "shared parental leave in touch" (SPLiT) days, before the employee's maternity leave, adoption leave, or shared parental leave takes place.

19.3 The manager and employee must ensure that work assigned during KIT/ SPLiT days is appropriate and takes account of the employee's scope of competence at that point in time (i.e. taking account of time out of the workplace/ changes that may have occurred during this time).

- 19.4 KIT / SPLiT days are intended to facilitate a smooth return to work for employees returning from maternity, adoption, or shared parental leave.
- 19.5 An employee may work for up to a maximum of ten KIT days without bringing their maternity or adoption leave to an end. Any days of work will not extend the maternity / adoption leave period.
- 19.6 An employee may work up to a maximum of twenty SPLiT days without bringing their shared parental leave to an end. Any days of work will not extend the shared parental leave period. This will enable employees on shared parental leave to work either continuously or on odd days without bringing an end to their shared parental leave and pay.
- 19.7 An employee may not work during the two weeks of compulsory maternity or adoption leave
- 19.8 Work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the line manager nor the employee can insist upon it.
- 19.9 For KIT /SPLiT days worked the employee will be paid at their basic daily rate for the hours worked, less any occupational or statutory maternity / adoption / shared parental leave payments. If a KIT /SPLiT day is worked in the full pay period, the line manager will make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work. If a KIT /SPLiT day is worked on a day of leave in the half pay period, the line manager will make arrangements to ensure the employee receives a half day of paid leave in lieu once the employee had returned to work.
- 19.10 Working for part of any day will count as one KIT / SPLiT day
- 19.11 To ensure that staff are paid for their KIT / SPLiT days the line manager must complete and submit to the relevant maternity/ adoption form (Appendix F - KIT SPLIT Application Form) to payroll.

## 20 Returning To Work

- 20.1 When you intend to return to work at the end of your full maternity or adoption leave, or at the end of your shared parental leave, you will not be required to give any further notification to the line manager, although if you wish to return early, you must give at least 28 days' notice. As an employee you have the right to return to your job under the original contract and on no less favourable terms and conditions.

If you choose not to return to work or with a different NHS employer within:

- i) 15 months of the beginning of your maternity / adoption leave, or
- ii) three months of the end of your shared parental leave

you will be liable to refund the whole of your maternity, adoption, or shared parental pay, less any statutory maternity, adoption or shared parental pay, received. In cases where the Trust considers that to enforce this provision would cause undue hardship or distress, it will have the discretion to waive their right to recovery. Approval for which must be sought from the Directorate Management Team.

## 21 Contracts

### 21.1 Fixed-term or Training Contracts

If you are on a fixed-term or training contract which expires after the 11th week before the expected week of childbirth, or the date of matching, or the 15th week before the baby's due date if applying via a surrogacy arrangement, and you satisfy the relevant conditions in Section 5.1 Maternity and Adoption Leave and Pay entitlements in your contract will be extended so as to allow you to receive 52 weeks leave, which includes paid occupational and statutory maternity / adoption pay. If you do not meet the 12 months' continuous service condition, you may still be entitled to Statutory Maternity / Adoption Pay.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth / adoption had not occurred or been taken, the repayment provisions for occupational pay will not apply.

## 21.2 Rotational Training contracts

Where you are on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, you have the right to return to work after a period of maternity/adoption leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth/adoption leave had not occurred. In these circumstances your contract will be extended to enable you to complete the agreed programme of training.

## 22 Training Programme Change of Employer

22.1 Where you change employer because your training programme has required you to do so (including working in a Crown Dependency), and this prevents you from having the required continuous service with us to be eligible for statutory maternity/adoption pay, and had you not been required to change employer you would have been eligible for statutory continuous service to access statutory maternity or adoption pay, we will pay you, the value of statutory maternity/adoption pay you would have received if your statutory continuity had not been broken by changing employer.

## 23 Pensions

23.1 Deductions from your salary for pension contributions will be made during any period in which you receive OMP/OAP or SMP/SAP/SPP/ShPP and contributions will cease once your pay stops. If you return to work and wish to remain in the pension scheme, contributions are payable on your unpaid maternity leave. These are based on the weekly rate of pay at the last week of maternity pay. Arrears will be recovered over approximately the same period as your unpaid maternity leave.

If you do not intend to return to work after your maternity leave pension deductions will not normally be made after the date you leave work to commence your maternity leave. Membership of the pension scheme is optional, and you have the right to leave and re-join the scheme at any time. Leaving the scheme, even for a short period, will have an impact on your final pension entitlements. You should contact the Pensions Advisor/Payroll for advice on how this will affect your pension

## 24 New Parent Support Leave (formally Paternity Leave)

24.1 This occupational provision builds on statutory paternity leave and pay and applies to the father of the child, the mother's or primary adopter's spouse or partner (whether opposite or same sex), intended parent (if having a baby through a surrogacy arrangement) or nominated carer.

All eligible employees are entitled to two weeks of new parent support leave which can be taken around the time of the birth or the placement of the child for adoption.

Employees granted new parent support leave will receive full pay during this period if they have 12 months' continuous service with their or any other NHS employer before they take their leave.

Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity / adoption pay entitlements. The employee will receive full pay less any statutory paternity pay receivable.

Leave must be taken in either 1-week blocks or all together, however the leave must be taken within 56 days of the date the child is born or adoption placement date.

Your entitlements to leave and pay will vary according to your length of continuous service with one or more NHS employers. Appendix B - Pay and Leave Entitlements provides this information.

Following any period of new parent support leave you will return to your current post on the same terms and conditions of employment.

#### 24.2 How pay is calculated

You may be eligible for Statutory Paternity Pay and Occupational Paternity Pay depending on your length of continuous service with an NHS employer. Your pay is calculated as your average weekly earnings 8 weeks before the 'qualifying week' 15 weeks before the week in which your baby is due or date of adoption. Only one period of leave and paternity pay (statutory and/or occupational for multiple births or the adoption of more than one child on the same adoption date)

#### 24.3 Time off for ante-natal appointments

Where you qualify for new parent support / paternity leave you will be entitled to unpaid leave to attend two ante natal appointments. Unpaid leave, up to a maximum of six and a half hours per appointment can be accessed.

#### 24.4 Applying for New Parent Support Leave (formally Paternity Leave)

In order to take new parent support/ paternity leave and pay you must notify your manager, by completing **Appendix C4 - New Parent Support Application Form**, and attach evidence of eligibility as below:

- **Proof of pregnancy:** a copy of Maternity Certificate (MATB1), which is provided to the mother from either the GP or Midwife; or
- **Proof of adoption:** a copy of an 'official notification' (for overseas adoption) or a matching certificate provided by the adoption agency (for UK adoptions).

If you wish to change the date of the start of your new parent support/ paternity leave you must give us at least 28 days' notice by amending your application.

Line Managers should complete the letter (**Appendix D3 – New Parent Support Leave Letter**) and pass to the employee at the earliest opportunity.

Staff that only qualify only for statutory paternity leave and pay must also complete the relevant HM Revenue and Custom's (HMRC) form (available on the gov.uk website):-

- Form SC3 – Becoming a parent through the birth of a baby
- Form SC4 – Becoming an adoptive parent with a UK adoption
- Form SC5 – Becoming parent with an overseas adoption

## **25 Monitoring Compliance and the effectiveness of this policy**

This will be monitored by People Operations within the People Services Directorate. Our People managers are responsible for the implementation of this policy and procedure.

## **26 Equality Impact Assessment**

*This document has been assessed against the Trust's Equality Impact Assessment Tool which was presented to the ratifying committee.*

**Appendices (in separate folder)**

<b>Post Holder /Author Responsible for Policy:</b>	Head of Employee Relations and Policy
<b>Date Written:</b>	March 2025
<b>Approved By:</b>	OD&P Board & JCC March 2025
<b>Next Due for Review:</b>	March 2028
<b>Date Policy effective from:</b>	4 <sup>th</sup> April 2025