

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

**ST CATHERINE'S
HOSPICE**

Parental Policy (Maternity, Paternity and Adoption)

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Document Control Table

Document Title:	Parental policy
Document Ref:	POL 80
Author (name and job title):	Sue Reader, HR Partner
SMT sponsor:	Elly Powis, People Director
Members of stakeholder group:	SMT
Target audience: <i>For each category, specify re. discipline, service, function, grade etc</i>	All Employees
People who need to know this document in detail	HR Team/All Managers
People who need to have a broad understanding of this document	Managers/ HR Team/ Employees
People who need to know this document exists	All Employees
Key words	Maternity leave, expected week of childbirth (EWC), ordinary maternity leave (OML), additional maternity leave (AML) MATB1 certificate, childbirth, statutory maternity pay (SMP), keeping in touch days (KITs), Antenatal, health & Safety, Adoption Leave, Shared parental leave (SPL), premature births, Paternity leave. Parental leave, Flexible working
Document Status:	
Date Approved:	
Approved By:	
Effective Date:	
Date of Next Review:	

Amendment History

Version & date created	Date of review	Author	Notes on revisions (inc reason)
HR 20 (Feb 2013)	June 2016	K Anderson	Full review, revision and reformat
POL 80 v1 (June 2016)	July 2019	Sue Reader	Amended guidance on flexi working, and added information on IVF in line with legislation
Pol 80 v2 (Aug 19)	May 2020	Jo Foster	Updated information on enhanced maternity pay
Pol 80 v3	June 2022	Sue Reader and Lizzie Hutchings	Review and amended guidance on adoption, surrogacy, breast feeding, paternity and pension

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Associated Documents

Risk Management Policy
Attendance Policy
Flexible Working Policy
Lone Working Policy
Work station and DSE Policy

References

Employment Rights Act 1996
Employment Relations Act 1999
Employment Act 2002
Work and Families Act 2006
Children and Families Act 2014
The Parental Bereavement leave and Pay Act 2018
http://www.cipd.co.uk/knowledge/fundamentals/emp-law/maternitiy-paternity-rights/
www.gov.uk
https://www.hse.gov.uk/mothers/employer/risk-assessment.htm
https://www.hse.gov.uk/mothers/employer/rest-breastfeeding-at-work

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Contents

1. Purpose and scope	...	...	...	...	p5
2. Definition of terms	...	...	...	...	p5
3. IVF – in vitro fertilisation	...	...	...	...	p6
4. Time off for antenatal care	...	..	...	...	p6
5. Action required – pregnant employee...	...	...	...	...	p7
6. Notification of Pregnancy – Employer	...	...	...	...	p8
7. New & Expectant Mothers Risk Assessment checklist...	...	...	...	...	p8
8. Maternity Leave Entitlement.....	...	...	...	...	p8
9. Maternity pay	...	...	...	...	p9
10. Miscarriage	...	...	...	...	p11
11. Preterm birth	...	...	...	...	p11
12. Stillbirth	...	...	...	...	p11
13. Pension contributions...	...	...	...	...	p12
14. Sickness absence during pregnancy	...	...	...	...	p12
15. Annual leave	...	...	...	...	p12
16. Keeping in Touch (KIT) days...	...	...	...	...	p13
17. Returning from maternity leave	...	...	...	...	p13
18. Breastfeeding mothers	...	...	...	...	p14
19. Adoption	...	...	...	...	p14
20. Surrogacy	...	...	...	...	p16
21. Shared parental leave	...	...	...	...	p16
22. Paternity leave	...	...	...	...	p17
23. Parental leave	...	...	...	...	p18
24. Flexible working	...	...	...	...	p20
25. Dissemination	...	...	...	...	p20
26. Monitoring & review	...	...	...	...	p20

Appendices

Appendix1 Maternity Notification Letter	...	...	...	...	p22
Appendix 2 Paternity Notification Letter	...	...	...	...	p23
Appendix 3 New & Expectant Mothers Risk Assessment Checklist...	...	...	...	...	p24

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

1. Purpose and Scope

This policy is designed to help employees understand their statutory rights and responsibilities when they are pregnant, have recently had a baby or are planning to adopt. This includes details of arrangements for attending antenatal appointments, pregnancy related illness, annual leave accrual and maternity pay and leave entitlements.

2. Definition of Terms

OML/OAL: Ordinary Maternity/Adoption Leave - The entitlement to a period of 26 weeks leave regardless of how long an employee has worked for the Company. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity allowance.

AML/AAL: Additional Maternity/Adoption Leave - The entitlement to a further period of up to 26 weeks unpaid leave regardless of how long an employee has worked for the Company.

NI: National Insurance contributions.

SMP/SAP: Statutory Maternity/Adoption Pay - The minimum level of Maternity/ Adoption Pay that an employee is entitled to through State provision if an employee has 26 weeks continuous employment by the 15th week before their EWC and has paid sufficient National Insurance (NI) Contributions.

SMA/SAA: Statutory Maternity/Adoption Allowance - Allowance paid by Department of Work and Pensions to those employees, who do not qualify for Statutory Maternity Pay. Eligibility is determined by the above Government Departments.

OMP/OMA: Occupational Maternity/Adoption Pay - Based on eligibility. Maternity/Adoption Pay, which is payable by the company.

EWC: Expected Week Of Confinement - The week in which the baby is due to be born.

QW: Qualifying Work - Qualifying week: 15th week before the EWC.

MAT B1 Form: The certificate provided by the employee's GP or Midwife, anticipating the potential date of the birth of their baby. Usually issued to employees between 24-26 weeks into pregnancy.

KIT DAYS: The employee's entitlement to Keeping in Touch days.

DWO: Department for Work & Pensions.

Paternity Leave: The entitlement to a period of 2 weeks

SPL: Shared Parental Leave

SHPP: Statutory Parental Pay

Partner: Includes same sex partners/civil partnerships

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

3. IVF: In Vitro Fertilisation (IVF)

IVF is the process of fertilisation which happens outside the body. This process can typically take between 4 and 7 weeks for one cycle. IVF does not always result in a pregnancy.

3.1 Time off for investigation or treatment

Employees who may need to take time off work for IVF treatment should make medical appointments related to IVF in the same way as any other medical appointments. Please refer to the Attendance Policy, 'time off for appointments'.

Flexible working arrangements or a combination of paid, unpaid, or annual leave during the treatment can be considered with the employee's line manager.

In some cases, an employee may be unable to work because of the treatment and be signed off sick by the GP. Absence will be managed in accordance with the Attendance Policy.

Following implantation, a pregnancy may or may not occur, but is regarded as being pregnant from the point of the implantation and should notify their manager and HR once they have reached this stage. The pregnancy test is usually taken 2 weeks after implantation.

If the treatment is successful and the employee remains pregnant, they are protected, and the maternity leave process will apply.

If the treatment is unsuccessful, the protection will end two weeks after the end of the pregnancy. A pregnancy test is taken 2 weeks after implantation and, if the test is negative, the protected period extends for a further 2 weeks.

4. Time off for antenatal care

4.1 If the employee is pregnant

Any pregnant employee, regardless of their length of service or hours worked, is entitled to time off to attend appointments for antenatal care. If an appointment falls during an employee's working hours, they may request paid time off from their Manager. This should not be unreasonably refused, but employees should give as much notice of antenatal appointments as reasonably possible and try to arrange them near to the start or end of their working day. Antenatal care includes appointments with a GP, midwife, hospital or clinic.

For the first antenatal appointment, the employee will not need to provide medical evidence of pregnancy or an appointment.

The employee will continue to receive normal pay for attendance at authorised antenatal appointments, including any time spent travelling to and waiting for the appointment.

4.2 Accompanying a pregnant partner

An employee may take unpaid time off **to accompany a pregnant partner** to up to two antenatal appointments in relation to each pregnancy, if they have a 'qualifying relationship' with the pregnant partner or the child. This means that:

- they are the baby's father

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

- they are the pregnant person's spouse, civil partner or cohabiting partner or are living with her in a permanent family relationship and she is not the sister, mother, grandmother, aunt or niece; or
- they have undergone assisted conception and at that time the employee was her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
- they are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.

As much notice of the appointment as possible must be given, confirming:

- that the employee meets one of the eligibility criteria set out above;
- that the purpose of the time off is to accompany the pregnant woman to an antenatal appointment; and
- that the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse.

A GP may recommend holistic treatments as additional appointments for which pregnant employees are entitled to take time off to attend. Further time off for antenatal appointments is at our absolute discretion.

5. Action Required – Pregnant Employee

5.1 Advising of pregnancy

All pregnant employees should complete appendix 1 and send this to HR. Employees should then arrange a meeting with their line manager as soon as their pregnancy is confirmed, so that a risk assessment can be carried out. Any risks identified will be reduced wherever possible, for example this could be an adjustment to working hours or tasks within their current role.

If risk cannot be reduced alternative options will be considered, for example; a suitable alternative role for the duration of the pregnancy. If there is no suitable alternative role available, we may suspend the employee on full pay until such time the employee is no longer at risk.

These alternative arrangements may continue for six months after the birth of the baby, if the employee returns to work and we consider the employee is still at risk. This will be discussed with the employee.

If an employee is absent due to pregnancy related sickness, we can ask the employee to commence maternity leave early any time after the beginning of the 4th week of EWC. In these circumstances maternity leave will commence automatically on the day following the first day of absence in that period.

If the employee has any concerns about their health and safety, or that of their unborn child, at any time, the employee should contact the HR team immediately.

During the 16 to 20 weeks of pregnancy, a member of the HR team will arrange to meet with the employee to discuss the maternity procedures and provide relevant paperwork for completion and return. This will include discussions about maternity pay and whether the employee anticipates taking AML after the OML ends and whether the employee intends to return to work after the maternity leave comes to an end.

All employees must complete the maternity paperwork, whether or not they are entitled to Statutory Maternity Pay, as they may be entitled to other benefits from the Department for Work and Pensions.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

5.2 Confirming start of maternity leave – Employee

A pregnant employee must notify their line manager of the intention to take maternity leave before the end of their 25th week of pregnancy, or as soon as reasonably practicable. It would be helpful if the employee provides as much notice as possible of their wish to take maternity leave so that we can ensure any support is available if needed and risk assessments carried out.

The earliest date an employee may start maternity leave is the beginning of the 29th week of pregnancy.

In any event we will write within 28 days of receiving notification informing the employee of the date that the OML and AML will end.

6. Notification of Pregnancy – Employer

The employer is required to respond to the employee's notification of their leave plans, and must complete the Receipt of Maternity Notification Letter as follows:

- Within 28 days of receiving the employee's notification letter
- Inform the employee of the date they are expected to return to work if they take the full entitlement to maternity leave (i.e. 52 weeks).

Protection from detriment – if the employer does not give the required notification, they are not able to prevent the employee from leaving early. The employee is protected against detriment or dismissal if they fail to return on the due date.

Reasonable contact – the employer and employee are entitled to make reasonable contact with each other whilst the employee is on maternity leave. Before going on maternity leave, the employee's Line Manager and employee should agree any arrangements for making reasonable contact.

7. New & Expectant Mothers Risk Assessment checklist (NEM)

This section applies to all employees, whether or not they intend to return to work following their maternity leave. Employees are entitled to work for as long as they wish, up to their date of confinement.

- If the NEM Risk Assessment Checklist identifies a risk, the employee should be removed from the workplace and an alternative area of work should be identified. In such circumstances, further support and advice will be available from Occupational Health and HR. (Appendix 3)
- If the employee works nights and considers that night work could affect their health and safety, a medical certificate stating this will be required. Managers should be aware of any potential health hazards within the employees working area to both mother and baby, including employees still breastfeeding.

8. Maternity Leave Entitlement

8.1 Ordinary Maternity Leave (OML)

All pregnant employees are entitled to 26 weeks Ordinary Maternity Leave (OML), regardless of their length of continuous employment. During the period of OML, the employee's contract of

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

employment remains the same and they are entitled to receive all their normal contractual benefits, except for salary.

Salary will be replaced by Maternity Allowance, Statutory Maternity Pay (SMP) or the St Catherine's Hospice Enhanced Maternity Pay Scheme, if the employee is eligible. (See below).

8.2 Additional Maternity Leave (AML)

All pregnant employees are entitled to 26 weeks Additional Maternity Leave (AML), which starts immediately after the end of their Ordinary Maternity Leave. During the period of AML, the employee's contract of employment remains the same and they are entitled to receive all their normal contractual benefits, except for salary.

If the employee is eligible, salary will be replaced by Statutory Maternity Pay (SMP) for the first 13 weeks of AML and the remaining 13 weeks of AML will be unpaid.

9. Maternity Pay

9.1 Maternity Allowance

Any pregnant employee who is not entitled to receive Statutory Maternity Pay (SMP) or St Catherine's Enhanced Maternity Pay may be entitled to claim Maternity Allowance if:

- They are employed, but are not eligible for SMP.
- They earned £30 per week or more averaged over any 13 weeks in their test period. Earnings from employment are used to work out Maternity Allowance. If an employee does not qualify for SMP or Maternity Allowance, they may be able to get Employment and Support Allowance (ESA) instead.

If they have made a claim for Maternity Allowance, they do not have to make a separate claim for ESA; Jobcentre Plus will automatically check their eligibility for this.

How much is paid?

Maternity Allowance pays a standard weekly rate, please check the government website to find out the exact amount <https://www.gov.uk/maternity-allowance/what-youll-get>.

Maternity Allowance is paid for a maximum period of 39 weeks.

How is Maternity Allowance paid?

Maternity allowance will be paid in line with the government website: <https://www.gov.uk/maternity-allowance/what-youll-get>

Maternity Allowance Process

Employees claiming maternity allowance should still follow the process outlined in this policy, ensuring that they complete a NEM Risk Assessment Checklist and make an appointment with HR between the 16th and 20th week of pregnancy. Employees must also ensure that they provide their MAT B1 Certificate (issued by their GP or Midwife) to the HR Department as soon as they receive it. Employees will need to complete the relevant information on the government website and follow the instructions where to send it. <https://www.gov.uk/maternity-allowance/how-to-claim>. We will provide the employee with a SMP1 form to send along with this information.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

9.2 Statutory Maternity Pay (SMP)

To qualify for Statutory Maternity Pay employees must:

- Have worked for StCH for at least 26 weeks continuing in the 'qualifying week' – the 15th week before the expected week of childbirth.
- Give the correct notice and proof of pregnancy.
- Earn on average at least the statutory amount (please refer to gov website).
- Are still pregnant at the 29th week of pregnancy (or have given birth).
- Have notified St Catherine's Hospice by their 25th week of pregnancy when they intend to stop working and when they would like their SMP to start.

In addition:

- The Statutory Maternity Pay Scheme is treated as earnings and is subject to PAYE and NI deductions.
- The Statutory Maternity Pay Scheme cannot start before the 29th week of pregnancy, but it can commence on any day of the week.
- The Statutory Maternity Pay Scheme is payable even if the employee does not intend to return to work.

Payment: Employees qualifying for the Statutory Maternity Pay Scheme will receive the following pay during their maternity leave:

- 90% of your average weekly earnings (before tax) for the first 6 weeks (includes shift allowances and additional payments).
- Statutory Maternity Pay or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

9.3 Enhanced Maternity Pay Scheme

StCH offer an enhanced maternity pay scheme to all employees who have completed 12 months continuous service at the beginning their 29th week of pregnancy, and who confirm they will return to a substantive role with StCH for at least three months following their return from maternity leave.

Eligibility criteria:

- Employees who take this option but then do not return to a substantive role at StCH will be liable to repay the difference between this scheme and the Statutory Maternity Pay Scheme back to St Catherine's Hospice.
- For part time employees/lower earners, during the 18 weeks half pay plus SMP, the total amount received cannot exceed the employees normal full pay amount.
- Returning to reduced hours or a different job within St Catherine's Hospice would still qualify, if the employee returns to a substantive contract of employment. Returning only to Bank or a locum contract would not qualify.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

- Special provisions apply to those on a fixed term contract and whose contract would expire during their maternity leave period. Their contract will be extended by the appropriate number of weeks to ensure that they receive enhanced maternity pay, if eligible.

Payment:

Employees who qualify for St Catherine's Hospice enhanced maternity pay scheme will receive the following pay during their maternity leave:

- 8 weeks at full pay which includes SMP.
- 18 weeks at half pay plus SMP (this cannot exceed the amount they would normally receive as full pay).
- 13 weeks at SMP only.

The St Catherine's Hospice Contractual Maternity pay element can be spread over 52 or 39 weeks.

Statutory Maternity Pay is a statutory requirement and must be paid as per the guidelines set by HM Revenue and Customs.

Employees should indicate at their meeting with HR which option they wish to take for the payment of enhanced maternity pay.

Pay arrangements

Employees on maternity leave will be paid on the normal payday (on or around the 24th of the month). Statutory payments cannot be paid in advance. To calculate average weekly earnings St. Catherine's Hospice will average gross earnings over a period of at least eight weeks up to and including the last payday before the end of the qualifying week. The qualifying week is the 15th week before the week the baby is due.

10. Miscarriage

We recognise that miscarriage can be an incredibly difficult time for all involved, support is available to employees, this includes compassionate leave, annual leave, employee counsellors and supervision. In the event that an employee has a miscarriage before the start of the 25th week of pregnancy, normal sickness absence provisions will apply as necessary.

11. Preterm Birth

If the birth occurs earlier than the 29th week of pregnancy, the employee should notify their manager. The Ordinary Maternity Leave period will begin on the day childbirth occurs.

12. Stillbirth

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. We recognise that this can be an incredibly difficult time for all involved, support is available to employees, this includes compassionate leave, annual leave, employee counsellors and supervision.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

14. Pension Contributions

Employees who pay into the Pension Scheme will continue to have their contributions deducted during paid maternity leave only. Employer contributions are based on employees annual salary before they go on maternity. Employee contributions are based on the pay they are actually receiving.

If an employee moves onto unpaid maternity leave, StCH will not continue to pay employer pension contributions.

For employees who are part of the NHS pension scheme, StCH will pay the employee contributions whilst on unpaid maternity leave. These payments are made by StCH on behalf of the employee and will then need to be repaid from the employees salary once they return to work, as below:

- One month contribution made by STCH on employees behalf missed – deducted from first months' salary.
- Two months' contributions missed – deducted from first two months' salary.
- Three months' contributions missed – deducted from first three months' salary.

Employees who are part of the TPT pension scheme, will have the option for StCH to pay the employee contributions whilst on unpaid maternity leave. If employees choose this option, these employee contributions will then be deducted from their salary once they return to work, as below:

- One month contribution missed – deducted from first months' salary
- Two months' contributions missed – deducted from first two months' salary
- Three months' contributions missed – deducted from first three months' salary

Employees who do not return to work following their maternity leave will cease their membership of the Pension Scheme on their last day of service before the commencement of unpaid maternity leave and any monies owed to us for payments made whilst on unpaid maternity leave will be recovered.

15. Sickness absence during pregnancy

Sickness absence prior to the 36th week of pregnancy will be classed as normal sick leave, even if it is pregnancy related. Medical certificates or self-certification should be provided in accordance with normal absence provisions. From the 36th week of pregnancy onwards, if an employee is absent from work due to pregnancy related illness, their Ordinary Maternity Leave will automatically start from the first day of sickness. If the illness is not pregnancy related, this will be classed as normal sick leave until the agreed maternity leave commencement date.

16. Annual leave

St Catherine's Annual Leave year commences on the 1st April and runs to the 31st March. For staff on a fixed term contract of employment, the Annual Leave year usually follows the start and finish date of their contract. Employees continue to accrue annual leave entitlement in line with their contract of employment during their maternity leave. This must normally be taken before maternity leave starts, unless the employee expects to return to work during the current leave year, in which case they can request to take any outstanding holiday before the start of the new leave year. All annual leave must be authorised by the employees Line Manager.

Where unused annual leave and public holidays exceed local provisions for carry over to the next leave year it may be beneficial to StCH and the employee to take the unused annual leave and

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

public holidays before and/or after the agreed (paid and unpaid) maternity leave period. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed with the Line Manager and the employee.

Payment in lieu may be considered or selling annual leave as an option where accrual of annual leave and public holidays exceed normal carry over provisions. When the employee returns to work, their Line Manager will recalculate their inclusive leave entitlement.

17. Keeping in Touch (KIT) Days

Employees may work 'Keeping in Touch' days during their maternity leave (with the exception of the first two weeks following the birth) for up to ten days (calculation based on the employees contractual hours per week) without bringing their maternity pay and leave entitlement to an end. Any Keeping in Touch days worked will not extend the maternity leave period.

17.1 Process

For any Keeping in Touch day(s) worked, their Line Manager must email the HR Department to advise them of the dates and actual hours that the employee has worked. The employee will be paid at their normal daily rate for the hours worked, less the maternity pay already paid for that period.

18. Returning from Maternity Leave

All employees are entitled to take 52 weeks maternity leave and should return to work within that period.

If an employee intends to return to work at the end of their full maternity leave entitlement (i.e. after one year), no further notification is required. Although we may write to the employee for confirmation of the return to work date. However, the employees Line Manager must contact the HR Department as soon as the employee has confirmed a return date to ensure they are reinstated onto the payroll system.

Employees who wish to return before the end of their full maternity period must provide eight weeks written notice to their manager and HR of any changes or flexible working requests (unless this is not reasonably practicable). Their manager must then respond in writing to this request within 28 days of receipt, confirming the revised date of expected return, and inform the HR Department.

Where there is a failure to give eight weeks' notice of the change, the manager will have the discretion to postpone the employee's date of return until the time that such notice would have had effect.

If the employee returns to work after a period of Ordinary Maternity Leave (26 weeks) they are entitled to return to the job in which they were employed before the absence.

If the employee returns to work after a period of Additional Maternity Leave they are entitled to return to either the job in which they were employed before the absence, or, if impracticable, they have the right to return to another job which is both suitable and appropriate. The terms and conditions of the new job role must not be less favourable.

If the employee is unable or does not wish to return to that job, they can apply to return to reduced hours or a different job. In such circumstances, the employee would still be entitled to claim maternity leave/pay; There is no right to return to a different job or reduced hours, and it will be the employees' responsibility to request such a change through discussion with their line manager and

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

under the terms of the Flexible Working Policy. If a line manager is unable to meet an employee's request this must be discussed with the HR Department.

If the employee is unable to attend work at the end of her maternity leave due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

19. Breast Feeding Mothers

For pregnant employees and employees who are breastfeeding, we will provide a private rest area. Prior to return from maternity leave employees will be asked to provide written confirmation that they are breastfeeding and intend to do so on their return to the workplace. This will give StCH the opportunity to provide a healthy, safe and suitable rest environment.

20. Adoption

20.1 Time off for Adoption Appointments

The main adopter, regardless of gender, will be able to take paid time off for up to five adoption appointments after you have been matched with a child.

The secondary adopter will be entitled to take unpaid time off for up to two appointments.

The employee should give as much notice of any appointments as possible. The employee should provide their manager with an email confirming:

- The date and time of the appointments.
- That the appointment has been arranged or requested by the adoption agency.
- Whether they are adopting a child alone or jointly with another person.
- If the employee is adopting with another person, whether the employee is electing to take paid or unpaid time off.

We may sometimes ask the employee to try and rearrange an appointment where it is reasonable to do so. In exceptional circumstances we reserve the right to refuse a request for an appointment, but we will not do so without good reason.

20.2. Eligibility

Adoption leave and pay are an entitlement to individuals who adopt, or one member of a couple who adopt jointly. Where a couple adopts and one person takes the Adoption Leave and Pay, the other person may be entitled to Paternity Leave.

The employee applying for Adoption leave and pay must be newly matched with a child by an Adoption Agency.

An employee who is a step-parent adopting a child would not be eligible for Adoption leave or pay.

20.3. Adoption Leave and Pay

If the employee is adopting a child with another person:

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Where the employee and their partner are adopting a child, the employee must decide who will be treated as the primary adopter and who will be treated as the secondary adopter for the purposes of time off. The employee must tell us their decision the first time the employee requests time off for an adoption appointment. This will affect how much time the employee can take off and whether it is paid.

The employee will usually choose to be the primary adopter if they intend to take adoption leave when the child is placed with them. The employee would not be able to take paternity leave if they have elected to be the primary adopter.

The employee will usually choose to be the secondary adopter if they intend to take paternity leave when the child is placed with them although they may be able to take adoption leave if the employees' partner is not taking it.

If the employee is adopting a child alone

The employee is then treated as the primary adopter.

Pay

Adoption leave and pay mirrors Maternity leave and pay. Please refer to Section 9 above.

20.4 Process

The employee should obtain their Matching Certificate and a copy should be given to the employees Line Manager and the HR Department as proof of the employee's entitlement to Adoption leave and pay.

Adoption leave can start:

- up to 14 days before the date the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if a surrogate was used to have a child).

Adoption leave can start on any day of the week.

Only one period of Adoption leave is available, even if more than one child is placed at the same time.

If the placement ends during the Adoption leave period, the Adopter can continue the leave for a period of up to eight weeks after the placement has ended.

Eligible employees' will be able to "opt" into the Shared Parental Leave scheme (See Section 22 below).

20.5 Notification of Adoption

Adopters must inform their Line Manager of their intention to take Adoption Leave within seven days of their notification of a placement. They must advise of the placement date and the date they wish to commence their Adoption leave, as per the instructions outlined above.

Adopters are required to notify their manager of the date they expect any payment of Statutory Adoption Pay (SAP) to start, at least 28 days in advance, unless not reasonably practicable.

Employers are required to acknowledge the notification of adoption within 28 days and advise the date the employee is due back at work following the Adoption leave.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

When adopting, employees should refer to the process as outlined in sections 5 and 6.

20.6. Returning to work

For rights on returning to work following adoption leave, please refer to point 18, above

20.7. Keeping in touch days (KIT)

Refer to points 17 & 17.1.

21. Surrogacy

An employee is not eligible for statutory maternity leave if they have a child through surrogacy. They could get statutory adoption leave and pay instead.

Further information on having a child through surrogacy can be found on the government website: <https://www.gov.uk/government/publications/having-a-child-through-surrogacy>

22. Shared Parental Leave

Shared parental leave (SPL) enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption.

The employee and their partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if they are:

- having a baby
- using a surrogate to have a baby
- adopting a child
- fostering a child who they are planning to adopt

They can share up to 50 weeks of leave and up to 37 weeks of pay between them.

They need to share the pay and leave in the first year after the child is born or placed with their family.

They can use SPL to take leave in blocks separated by periods of work, or take it all in one go. They can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, the employee and their partner need to:

- meet the eligibility criteria - there's different criteria for birth parents and criteria for adoptive parents or parents using a surrogate.
- give notice to StCH in writing that they wish to get SPL and ShPP.
- give up some of their maternity or adoption leave and pay.

Further information can be accessed here. <https://www.gov.uk/shared-parental-leave-and-pay>

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

23. Paternity Leave

Paternity leave is available when a child is born or placed with the employee for adoption. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave.

The employee is entitled to paternity leave if they are one of the following:

- the father
- the husband or partner of the mother (or adopter) - this includes same-sex partners
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement)

23.1 Amount and time off for Paternity Leave

Up to two weeks leave, which must be taken consecutively (i.e. not two separate weeks)

Employees will be paid whatever is the lower of the standard rate or 90% their average pre-tax weekly earnings.

Paternity leave cannot start before the birth. It must end within 56 days of the birth (or due date if the baby is early).

The employee must give their employer 28 days' notice if they want to change your start date.

The employee does not have to give a precise date when they want to take leave (for example 1 February). Instead they can give a general time, such as the day of the birth or 1 week after the birth.

If the mother has more than one baby as a result of the same pregnancy, the period of two weeks paternity leave remains the same.

23.2 Eligibility for Statutory Paternity Pay (SPP)

To be eligible for SPP the employee must:

- be employed by StCH up to the date of birth.
- earn at least £120 a week (before tax).
- give the correct notice.
- have been StCH for at least 26 weeks up to any day in the 'qualifying week'.

The 'qualifying week' is the 15th week before the baby is due. This is different if the employee adopts.

StCH will pay the statutory weekly rate of paternity pay or 90% of the employees average weekly earnings (whichever is lower).

Any money the employee gets is paid in the same way as their wages, for example monthly or weekly. Tax and National Insurance will be deducted.

An employee can still get Paternity Leave or Pay if their baby is:

- stillborn from 24 weeks of pregnancy.
- born alive at any point during the pregnancy.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

23.3 Notification Required – what the employee needs to tell us

Notification of intention to take paternity leave is required no later than 15 weeks before the baby is due.

The employee should complete the SC3 form (which can be found using the link below), and send this to HR along with a completed notification of Paternity Leave Form (appendix 2)

a link to the SC3 form is here: https://public-online.hmrc.gov.uk/lc/content/xfafoms/profiles/forms.html?contentRoot=repository:///Applications/PersonalTax_iForms/1.0/SC3&template=SC3.xdp

Please note that there are strict regulations around the notification deadline, and late applications cannot be processed. In these cases, the employee can request to take annual leave or unpaid leave, this will be subject to approval by the Manager. The employee does not need to wait for the MAT B1 before the application can be submitted to HR.

24. Parental Leave

If the employee has one year's continuous service and have, or expect to have responsibility for a child, the employee is entitled to 18 weeks' unpaid parental leave to spend time with or otherwise care for a child.

Parental leave is unpaid. An employee is entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

You must take parental leave as whole weeks (eg 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

If an employee has used 10 weeks of the 18 weeks entitlement with a previous employer, they can use up to 8 weeks with their new employer if, they're eligible.

Special rules apply where the employee's child is disabled, which for these purposes means entitled to a disability living allowance, armed forces independence allowance or personal independence payment. The employee can take parental leave in respect of that child in blocks of less than one week. However, there is still a limit of 4 weeks a year for each child and 18 weeks in total for each child.

Parental Leave may be taken from the expected date of delivery or adoption of the child or at another time as set out above, subject to notification requirements and to our right to postpone parental leave set out below.

24.1 What the employee needs to tell us

If the employee wishes to take Parental Leave, the employee must give 21 days' notice in writing to us confirming each of the following:

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

- that the employee has or are about to have parental responsibility for a child;
- the date or expected date of the birth or adoption;
- when the employee wishes to begin parental leave; and
- how many weeks Parental Leave the employee wishes to take (between 1 and 4).

The employee must tell of us of any parental leave they have taken while working for another employer as this counts towards the employees 18-week entitlement.

We may request evidence from the employee confirming that the employee is the parent or have parental responsibility for the child and that the child is below the age at which the right to parental leave ceases.

We recognise the importance of parental leave immediately after the birth or adoption of a child and will always grant Parental Leave at this time. We will try to accommodate requests for Parental Leave to be taken at other times but if the taking of such leave would cause undue disruption to our business, we may exercise our right to postpone the taking of Parental Leave.

If this happens, we will give the employee written notice of the postponement within 7 days of receiving the employee request for Parental Leave stating why Parental Leave must be postponed and suggesting other times that it could be taken. These other times will be within 6 months of the date the employee requested to start Parental Leave and an alternative date for leave, equivalent in length to that the employee originally requested, will be agreed following discussion with the employee

24.2 Pay during parental leave

Parental Leave is currently unpaid. If relevant, the employee will not be entitled to employer pension contributions in respect of the period of leave.

If relevant, StCH will not continue to pay employer pension contributions whilst on unpaid parental leave.

For employees who are part of the NHS pension scheme, StCH will pay the employee contributions whilst on unpaid parental leave. These payments will be made by StCH on behalf of the employee. It will then need to be repaid by the employee from their salary once they return to work, as below:

- One month contribution made by StCH on employees behalf missed – deducted from first months' salary.
- Two months' contributions missed – deducted from first two months' salary.
- Three months' contributions missed – deducted from first three months' salary.

Employees who are part of the TPT pension scheme, will have the option for StCH to pay their contributions whilst on unpaid paternity leave. If employees choose this option, these contributions will then be deducted from their salary once they return to work, as below:

- One month contribution missed – deducted from first months' salary.
- Two months' contributions missed – deducted from first two months' salary.
- Three months' contributions missed – deducted from first three months' salary.

Employees who do not return to work following unpaid parental leave will cease their membership of the Pension Scheme on their last day of service before the commencement of unpaid parental leave and any monies owed to us for payments made whilst on unpaid parental leave will be recovered.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

24.3 Parental Bereavement Leave and Pay

All employed parents have the right to 2 weeks' paid leave if their child aged under 18 dies, or if they have a stillbirth at 24 weeks or later. Parents will be able to claim statutory pay for this period, subject to meeting eligibility criteria.

25. Flexible Working

Employees are eligible to request a change to their working pattern. For further details of how to make a flexible working request, please refer to our Flexible Working Policy.

26. Dissemination

Employees will be able to access this Policy on the intranet under HR Policies

27. Monitoring and Review

The HR team will validate the effectiveness of this policy.

The policy and procedures contained within these documents will be in place for three years following approval of a review and amendments. An earlier review can take place should exceptional circumstances arise resulting from this policy; in whole or in part, being insufficient for the purpose and/or if there are legislative changes.

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Policy Impact Assessment

The impact assessment is used to ensure:

- we do not inadvertently discriminate as a service provider or as an employer
- that the information governance implications of any changes in the way we work, implicit in any new policies or revisions to existing policies, are considered and addressed appropriately.

To be completed and attached to all policies when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1. Equality Impact			
a.	Does the policy affect one group more favourably than another on the basis of: - race - ethnic origins - nationality - gender - culture - religion or belief - sexual orientation (including lesbian, gay & bisexual people) - age - disability (e.g. physical, sensory or learning) - mental health	No	
b.	If potential discrimination has been highlighted, are any exceptions valid, legal and/or justifiable?	n/a	
c.	Is the impact of the policy likely to be negative? If so, can the impact be avoided or reduced?	n/a	
2. Information Governance Impact			
a.	Is the policy (or any of its associated procedures) likely to have an adverse impact on: - information quality - information security - confidentiality - data protection requirements	No	
b.	If so, have these issues already been raised with the Information Governance Group? What action has been agreed?	n/a	

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Appendix 1 - Maternity Notification Letter

Private & Confidential
HR Department
St Catherine's Hospice

BY EMAIL: Humanresources@stch.org.uk
Cc: Line Manager

Add Date

Dear HR

MATERNITY NOTIFICATION LETTER

I am writing to advise you that I am pregnant and to inform you of the following:

- My baby is expected to be born in the week commencing:
- I am intending to commence my Maternity Leave on:

Yours sincerely

.....
Employee Name
Employee Job Role
Employees Department

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Appendix 2 – Paternity Notification Letter

Private & Confidential
HR Department
St Catherine’s Hospice

BY EMAIL: Humanresources@stch.org.uk
Cc: Line Manager

Add Date

Dear HR

PATERNITY NOTIFICATION LETTER

I am writing to advise you that my partner is having a baby and to inform you of the following:

- My baby is expected to be born in the week commencing:
- I am intending to commence my Paternity Leave from:

I hereby enclose a copy of the SC3 form.

Yours sincerely

.....
Add
Employee Name
Employee Job Role
Employees Department

Cc: HR Team – hr@stch.org.uk

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Appendix 3 - Pregnancy Risk Assessment Form

Line manager should complete an assessment with the relevant employee alongside the departmental risk assessment.

If further guidance is required, an Occupational Health referral can be made via HR Department.

- Employee Name:
- Job Title:
- Department:
- Working hours/Shift pattern:
- Date written confirmation of pregnancy received:
- Due date:

Hazard/Risk	Level of risk	Control measures already in place	Do you need to do anything else to control the risk?	Action by who?	Action by when?	Complete
Standing for long periods, without being able to sit down						
Sitting for long periods						
Unable to move about regularly within work area.						
Manual handling, e.g. lifting heavy items, moving patients						
Exposure to micro-organisms, e.g. Hepatitis A, B or C, HIV, TB, Chickenpox, Rubella, Cytomegalovirus, Parvovirus, Herpes, TB, Syphilis						
Exposure to hazardous chemicals, e.g. chemicals in the department which are toxic to reproduction						

To ensure you are using the current version of this policy, please access it directly via StCH intranet; other versions cannot be guaranteed as current

Working Hours - long shifts, night shifts						
Lone workers						
Extremes of temperature						

Likelihood of recurrence of incident	Severity				
	1 Minimal	2 Limited	3 Moderate	4 Severe	5 Critical
1 Remote					
2 Unlikely					
3 Likely					
4 Probable					
5 Very high					

Very Low Risk	Low Risk	Medium Risk	High Risk	Extreme Risk
---------------	----------	-------------	-----------	--------------

Any other adjustments or concerns:

.....

.....

.....

Employee Signature:

Assessment Date:

Manager's Name:

Signature: Assessment Date: