

NIPEC/17/03

**NORTHERN IRELAND PRACTICE AND EDUCATION
COUNCIL FOR NURSING AND MIDWIFERY**

FAMILY PACK

March 2017

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Introduction

This pack has been compiled to provide you with important information on your leave and pay entitlement. It should be read in conjunction with Section 15 of the Agenda for Change Terms and Conditions of Employment Handbook. [Maternity leave and pay Section 15 - NHS Employers](#)

We hope that the information contained in the pack will answer any questions you may have. However, if you require any further information, you should contact BSO Human Resources at bso.humanresources@hscni.net or (028) 9536 3956.

MATERNITY LEAVE

1. Maternity Leave and Pay Entitlement

To qualify for Occupational Maternity Pay you must have 12 months continuous service with one or more NHS Employers at the beginning of 11th week before your EWC (expected week of childbirth).

To qualify for Statutory Maternity Pay, you must have continuous service for 26 weeks (6 months) up to the 15th week before your EWC.

If you do not qualify for statutory maternity pay, you may qualify for Maternity Allowance, which is paid by the DHSS for a period of 39 weeks. All pregnant Employees are entitled to a maximum of 52 weeks maternity leave. Staff must take a minimum of two weeks maternity leave from the date of childbirth.

Please refer to Table 1 on page for details of all pay provisions.

2. Applying For Maternity Leave and Pay

You should inform your Line Manager and the HR Directorate of your intention to apply for maternity leave as soon as possible, at least 15 weeks before expected date of birth. Once you have received your MAT B1 certificate from your GP or Midwife (around 26 weeks), confirming your pregnancy and due date, you should arrange to meet with your Manager to discuss and agree your entitlement, to agree the dates of your leave and to complete the maternity leave application (Appendix 1).

You should also discuss arrangements for keeping in touch which may help you to keep up to date with developments at work, or help facilitate your return to work. The use of annual leave should also be agreed.

You should forward the completed maternity leave application to the Human Resources, 7th Floor, 2 Franklin Street, Belfast BT2 8DQ **at least 28 days before the start of your maternity leave**. Human Resources also require your certificate of confinement (MAT B1) and this should be attached to your Maternity Leave application. Applications will not be processed without this certificate. Please note that you can scan & email your form & MAT B1 form to bsso.humanresource@hscni.net however the form will not be processed until the original MAT B1 form is received.

Confirmation of your maternity arrangements will be provided to you by Human Resources the month prior to your Maternity start date. **It is important that you retain this information as it confirms when your maternity leave commences and when you are expected back at work.**

During your pregnancy, you are entitled to reasonable time off for antenatal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care. Your Line Manager will require reasonable notice of these appointments. This leave must be recorded on the HRPTS Portal using leave type Medical & Dental appointments.

If you have a partner who works within the Organisation, they can apply to their Line Manager for up to 2 weeks paternity leave, paid at full pay depending upon service. Further details can be found further in this pack.

3. During Your Maternity Leave

An employee who intends to return to work at the end of her maternity leave period will not be required to give any further notification to her Employer and it will be expected that she returns to work at the end of the maternity leave period as indicated on the original application.

If however she wishes to return to work before the end of the maternity leave she must give at least 28 days notice in writing, made directly to her Manager. The Manager must inform Human Resources of the new date of return so that pay can be adjusted accordingly.

If the employee fails to return to work at the end of maternity leave due to sickness, normal sickness provisions will apply. The employee is required to report her sickness directly to her Manager and submit a sickness certificate so that pay can be adjusted accordingly.

4. Unpaid Maternity Leave

During unpaid leave, should you wish to continue to pay your pension contributions contact the Shared Services Payroll Department for guidance payroll.ssc@hscni.net

5. Keeping in Touch

Legislation enables the Employer to initiate reasonable contact during maternity leave. Before going on leave the Employee and line Manager should discuss arrangements for keeping in touch during the Employee's maternity leave. Legislation also introduces 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help Employees keep in touch with the workplace and may ease return to work after maternity leave. KIT days are by mutual agreement - there is no obligation on the Employer to offer KIT days nor is there an obligation on the part of the Employee to use them. However if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal days pay. Where possible, managers should discuss this in advance of the Employee going on maternity leave so that both Manager and Employee are clear on whether KIT days will be used. KIT days can be used at any time during the maternity leave period with the exception of the two weeks immediately after the birth of the child. Managers should ensure that that they inform Human Resources for work done.

6. Following Your Maternity Leave

If you have signed the undertaking to return to work for three months and are unable to do so, you shall be liable to refund any Occupational Maternity pay received less what you would have been entitled to under the Statutory Maternity pay scheme.

7. Annual Leave

Annual leave will continue to accrue during maternity leave, whether paid or unpaid.

Unpaid maternity leave counts as continuous service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the Employer and the Employee for the Employee to take annual leave before and/or after the maternity leave (paid and unpaid) period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the Employee and the Employer before the Employee commences maternity leave.

Statutory Leave

The Department of Health, Social Services and Public Safety (DHSSPS) have released a circular confirming employees who were on maternity leave on 1st April 2015 or have commenced maternity leave since that date have the right to accrue general public holidays during their maternity leave period and to utilise those holidays on their return from leave.

The circular is effective from 1st April 2015 therefore you are entitled to the public holidays (pro rata for part time employees) that occur during your maternity leave.

Your line manager will calculate the general holidays you are entitled to (pro rata for part time employees) and make the appropriate quota correction on HRPTS on your return.

8. Further Information

8.1 Work Life Balance Policies

A range of work life balance initiatives have been developed within the Organisation following consultation with staff representatives, service managers and the Equality Commission, to meet legislative requirements and best practice. These initiatives can be found in the Leave Pack which can be found on the BSO intranet (insert Link).

8.2 Childcare Vouchers

Childcare vouchers are a legitimate method of paying for registered childcare. Vouchers, up to a value of £243 per month, are exempt from Tax and National Insurance Contributions and therefore offer potential savings for working parents who use them to pay for registered childcare. Information regarding CCV can be found [here](#).

9. Questions and Answers

9.1 Who is entitled to Occupational Maternity Pay? – refer to Table 1 Page 10

You must have one year's continuous service at the beginning of 11th week before your EWC to qualify for Occupational Maternity Pay.

9.2 Who is entitled to Statutory Maternity Pay? – refer to Table 1 Page 10

You must have continuous service of at least 26 weeks, up to and into the 15th week before your expected week of childbirth. Your normal weekly earnings must not be less than the lower earnings limit for the payment of National Insurance contributions and you must still be pregnant by the 11th week before your expected week of childbirth.

9.3 Who is entitled to Maternity Allowance? – refer to Table 1 Page 10

If you are pregnant and working and do not qualify for statutory maternity pay, you may be entitled to maternity allowance. This is payable weekly for 39 weeks by the DHSS. The claim form can be downloaded from <http://www.nidirect.gov.uk/apply-for-maternity-allowance>.

To qualify for maternity allowance you must have been employed or self-employed for at least 26 weeks in the 66 weeks up to and including the week before the baby is due. This 26 week period does not have to be continuous. You must also have paid the full rate of National Insurance in at least 26 weeks out of the same year and have stopped work while receiving Maternity Allowance and not qualify for statutory maternity pay.

9.4 If I decide to give up work, can I still get Statutory Maternity Pay?

If you are eligible, you can get statutory maternity pay, even if you do not intend to return to work, as long as you were employed at the 15th week, known as the “qualifying week”, before your expected week of childbirth (see Tables 1 and 2).

9.5 Can I choose when to stop work?

Yes, from the 11th week before the expected week of childbirth and you may continue to work until the birth, provided you give the required notice of 28 days to your Manager.

9.6 What happens if I become sick and I have delayed the start of my maternity leave?

If an Employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the expected week of childbirth maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the Employee last worked whichever is the later.

If your illness is not related to your pregnancy then normal sick leave regulations apply until the agreed date of commencement of your maternity leave.

9.7 What happens if I am on annual leave before my expected date and the baby is born early?

If an Employee is on annual leave before their baby is due and the baby is born early then Maternity pay and leave entitlement will commence from the day the baby was born. The Employee or Manager should contact Human Resources so that the employee salary can be adjusted. Any leave outstanding can be used at the end of the employees’ maternity leave period.

9.8 What happens if my baby is born prematurely? (after 24 weeks of pregnancy)

Where an Employee's baby is born alive prematurely the Employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

Where an Employee's baby is born before the eleventh 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.

Where an Employee's baby is born before the eleventh 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.

Where an Employee's baby is born before the eleventh week before the expected week of childbirth and the baby is in hospital the Employee may split her maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest following her baby's discharge from hospital.

9.9 Still Birth

Where an Employee's baby is still born after the 24th week of pregnancy the Employee will be entitled to the normal maternity leave and pay entitlements.

9.10 Miscarriage

Where an Employee has a miscarriage before the 25th week of pregnancy normal sickness absence provisions will apply as necessary.

9.11 What happens if I become sick after my baby is born?

If you are absent on maternity leave, then your entitlement under the Sick Pay scheme is suspended during the maternity leave period, however, if you have agreed the date you intend to return to work with your Line Manager and you become ill, then you will be treated under the Sick Pay scheme from this date.

9.12 Do I have the right to work on a part-time basis?

No, you do not have a right to return on a part-time basis; however, you should contact your Line Manager and ask him/her to consider your request. Depending on the needs of the Organisation, he/she may be able to offer you part-time working either on a temporary or permanent basis. Flexible working options to consider can be found in the Organisation's Leave Pack and an application to work flexibly can be made by any member of staff. Details of this can be found in the Leave Pack documentation and an application for flexible working should be made in accordance with the legislation.

10. Health and Safety Issues relating to New and Expectant Mothers

The Organisation recognises its duty to provide a safe working environment, to assess risks to new & expectant mothers and to take steps to avoid or control risk. This specifically relates to physical biological and chemical hazards and working conditions that

may affect the health & safety of new & expectant mothers. A new and expectant mother is a member of staff who is pregnant, has given birth within the previous six months, or who is breastfeeding.

It is therefore important that you inform your Line Manager as soon as you know that you are a new or expectant mother or are breastfeeding so that your Manager can carry out an individual Risk Assessment to ensure that you and your child are not exposed to risks identified by the assessment. Your Line Manager should explain what controls will be taken or adjustments made to ensure that you, as a new or expectant mother, are not exposed to the risks that could cause harm.

All female staff who could in the future be pregnant or breast feeding should be aware of the potential risks associated with their particular work activity and what action will be taken to ensure they are not exposed to risks that could cause them harm – speak to your manager for a copy of the risk assessment relating to such.

Further information is also available from the Health & Safety Executive's website – www.hse.gov.uk/mothers/index.htm

Table 1 - LEAVE AND PAY PROVISIONS

| Your Intentions | Continuous Service Requirement | Maternity Leave Entitlement | Maternity Pay Provisions |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Returning to work for at least three months after your maternity leave | Working full or part-time for <u>twelve</u> months or more at the 11 th week before your expected week of childbirth | 9 Months paid leave (39 weeks). PLUS up to 13 weeks unpaid leave | 8 weeks full pay. 18 Weeks half pay PLUS SMP at £139.58 (from 6th April 2015) per week. 13 Weeks at SMP only at £139.58 (from 6th April 2015) ** 13 weeks unpaid. |
| Returning to work for at least three months after your maternity leave | Working full or part-time for <u>less</u> than twelve months at the 11 th week before your childbirth | 39 weeks SMP (dependant on entitlement) 13 weeks unpaid leave | SMP for 39 weeks. i.e. 6 weeks at 90% of full pay 33 weeks at £139.58 (from 6th April 2015)per week 13 weeks unpaid |
| Returning to work for at least three months after your maternity leave | Employee has 26 weeks continuous service at qualifying week* | 39 weeks SMP (dependant on entitlement) 13 weeks unpaid leave | SMP for 39 weeks i.e. 6 weeks at 90% of full pay 33 weeks at £139.58 (from 6th April 2015) per week. 13 weeks unpaid |
| Returning to work for at least three months after your maternity leave | To qualify for maternity allowance an Employee must have been employed for at least 26 weeks in the 66 weeks up to and including the week before the baby is due | 52 weeks unpaid leave | Employee may be entitled to maternity allowance of 39 weeks at £139.58 (from 6th April 2015) per week 13 weeks unpaid Salaries and Wages will send Employee SMP1 form to make claim for maternity allowance |

* this is the 15th week before the expected week of childbirth

** current rate of SMP from 6 April 2015 as determined by DHSS

| Your Intentions | Continuous Service Requirement | Maternity Leave Entitlement | Maternity Pay Provisions |
|---------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------|
| Not intending to return to work | Employee has <u>one</u> year's continuous service, full-time / part-time at the qualifying week | N/A | 39 weeks SMP, i.e. 6 weeks at 9/10 of full pay 33 weeks at £139.58 (from 6th April 2015) per week |
| Not intending to return to work | Employee has 26 weeks continuous service at qualifying week | N/A | 39 weeks SMP i.e. 6 weeks at 90% of full pay 33 weeks at £139.58 (from 6th April 2015) per week |
| Not intending to return to work | Employee has less than 26 weeks continuous service at qualifying week | N/A | May be entitled to maternity allowance |

Table 2 - EMPLOYEES ON TEMPORARY, FIXED TERM OR TRAINING CONTRACTS

| Length of Service | Maternity Pay Provisions |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employees who have twelve months service and whose Contract expires after the 11 th week before the expected week of confinement and before six weeks after the expected week of confinement | 39 Weeks maternity leave. Eight weeks full pay followed by 18 weeks half pay PLUS SMP at £139.58 (from 6th April 2015) per week plus 13 weeks SMP only |
| Less than twelve months service (you may be entitled to Statutory Maternity Pay. If your Contract expires after the 15 th week before the expected week of confinement, but before 14 weeks after the expected weeks confinement your Contract shall be extended to allow you to receive Statutory Maternity Pay) | Statutory Maternity Pay, where applicable |

Please Note

Your Contract will not be extended to cover a period of unpaid leave, however, if you have two years or more continuous service, an absence prior to your return to work in your next appointment for up to 29 weeks, starting with the week in which your confinement occurs, will not constitute a break in service.

By prior agreement with the Payroll Department, maternity pay may be paid equally (stretched) over either 26, 39 or 52 weeks. Please note this on your application form.

ADOPTION LEAVE

1. General Information

- 1.1 Employees wishing to adopt a child who is newly placed for adoption will be entitled to Adoption Leave. The principles of this scheme are the same as the provisions within the maternity leave scheme. On this basis, staff who have one year's service ending with the week in which they are notified of being matched with a child for adoption, will qualify for 39 weeks Adoption leave paid at 8 weeks full pay, followed by 18 weeks half pay plus Statutory Adoption Pay (paid at the same rate as SMP) and 13 weeks Statutory Adoption pay. Staff with 26 weeks continuous service will qualify for Statutory Adoption Pay, which is 6 weeks at 90% and 33 weeks Statutory Adoption Pay (paid at the same rate as SMP). The leave should cover official meetings in the adoption process as well as time after the adoption itself.
- 1.2 Eligibility for Occupational Adoption Pay will be one year's continuous HSC service ending with the week in which they are notified of being matched with the child for adoption. This will cover the circumstances where Employees are newly matched with the child by an adoption agency.
- 1.3 If there is an established relationship with the child, such as fostering prior to the adoption, or when a step-parent is adopting a partner's children there is scope for local arrangements on the amount of leave and pay in addition to time off for official meetings. NB: appropriate time off to attend official meetings in the adoption process should also be given.
- 1.4 If the same Employer employs both parents the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer is entitled to Paternity Leave, payment of which will depend on length of service.
- 1.5 Only one period of leave will be made available regardless of whether more than one child is placed for adoption as part of the same arrangement. If a child's placement breaks down during a period of adoption, the Employee may continue to avail of the entitlement for up to a maximum of eight weeks from the date the placement ended.
- 1.6 Adoption Leave can start from the date the child is placed for adoption or up to 14 days prior to the expected date of placement but not later than the date of placement.
- 1.7 All applications for this leave should be supported by the matching certificate issued by the Adoption Agency as proof of adoption. Please note that you can scan and email your form and MAT B1 form to bsso.humanresource@hscni.net. However, the form will not be processed until the original Matching Certificate is received.
- 1.8 Employees wishing to return to work from Adoption Leave earlier than anticipated must give 28 days' notice in writing of their intention to return to work.
- 1.9 Staff will also be entitled to an extended period of unpaid leave up to a maximum of 52 weeks in total (inclusive of the paid adoption leave). Annual leave will accrue

during adoption leave whether paid or unpaid. Public Holidays do not accrue during Adoption leave.

- 1.10 The legislation also introduces 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help Employees keep in touch with the workplace and may ease return to work after adoption leave. KIT days are by mutual agreement - there is no obligation on the Employer to offer KIT days nor is there an obligation on the part of the Employee to use them. However, if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal day's pay.

Where possible, Managers should discuss this in advance of the Employee going on adoption leave so that both Manager and Employee are clear on whether KIT days will be used. KIT days can be used at any time during the adoption leave period with the exception of the two weeks immediately after the placement of the child.

Managers should ensure that they liaise with Payroll SSC regarding payment for work done. See above for KIT day notification process

- 1.11 Managers should meet with the Employee to complete the Adoption Leave application (Appendix 2) referring to the Adoption Leave Policy for guidance and should contact a member of the Pay & Conditions team if they require advice or assistance.
- 1.12 Please note that this leave is not recorded using the HRPTS Portal, it should be sent to Human resources to Process

PATERNITY LEAVE

1. General Information

1.1 The Employment Act 2002 has made it a statutory requirement for Employers to provide Paternity Leave following the birth or adoption of a child. Therefore, in recognition of the important role that parents play in the development of the child and the challenge it presents, the Organisation has reviewed its paternity provisions to ensure adherence to the statutory regulations.

Paternity leave is available to:

- A biological father or adoptive father
- A partner/husband that is not the baby's biological father
- A female partner in a same sex couple
- A nominated carer.

1.2 Paternity Leave is paid/unpaid leave of absence and those with 12 months continuous HSC service at the beginning of the week in which the baby is due will be entitled to two weeks leave of absence with full pay which must be taken within 56 days of the child's birth or adoption. Staff can choose to take one or two whole weeks leave within 56 days of the child's birth or adoption.

1.3 Those with less than 12 months but more than 26 weeks continuous service will be entitled to two weeks leave paid at Statutory Paternity Pay (SPP) rate which is the same as the SMP rate.

1.4 Those with less than 26 weeks continuous service will be entitled to two weeks unpaid leave, the Organisations Payroll Department will send SPP1 Form to you to explain the reason confirming their non-entitlement to SPP.

1.5 Paternity leave cannot start until the birth of the baby / date of adoption. Paternity leave and pay will operate on a rolling week basis which allows leave to commence on any day of the week.

1.6 Appropriate paid time off to attend ante-natal classes will also be given., this should be recorded on the HRPTS Portal using the leave type "Medical & Dental appointment" and in the notes field the reason can be given.

1.7 If the baby is born earlier than it is due and if at the due date the Employee would have been continuously employed for the 12 months stated above, then the Employee will be deemed to have sufficient service.

1.8 An Employee who meets the service requirements set out above will be entitled to paid leave in the event of the baby being stillborn after 24 weeks of pregnancy.

1.9 In the case of multiple births resulting from the same pregnancy the entitlement remains the same as for a single birth.

1.10 The Procedure for Applying for Paternity Leave will be as follows:

- An Employee must notify their Line Manager of their planned date of leave at least 28 days before Paternity Leave is expected to start by completing the relevant application form (Appendix 3).
- Where the birth is later than expected, an Employee should advise their Line Manager as soon as is reasonably practicable of the actual date of birth.
- Employees who wish to change the start of their planned Paternity Leave period, may do so subject to the approval of their Line Manager and in light of the needs of the service at that time. Such requests will not be unreasonably refused.
- Where there is any change to the dates of leave applied for, the Line Manager will be responsible for keeping the Human Resources Department advised.

Please note that this leave is not recorded using the HRPTS Portal. It should be sent to BSO Human Resources at bso.humanresources@hscni.net to process

PARENTAL LEAVE

1. Eligibility for Parental Leave is open to any Employee with 12 months continuous NHS/HSC Service who have nominated parental responsibility, i.e.:
 - is the parent (named on the birth certificate) of a child who is under 18 years old;
 - is the parent of a disabled child who is under 18 years old;
 - has adopted a child under the age of 18;
 - has acquired formal parental responsibility for a child;
2. Parental Leave is leave taken to look after a child or to make arrangements for the good of a child. The reasons for the leave need not be connected with a child's health, for example, a parent may wish to take parental leave to settle a child at a new play group.
3. Parental Leave is unpaid and staff who qualify will have the right to a total of 18 weeks unpaid leave Entitlement will be pro rata for part-time staff.
4. In the case of multiple births there will be a separate entitlement for each child.
5. Periods of Parental Leave do not affect the Employees normal annual leave entitlement.
6. Parental Leave can be taken in manageable blocks of one week, or in a minimum of half days at a time or in a pattern providing a reduced working week for a set period.
7. It is the responsibility of an Employee wishing to pursue Parental Leave to consult with the Payroll SSC regarding the reductions in his/her income and any Pension implications and to consult the local Social Security Office regarding National Insurance Contributions and any entitlements.
8. An Employee on Parental Leave will be eligible to apply for promotion in the normal way. It is the Employee's responsibility to ensure arrangements are in place to receive job advertisements, etc. and to advise his/her Line Manager and the Human Resources Department of any change in address.
9. In the event that both parents of a child are employed by the Organisation, they are not entitled to transfer their entitlement one to the other. Both parents will have the right to access Parental Leave either simultaneously or subsequently subject to the needs of the service.
10. Following a period of Parental Leave the Employee will return to his/her former post or a post with the same terms and conditions and status. The Employee will not be disadvantaged by taking Parental Leave and in the event of a redeployment /redundancy situation he/she will be treated as if they were working normally.
11. In the event that an Employee leaves the Organisation and then takes up appointment at a later date their qualifying service for entitlement to parental leave may need to be verified with their previous Employer.

12. Parental Leave taken with a previous Employer will be checked and verified for new employees once an application is made by the employee to ensure the appropriate entitlement is given.
13. Periods of Parental Leave will be treated as continuous service. Staff who fall sick during a period of Parental Leave who submit relevant medical notification in accordance with Organisation Policy shall be entitled to payment under the Organisation's Occupational Sick Pay Scheme. This period of medically certified sickness shall not count towards the parental leave taken.
14. The Procedure for Applying for Parental Leave will be as follows: -
 - Applications for Parental Leave should be made on the HRPTS Portal. The Employee should request the leave using the appropriate leave type and submit to the Manager for approval. Leave should be taken in blocks of at least 1 week.
 - The Employee should give the Employer 13 weeks' notice of their intention to take leave. In the event that this is not possible no less than 21 days' notice should be given.
 - It is reasonable for Managers to ask to see proof of a child's age to establish eligibility for Parental Leave. A Birth Certificate will be the standard document to request.
 - Whilst the Organisation will endeavour to facilitate a request for parental leave at the specified time there may be occasions, having due regard to the needs of the service, where the individual may be asked to postpone their request and agree alternative dates.
 - Although the leave is unpaid the Employee will remain an Employee of the Organisation during the Parental Leave period and will be bound by all normal contractual regulations. As this leave is unpaid your pension may be affected, please contact Pensions branch if you have any queries.

Shared Parental Leave and/or Pay

With effect from April 2015 eligible employees have a new statutory entitlement to Shared Parental Leave and/or pay where their baby is due or where they have been matched for adoption **on or after 5 April 2015**.

Shared Parental Leave and/or pay cannot start until after the birth of the child or in the case of adoption the child has been placed for adoption

Shared Parental Leave is designed to enable working parents to share leave and to take time off in a more flexible way. This will allow both eligible parents to be at home together if this is what they choose. The intention is to allow families more choice over how they look after their children in the first year.

For the purposes of this document “mother” should be taken as the mother of the child or the main adopter, partner should be taken as the husband or partner of the mother or the main adopter.

Eligible mothers will be able to choose to end their maternity/ adoption leave early to create leave which they can share with their partner. This is known as Shared Parental Leave.

1. Shared Parental Leave

- 1.1 Shared Parental Leave will be created where an eligible mother / main adopter brings their maternity or adoption leave to an early end. This is called “curtailing” maternity or adoption leave.
- 1.2 The untaken weeks of maternity or adoption leave can be taken as Shared Parental Leave if the mother and their partner are eligible for this – up to a maximum of 50 weeks. It should be noted that it is mandatory for the mother to take a minimum of 2 weeks leave following the birth/placement hence that is why only 50 weeks out of the 52 weeks leave entitlement is available for sharing.
- 1.3 The amount of leave available for sharing will depend on the number of weeks maternity/adoption leave taken by the mother/adopter from the overall maximum of 52 weeks maternity/adoption leave.

Examples of how leave may be taken are detailed later.

2. Shared Parental Pay

- 2.1 Shared Parental **Pay** will be payable where an eligible mother or adopter brings their maternity pay to an early end. Only the statutory payments can be shared; any entitlement to occupational payments will cease when the mother/adopter curtails their leave. The untaken statutory maternity pay will become available as Statutory Shared Parental Pay – up to a maximum of 37 weeks.
- 2.2 In some families, both parents will be employed and meet the qualifying requirements for shared parental leave and pay. In these circumstances, the parents will need to decide how to divide the leave and pay entitlement. Leave or pay taken by one

parent will reduce the pool of leave and pay that is available to the other parent. For an employee to be eligible for Shared Parental Leave **both** parents need to meet certain qualifying criteria.

3. Qualifying Criteria – Shared Parental Leave

- 3.1 To qualify for Shared Parental Leave, an employee must have been continuously employed by the Organisation for 26 weeks up to and including the 15th week before the week in which their baby is due to be born, and still be employed by the Organisation in the week before any Shared Parental Leave is due to start. This is called the “**continuity of employment test**”.
- 3.2 An employee who is adopting, or who is the partner of an adopter, meets the continuity of employment test if he or she has been continuously employed by the Organisation for 26 weeks in the week in which the adopter is notified of having been matched with a child for adoption, and is still employed by the Organisation in the week before any Shared Parental Leave is due to start.
- 3.3 For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents (i.e. they must have been continuously employed by the Organisation for 26 weeks up to and including the 15th week before the week in which the baby is due to be born), even though they get adoption leave and pay.
- 3.4 The other parent must meet an “**employment and earnings test**” for an employee to qualify for Shared Parental Leave. To meet this test, the other parent must have been an employee or self-employed earner for any part of at least 26 weeks of the 66 weeks leading up to the week in which the child is due (or matched for adoption) and have average weekly earnings in any 13 of those 66 weeks of at least £30 a week (2015/2016 rate).
- 3.5 Other conditions:
 - An employee must share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent at the date of the child’s birth or placement for adoption.
 - It is an employee’s responsibility to check they are eligible for shared parental leave and/or pay and they must give a written declaration confirming that they are eligible. They must also provide the name of their partner to ensure that he or she meets the employment and earnings test and consent to sharing the parental leave.
 - The Organisation is not required to check or confirm the information given by the partner to determine whether an employee is eligible for shared parental leave and/or pay. It should be noted that a false declaration of entitlement will be considered benefit fraud by HMRC.

4. Qualifying Criteria - Statutory Shared Parental Pay

4.1 In order to qualify for Statutory Shared Parental Pay an employee must:

- meet the qualifying requirement for Shared Parental Leave AND
- have a partner who meets the employment and earnings test (as above).
- Qualify for Statutory Maternity/Adoption Pay
- Qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity/Adoption Pay or Maternity Allowance

5. Shared Parental Leave – How do I take it?

5.1 Eligible parents will be able to request to mix work with leave in the first year of their child's life and return to work between periods of leave if they wish.

5.2 Where both parents meet the eligibility requirements, shared parental leave can be shared between the parents who can alternate periods of work and leave or both parents can choose to be at home together.

5.3 Leave can be taken either as a continuous block or in a number of discontinuous blocks. Discontinuous blocks must be taken in a minimum block of one week at a time.

The following three options are available: -

- **Both parents can choose to be home together at the same time**
If taking leave at the same time this will be deducted from the leave pot for each parent. For example, where both parents take a 4 week block off together, this will count as 8 weeks out of the total amount available.
- **Leave can be taken as one continuous period**
If an employee simply requests one period of continuous shared parental leave, the employee is entitled to take that leave provided they meet the eligibility criteria set out above.
- **Leave can be taken in discontinuous blocks (1 complete week at a time)**
Agreement with the employer is necessary if an employee requests discontinuous periods of shared parental leave – meaning two or more periods of leave separated by periods of work. An employee can choose to request **three separate blocks** of shared parental leave instead of taking it all in one go.

Examples of how leave may be taken are detailed later

5.4 A manager **cannot** refuse a single block of continuous leave. A period of discontinuous leave can only be taken with the approval of the manager. The manager and the employee can agree different periods of discontinuous leave to those originally requested however if the manager does not approve the discontinuous period of leave then the employee can take the leave as a single block of leave.

- 5.5 Leave or pay taken by one parent reduces the leave or pay available in the 'pool' to the other parent.

6. Notification Requirements

- 6.1 An eligible employee must inform their line manager/Organisation at least 8 weeks before they plan to take shared parental leave and/or pay
- 6.2 An employee can give up to 3 notices to book leave. Each of these notices may be to take a single block of continuous leave or to request a discontinuous period of leave. For each period of leave requested or notice to change the pattern of leave requested the employee must give a minimum 8 weeks' notice.
- 6.3 If a child is born earlier the notice period can be shorter but should be as soon as practicable following the birth.

7. Payment of Statutory Shared Parental Pay (ShPP)

- 7.1 ShPP is paid at standard rate of SMP/SPP £139.58 (2015) per week or 90% of full pay whichever is the lesser for the duration of ShPP up to the 37-week maximum.
<https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>

As Shared Parental leave will have an impact on the employees' payments, these periods need to be shared in advance to allow calculations to be accurately created.

8. Shared Parental Leave In Touch Days (SPLIT Days)

- 8.1 An employee and their partner can each work up to 20 SPLIT days during Statutory Parental Leave. These days are in addition to the 10 Keeping In Touch (KIT) days a mother/adopter can work during maternity/adoption leave. The employee can work SPLIT days without losing their right to Shared Parental Leave or Statutory Shared Parental Pay (ShPP). For working SPLIT days an employee will be paid at their basic daily rate for the hours worked less appropriate ShPP payment. There is no obligation for the manager to offer these days or for the employee to agree to them.

9. Child Care Vouchers

- 9.1 Employees already in the child care voucher scheme before they go off on Shared Parental Leave continue to be entitled to receive the vouchers during their leave. The employer will be obliged to pay the value of the vouchers on the employee's behalf if ShPP is being paid and they have no salary to sacrifice.

10. Pension/National Insurance Contributions

- 10.1 Employees paying Pension contributions will need to decide if they wish to continue making contributions during their period of shared parental leave. **Staff should contact Payroll Shared Services Centre to discuss further.**

11. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) – Frequently Asked Questions

In this document, “Maternity” can be read as “adoption”, “Mother” can be read as “main adopter” and “Partner” can be read as “the father of the child, the spouse, civil partner or partner of the child's mother/adopter.

1. I am employed on a bank contract. Am I entitled to SPL and ShPP?

You may be. Eligibility is based on service and earnings criteria. This is detailed in the policy document

2. I am taking a discontinuous block of leave. Can I reduce my hours for those periods I am returning to work between each block?

If you are requesting a change in your contractual hours you need to make the request in line with the Trust's arrangements for Flexible Working requests.

3. My pregnant daughter lives with me and I will be sharing in the care of the child. Am I entitled to SPL and ShPP? Are any other members of my family eligible for SPL/ShPP?

No. Only the father/partner/civil partner of the mother at the time of the birth is eligible for SPL/ShPP. SPL/ShPP is not available to the mother's parent.

The mother's child, grandchild, grandparent, sibling, aunt, uncle, niece or nephew are also not eligible for SPL/ShPP.

4. I do not live with the father of my child. If we meet the service and earnings criteria, are we eligible for ShPP/SPL?

Yes, if you both share caring responsibility for the child and sign a declaration to this effect.

5. Can I change my mind about curtailing my maternity leave?

Yes

6. Can I vary the dates I want to take SPL and ShPP?

Once the parties have agreed a period of leave, if the employee wishes to amend the period of leave, they must complete a 'notice to vary a period of SPL' form to vary the leave. The variation notice may:

- vary start and end dates
- vary the amount of leave
- ask for a planned single block of leave to become discontinuous or vice versa.

The notice must be given at least eight weeks before the variation and state the new date. The employee may only give three 'periods of leave notice' and/or 'requests for variations' in total.

7. What happens if my partner leaves his job when I am on SPL/ShPP?

Shared Parental Leave is an arrangement between two parents – both parties must continue to satisfy the eligibility criteria for the duration of the arrangement.

See question 10 for more information on what happens if your circumstances change and you are no longer eligible.

8. What happens if I decide to leave the Trust when I am on SPL/ShPP?

As above. SPL/ShPP is an arrangement between two parents. If you are no longer employed by the Trust, your partner will need to make their employer aware of the change in circumstances.

9. What happens if there is a change in my circumstances and I or my partner or no longer eligible for SPL/ShPP?

If a change in circumstances means that you no longer meet the criteria for SPL, the Trust can ask you to remain on SPL. The Trust will try to accommodate an earlier return to work where possible, the latest date that this will be accommodated is within 8 weeks of being notified that you no longer meet the eligibility criteria.

10. What happens if my baby dies/the adoption arrangement comes to an end?

As per question 9 above.

11. Can I revert back to maternity leave after a period of SPL?

By providing a notice of curtailment of maternity/adoption leave, you have chosen to bring your maternity/adoption leave to an end. You cannot therefore revert to maternity leave/pay.

12. Will I accrue annual leave while on SPL?

Yes, you will continue to accrue annual leave

13. Will I accrue public holidays while on SPL?

At this stage, there is no entitlement to accrue public holidays

Shared Parental Leave/Pay – Examples

Shared Parental Leave is an arrangement involving two parties – both parties must continue to be eligible for the duration of the arrangement. Providing that is the case, the examples below may apply.

Maternity leave has been used for the purposes of the examples below – this may also be read as Adoption Leave.

Where the term ‘mother’ has been used, this should be read as ‘birth mother/main adopter/ other parent’

Where the term ‘father’ has been used, this should be read as ‘father of the child or the spouse, civil partner, or partner of the child’s mother/adopter.

SPL/ShPP will also be available to intended parents through surrogacy if they qualify for adoption leave/pay

Subject to satisfying eligibility criteria, you will be entitled to a maximum of 50 weeks Shared Parental Leave (SPL). During these 50 weeks, you may receive Shared Statutory Parental Pay (ShPP) for up to 37 weeks, again, subject to meeting the criteria. The remaining 13 weeks can be taken as leave but will be unpaid.

Q. My partner and I want to take Shared Parental Leave. I’ve given my manager the appropriate notice to curtail (end) my maternity leave after (for example) 14 weeks. How much SPL will we have to use?

A. All mothers must take a compulsory 2-week period of maternity leave immediately after the birth. This leaves 50 weeks remaining to be shared out between both parents – 52 weeks in total. It is for the parents to decide how they split the leave and pay after the first 2 weeks. They may take one block each, one after the other.

| Who | Type of Leave | Amount of Leave | Weeks | Payment |
|---------|-----------------|---------------------------------------------------|---------------|--------------------------------------------------------------------------------|
| Mother | Maternity | 14 weeks (including the first 2 compulsory weeks) | Weeks 1 - 14 | * 8 weeks full pay * 6 weeks half pay <u>plus</u> SMP - £139.58 per week |
| Partner | Shared Parental | 16 weeks | Weeks 15 – 30 | * 16 weeks at ShPP - £139.58 per week |
| Mother | Shared Parental | 22 weeks | Weeks 31 – 52 | * 9 weeks at ShPP - £139.58 per week * 13 weeks unpaid |

Q. We can't afford for either of us to be without a salary - do we have to use all 52 weeks?

A. No, you don't have to use the full amount of leave – you can choose to return to work when you have used up your entitlement to ShPP – 37 weeks.

| Who | Type of Leave | Amount of Leave | Weeks | Payment |
|---------|-----------------|---------------------------------------------------|---------------|-----------------------------------------------------------------------------|
| Mother | Maternity | 14 weeks (including the first 2 compulsory weeks) | Weeks 1 - 14 | * 8 weeks full pay * 6 weeks half pay <u>plus</u> SMP - £139.58 per week |
| Partner | Shared Parental | 16 weeks | Weeks 15 – 30 | * 16 weeks at ShPP - £139.58 per week |
| Mother | Shared Parental | 9 weeks | Weeks 31 – 39 | * 9 weeks at ShPP - £139.58 per week |

Q. Can we choose to be at home together for part of the time? Do we both get paid?

A. Yes, you can both be at home at the same time. There is one pool of leave to be used totalling 50 weeks (after the first 2 weeks of maternity leave). For each week that either partner takes, the balance is reduced by 1 week. If both partners are off the same week, this counts as 2 weeks to be taken off the remaining balance.

Subject to satisfying the eligibility criteria, you will both be paid ShPP at the same time if you are off at the same time. This is up to the maximum of 37 weeks' pay. One or other partner can then choose to remain on unpaid SPL up to the maximum of 50 weeks leave in the pool.

| Who | Type of Leave | Amount of Leave | Weeks | Payment |
|---------|-----------------|---------------------------------------------------|---------------|------------------------------------------------------------------------------------|
| Mother | Maternity | 11 weeks (including the first 2 compulsory weeks) | Weeks 1 - 11 | * 8 weeks full pay * 3 weeks half pay <u>plus</u> SMP - £139.58 per week or 90% |
| Mother | Shared Parental | 14 weeks** | Weeks 12 - 25 | * 14 weeks at ShPP - £139.58 per week or 90% |
| Partner | Shared Parental | 14 weeks** | Weeks 12 - 25 | * 14 weeks at ShPP - £139.58 per week or 90% |
| Either | Shared Parental | 13 weeks | Weeks 26 - 38 | * 13 weeks unpaid |

**these two blocks of 14 weeks are running simultaneously which means that 28 weeks are deducted from the pool for this period

Q. My partner works within the HSC as well. Can he still claim Paternity Leave if we want to take SPL as a couple?

A. Yes, providing your partner meets the criteria to qualify for (Occupational) Paternity Leave then he may combine this with SPL.

| Who | Type of Leave | Amount of Leave | Weeks | Payment |
|--------|-----------------|--------------------------------------------------|---------------|-----------------------------------------------------------|
| Mother | Maternity | 8 weeks (including the first 2 compulsory weeks) | Weeks 1 - 8 | * 8 weeks full pay |
| Father | Paternity | 2 weeks** | Weeks 2-3 | * 2 weeks full pay |
| Mother | Shared Parental | 12 weeks | Weeks 9 - 20 | * 12 weeks at ShPP - £139.58 per week |
| Father | Shared Parental | 12 weeks | Weeks 9 - 20 | * 12 weeks at ShPP - £139.58 per week |
| Father | Shared Parental | 20 weeks | Weeks 21 - 40 | * 7 weeks at ShPP - £139.58 per week * 13 weeks unpaid |

** please note that paternity leave is not counted in the calculation of weeks used from SPL allowance

Q. My partner and I both have projects coming up over the next year that we would like to be involved in. Do we have flexibility to take shorter blocks of leave broken up by periods in work at key times?

A. Yes, you may take up to three discontinuous blocks of Shared Parental Leave. You can also choose to take some but not all of the 13 weeks unpaid leave:

| Who | Type of Leave | Amount of Leave | Weeks | Payment |
|--------|-----------------|---------------------------------------------------|---------------|---------------------------------------------------------------------------|
| Mother | Maternity | 10 weeks (including the first 2 compulsory weeks) | Weeks 1 - 10 | * 8 weeks full pay * 2 weeks half pay <u>plus</u> SMP £139.58 per week |
| Father | Paternity | 2 weeks** | Weeks 2-3 | * 2 weeks full pay |
| Father | Shared Parental | 4 weeks | Weeks 11 - 14 | * 4 weeks at ShPP - £139.58 per week |
| Mother | Shared Parental | 4 weeks | Weeks 15 - 18 | * 4 weeks at ShPP - £139.58 per week |

| | | | | |
|--------|-----------------|----------|---------------|--------------------------------------|
| Father | Shared Parental | 12 weeks | Weeks 19 – 30 | *12 weeks at ShPP - £139.58 per week |
| Mother | Shared Parental | 9 weeks | Weeks 31 – 39 | *9 weeks at ShPP - £139.58 per week |
| Father | Shared Parental | 4 weeks | Weeks 40 – 43 | *4 weeks unpaid |

** please note that paternity leave is not counted in the calculation of weeks used from SPL allowance

Q. My wife is employed in the private sector. Do we still qualify for SPL and ShPP?

A. SPL and ShPP are statutory provisions and as such must be granted by all employers providing the employees both meet the qualifying criteria. Both parties have an obligation to notice their employer if the other partners circumstances change.

Q. I qualify for Occupational Maternity Pay – is it ok for me to take advantage of the full period of enhanced maternity pay before returning to work and letting my partner take over the childcare when my SMP would have been due to start?

A. Yes, if you are eligible to receive OMP then you are free to take as much of this as you wish before curtailing your maternity leave to allow your partner to take over the child care.

| Who | Type of Leave | Amount of Leave | Weeks | Payment |
|---------|-----------------|---------------------------------------------------|---------------|------------------------------------------------------------------------------|
| Mother | Maternity | 26 weeks (including the first 2 compulsory weeks) | Weeks 1 - 26 | * 8 weeks full pay * 18 weeks half pay <u>plus</u> SMP - £139.58 per week |
| Partner | Shared Parental | 13 weeks | Weeks 27 - 39 | * 13 weeks at ShPP - £139.58 per week |

Form 1 - Notice of Entitlement and Intention to Take Shared Parental Leave

This form should be filled in by employees with a child due to be born or adopted on or after the 5th April 2015, to indicate their intention to take Shared Parental Leave (SPL) to share the caring responsibilities for the child.

The form provides the Organisation with an early indication of your intentions for consideration and **must be submitted at least eight weeks prior** to the start date of the first period of SPL along with the curtailment notice (included in Section B) which effectively brings a period of maternity leave or adoption leave to an end early so that the remaining entitlement to maternity/adoption leave can be used as SPL and can be taken and shared between the parents. If the employee is not the mother/main adopter, their partner will be required to submit a curtailment notice to their own employer.

Employees should read the Shared Parental Leave Policy in full prior to completing this form and seek advice from HR if they are unclear about whether they meet the requirements.

Section A

Employee Name:

Home Address:

..... **Postcode:**

Work Address:

Department:

Staff Number: **Band:**

Telephone: **(Home/Mobile)** **(Work)**

| | |
|------------------------------------------------------------------------------------|--|
| State if you are the mother/main adopter or the partner or the mother/main adopter | |
| Name of the other parent/partner | |
| Child's expected date of birth/date of placement for adoption | |
| Child's actual date of birth/date of placement for adoption (if known) | |
| Start date of mother/main adopter's maternity/adoption leave (or pay period*) | |
| End date of mother/main adopter's maternity/adoption leave (or pay period*) | |

*If the mother/main adopter is not entitled to maternity/adoption leave, state the start and end dates of maternity/adoption or the maternity allowance period.

Section B: Employee Notice of Curtailment of Maternity/Adoption Leave

Please complete this section if you are the mother or main adopter. The curtailment notice effectively brings a period of maternity leave or adoption leave to an end early so that the untaken portion of entitlement to maternity/adoption leave can be taken as SPL. You must take into account that a minimum of two weeks compulsory maternity/adoption leave must be taken by the mother/main adopter. **As stated above, you must provide at least eight weeks' notice of your curtailment date.**

| | |
|------------------------------------------------------------------|--|
| I wish my maternity/adoption leave to end on the following date: | |
| Signed: | |
| Date: | |

Section C: Shared Parental Leave Details - Notice of Entitlement

Please check eligibility requirements in the Shared Parental Leave Policy. This section of the form is intended for you to indicate how you and the other parent (if eligible) would like to take the remaining weeks of leave, once some of the 52 weeks of maternity or adoption leave have been taken and then curtailed. For example, if the mother takes 10 weeks of maternity leave, there will be 42 weeks remaining to share between eligible parents. This is an indication at this stage and does not become binding unless you intend it to be, in which case you should also submit a Form 2 – Booking Notice (Notice to Take Leave).

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Total number of weeks SPL available (52 weeks minus the amount already taken or intended to be taken) | |
| Total number of weeks you (the employee) intended to take | |
| Total number of weeks the other parent intends to take | |
| <p>Indication of start and end dates of SPL that you (the employee) intend to take. These dates can overlap with your partner's leave as long as the total 52-week period is not extended.</p> <p>Any SPL not taken in that period will be lost.</p> <p>Please also indicate if you anticipate adding any annual leave and/or parental leave to indicate periods of SPL.</p> <p><i>This indication is non-binding. You must submit a formal leave of notice (Form 2 - Booking notice) for each period of SPL you wish to be binding.</i></p> | |

Section D: Shared Parental Pay Details

Please check eligibility for Statutory Shared parental Pay (ShPP) requirements in the Shared Parental Leave Policy. This section of the form is intended for you to indicate how you and the other parent (if eligible) would like to claim the remaining weeks of pay, once some of the 39 weeks of maternity or adoption pay have been taken and the curtailed. For example, if the mother takes 10 weeks of maternity leave and pay, there will be 29 weeks remaining to share between eligible parents. This is an indication at this stage and does not become binding unless you intend it to be, in which case you should also submit a Form 2 – Booking Notice (Notice to Take Leave).

| | |
|---------------------------------------------------------------------------|--|
| Total number of weeks ShPP available | |
| Total number of weeks ShPP you (the employee) intends to claim | |
| Total number of weeks ShPP the other parent intends to claim | |
| Indication of the start and end dates of your (the employee) ShPP periods | |

Section E: Employee Declaration

I confirm that I have read the Shared Parental Leave Policy and believe that I am entitled to Shared Parental Leave and/or pay. I confirm that:

- I am the mother, father or main adopter or the partner of the mother, father or main adopter of a child due to be born or adopted on or after 5th April 2015.
- I have (and share) the responsibility for the care of the child and intend to take SPL in order to care for the child.
- I have at least 26 weeks continuous service of the 15th week before the expected week of childbirth (or the week in which the main adopter was notified of having been matched for adoption with the child) – known as the ‘relevant week’.
- I intend to be in continuous employment until the week before the SPL is taken.
- (If I am claiming ShPP) I have average weekly earnings equal to or above the lower earnings limit for NI contributions (£112 for 2015/16) over the eight-week period ending with the relevant week.
- I agree to inform my line manager (the Organisation) immediately if I cease to meet the eligibility requirements for SPL or ShPP.
- I understand that I may be required to produce a copy of the birth certificate/adoption documents and the name, address and contact details of the other parent’s employer.

- The information submitted above is correct.

If you are the mother/main adopter

I have submitted a curtailment of maternity/adoption leave notice by completing Section B.

| | |
|------------|--|
| Signature: | |
| Date: | |

Section F: Declaration of Other Parent/Partner

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Name: | |
| Address: | |
| National Insurance Number: | |
| Employer's name and address and contact details. Please indicate if you are an office holder or self-employed and the nature of the employment. | |

I confirm that I meet the following conditions:

- I have at least 26 weeks' employment (employed or self-employed) out of 66 weeks prior to the relevant week (see definition in Section E).
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.
- I confirm I am the father or mother of the child or partner, civil partner or spouse of the mother of the child.
- I agree to inform your employee immediately if I cease to meet the two conditions above.
- I consent to your employee taking SPL and ShPP as set out in Sections C and D above.

- I consent to providing details of my employer and for them to be contacted to confirm dates and eligibility.

If you are the mother/main adopter:

- I confirm I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance.
- I confirm that at the time of the birth or placement of the child I will share responsibility for the care of the child with your employee.
- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee commences SPL.
- I consent to you processing the information contained in this declaration.

| | |
|------------|--|
| Signature: | |
| Date: | |

Form 2 – Notice to take or vary a period of Shared Parental Leave – Booking Notice (maximum of 3 notices)

Please complete and return this form to your line manager if you wish to request a period of Shared Parental Leave/Shared Parental Pay, or to vary a previously approved period.

You must have previously submitted Form 1 – ‘The Notice of Entitlement and Intention to Take Shared Parental Leave’ and a Curtailment Notice must have been issued (included in Form 1 if the employee is the mother/main adopter). You must give **at least eight weeks’ notice** of the start of the leave. **There is a maximum of 3 notices that an employee can give.**

Please ensure when you complete this form that there have been no changes to your eligibility as defined in the Shared Parental Leave Policy. Both parents are required to sign the declaration at the end of this form.

Section A: Booking Notice

| | |
|----------------------|--|
| Name of Employee | |
| Staff Number: | |
| Name of other Parent | |

Request to take Shared Parental Leave

| Start Date | End Date | Number of Weeks SP Leave |
|------------|----------|--------------------------|
| | | |
| | | |
| | | |

Request to take Shared Parental Pay (if applicable)

| Start Date | End Date | Number of Weeks SP Leave |
|------------|----------|--------------------------|
| | | |
| | | |
| | | |

Section B: Request to vary or cancel previously requested leave

Please note that requests to vary or cancel leave must be made at least **eight weeks** prior to the date the period of leave varied or cancelled by the notice is due to commence. The new dates must also provide at least 8 weeks' notice of commencement.

Original SPL dates to be varied

| Start Date | End Date | Number of Weeks SP Leave |
|------------|----------|--------------------------|
| | | |
| | | |
| | | |

New SPL Dates

| Start Date | End Date | Number of Weeks SP Leave |
|------------|----------|--------------------------|
| | | |
| | | |
| | | |

New ShPP Details (if applicable)

| | |
|--------------------------------------------------------------------|--|
| Number of weeks ShPP you have claimed /intend to claim | |
| Number of weeks ShPP the other parent has claimed/intends to claim | |
| Indication of start and end dates of your ShPP periods | |

| | | | |
|---------------------------------|--|-------|--|
| Employee Signature: | | Date: | |
| Other Parent/Partner Signature: | | Date: | |

SUPPORTING BREASTFEEDING EMPLOYEES

In recognition of good practice guidance from the Health and Safety executive and the well documented health advantages of breastfeeding for infants and mothers, the BSO / Organisation provides a supportive environment to enable breastfeeding employees to express their milk during work hours. The BSO / Organisation subscribes to the following workplace support policy.

1. BSO / Organisation responsibilities

The BSO / Organisation acknowledges that supporting breastfeeding has benefits to the Organisation such as a reduction in absenteeism and staff turnover and important health benefits to mother and baby. Therefore, employees who wish to maintain their lactation following return to work shall receive:

1.1 Milk expression breaks

Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and during additional time needed to express milk (usually 20 minutes once or twice a day). If additional time is needed beyond the set milk expression breaks employees may use personal leave or may make up the time as negotiated with their supervisors.

1.2 A place to express milk

A private room (not a toilet) shall be available for employees to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk can be stored in a designated refrigerator provided in the designated room or other location/in employee's personal cooler.

1.3 Education

Ante-natal and post-natal breastfeeding informational materials will be made available for all mothers and fathers, as well as their partners.

1.4 Staff support

Line managers and the HR departments are responsible for alerting pregnant and breastfeeding employees about the breastfeeding and working policy and for negotiating breaks and practices that will help facilitate each employee's infant feeding goals. It is expected that line managers and work colleagues will assist in providing a supportive and understanding approach to facilitating breastfeeding employees.

2. Employee Responsibilities

2.1 Communication with Supervisors

Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the company.

2.2 Maintenance of milk expression areas

Breastfeeding employees are responsible for keeping milk expression areas clean, using anti-microbial wipes to clean area. Employees are also responsible for keeping the designated room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

2.3 Milk storage

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk.

2.4 Use of break times to express milk

When more than one breastfeeding employee needs to use the designated expressing room, employees can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

Further Information

Health and Safety Executive NI (2014) A Guide for new and expectant mothers who work.

Public Health Agency (2014) '*Promoting breastfeeding for mothers returning to work*' A guide for employers

Public Health Agency (2014) '*Breastfeeding and returning to work*' A guide for working mothers.

Appendix 1 - APPLICATION FOR MATERNITY LEAVE

Please complete details as requested and return your application to the Human Resources Department, Business Services Organisation, 2 Franklin Street, Belfast, BT2 8DQ. If you require assistance with the completion of this form please do not hesitate to contact a member of the Human Resources Department.

NAME

DEPARTMENT/DIRECTORATE

DAYTIME TELEPHONE NO AND EXTENSION

STAFF NUMBER

JOB TITLE AND GRADE

DATE OF ENTRY TO SERVICE

Please complete as appropriate:

My expected date of confinement (EDC) is

Mat B1 Form/Statement from registered GP/midwife enclosed **Yes / No**

If no, please forward this to the Human Resources Department as soon as possible, your signature is also required overleaf.

SECTION A

Do you intend to return to work following your maternity leave? **Yes* / No**

If no please forward this form to the Human Resources Department as soon as possible.

* Please note that it is a condition of receiving paid maternity leave that you return to work for a minimum period of three months after expiry of leave and if you fail to return to work, you may be liable to refund such amount of this maternity pay received as indicated in the Terms and Conditions of Service.

Please complete Section B and C if you DO intend to return to work.

Maternity leave may start 11 weeks before your EDC.

SECTION B

I intend to start my maternity leave on

Please note that an employee on maternity leave who wishes to return to work before the end of her 39 weeks leave must give 28 days' notice in writing of the date she wants to return to work.

SECTION C

Additional unpaid Maternity Leave

Staff with one year's service at the beginning of the eleventh week before EDC will be entitled to an additional 13 weeks unpaid maternity leave.

While we realise that at this stage you may not be completely sure as to whether you wish to take a further 13 weeks additional unpaid leave, it would be helpful if you would indicate the following:

- It is my intention to take _____ weeks unpaid maternity leave
- I do not intend to take additional unpaid maternity leave

(please tick appropriate box)

It will be assumed that you intend to take the additional 13 weeks additional unpaid leave unless you advise the Human Resources Department otherwise. Please note that if you intend to return to work before 52 weeks has expired you must advise the Human Resources Department in writing at least 28 days before your expected return to work.

Payment Options

Occupational Maternity Pay (OMP) may be paid as a combination of full and half pay, or as a fixed amount spread equally over the maternity leave period. Please indicate below your payment preference:

I would like a combination of full and half pay

I would like a fixed amount spread equally over the maternity pay period

(please tick appropriate box)

Please note that OMP only can be spread equally over a 26, 39- or 52-week period. Statutory Maternity Pay cannot be spread or re-profiled. Please contact Human Resources for further guidance.

Signed _____
(Employee)

Date _____

Signed _____
(Manager)

Date _____

Appendix 2 - APPLICATION FOR ADOPTION LEAVE

Please complete details as requested and return your application to the Human Resources Department, Business Services Organisation, 2 Franklin Street, Belfast, BT2 8DQ. If you require assistance with the completion of this form please do not hesitate to contact a member of the Human Resources Department.

NAME

DEPARTMENT/DIRECTORATE

DAYTIME TELEPHONE NO AND EXTENSION

STAFF NUMBER

JOB TITLE AND GRADE

DATE OF ENTRY TO SERVICE

Please complete as appropriate:

Date on which matching was notified

On what date will the child be placed with you

Is the child to be newly matched for adoption by an approved adoption agency? **Yes / No**

Matching certificate enclosed **Yes / No**

If no, please forward this to the Human Resources Department as soon as possible, your signature is also required overleaf.

SECTION A

Do you intend to return to work following your Adoption leave? **Yes* / No**

If no please forward this form to the Human Resources Department as soon as possible.

* Please note that it is a condition of receiving paid adoption leave that you return to work for a minimum period of three months after expiry of leave and if you fail to return to work, you may be liable to refund such amount of this adoption pay received as indicated in the Terms and Conditions of Service.

Please complete Section B and C if you DO intend to return to work.

Adoption leave may start 11 weeks before your child placement.

SECTION B

I intend to start my adoption leave on

Please note that an employee on adoption leave who wishes to return to work before the end of their 39 weeks leave must give 28 days’ notice in writing of the date he/she wants to return to work.

SECTION C

Additional Unpaid Adoption Leave

Staff with one year’s service at the beginning of the eleventh week before placement date will be entitled to an additional 13 weeks unpaid adoption leave.

While we realise that at this stage you may not be completely sure as to whether you wish to take a further 13 weeks additional unpaid leave, it would be helpful if you would indicate the following:

It is my intention to take _____ weeks unpaid adoption leave

I do not intend to take additional unpaid adoption leave

(please tick appropriate box)

It will be assumed that you intend to take the additional 13 weeks additional unpaid leave unless you advise the Human Resources Department otherwise. Please note that if you intend to return to work before 52 weeks has expired you must advise the Human Resources Department in writing at least 28 days before your expected return to work.

Payment Options

Occupational Adoption Pay (OAP) may be paid as a combination of full and half pay, or as a fixed amount spread equally over the adoption leave period. Please indicate below your payment preference:

I would like a combination of full and half pay.

I would like a fixed amount spread equally over the adoption pay period.

Please note that OAP only can be spread equally over a 26, 39- or 52-week period. Statutory Adoption Pay (SAP) cannot be spread or re-profiled. Please contact Human Resources for further guidance.

Signed _____
(Employee)

Date _____

Signed _____
(Manager)

Date _____

Appendix 3 - APPLICATION FOR PATERNITY LEAVE

Please complete and return your application to bsso.humanresources@hscni.net

If you require assistance with the completion of this form please do not hesitate to contact a member of the Human Resources Department.

Please note that Paternity Leave cannot be applied for on HRPTS.

NAME

ORGANISATION /DIRECTORATE

JOB TITLE AND GRADE

STAFF NUMBER

DATE OF ENTRY TO SERVICE

Expected date of childbirth

Please see the Paternity Leave and Pay (Maternity Support) information pack for details on eligibility criteria and rates of pay. It is presumed you will take 2 weeks paternity leave, unless you indicate otherwise.

Please state how do you intend to take your paternity leave

2 consecutive weeks 2 periods of 1 week duration each

(Please tick appropriate box)

Please specify the dates you wish to take paternity leave

Do you have any other comments in relation to your request for paternity leave?

DECLARATION

I hereby declare that the information given above is correct and that I meet the criteria set for Paternity Leave in full.

Signed _____
(Employee)

Date _____

Signed _____
(Manager)

Date _____

Appendix 4 - APPLICATION FOR KIT/SPLIT DAYS

Please complete and return to payroll.ss@hscni.net

If you require assistance with the completion of this form please do not hesitate to contact a member of the Human Resources Department.

Please note that KIT/SPLIT days cannot be applied for on HRPTS.

NAME

ORGANISATION /DIRECTORATE

JOB TITLE AND GRADE

STAFF NUMBER

| Date(s) | Length of time |
|---------|----------------|
| | |
| | |
| | |
| | |

Signed _____
(Employee)

Date _____

Signed _____
(Manager)

Date _____