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Swansea Bay University  
Health Board

## **MATERNITY, ADOPTION, NEW PARENT SUPPORT AND ORDINARY PARENTAL LEAVE AND PAY**

### **GUIDANCE FOR STAFF**

**This document may be made available in alternative formats and other languages, on request, as is reasonably practicable to do so.**

**This document has been screened for relevance to equality. No potential negative impact has been identified so a full equality impact assessment is not required.**

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Section 1.2- to include link to risk assessment documentation.

Section 1.5 – to clarify submission of MATB 1 Form

Section 3.1- to include a link to a calculator to enable staff to decide how they want their Occupational Maternity Pay to be paid.

**Revised August 2019:**

Guidance revised to include reference to New Parent Support Leave

Introduction revised and the wording throughout amended to reflect that the policy and guidance applies equally to same-sex couples and regardless of gender and to avoid the use of gendered language.

**Amended January 2020:**

To include changes to Keeping in Touch Days in line with National Terms and Conditions of Service.

**Amended June 2024:**

To include changes to paternity (new parent support) leave introduced by the Paternity Leave (Amendment) Regulations 2024 applicable to those whose babies are due, or adoption placement takes effect, from 6th April 2024.

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## INTRODUCTION

The purpose of this document is to provide the basis for a clear understanding of the circumstances in which employees may be entitled to take maternity, new parent support, adoption or ordinary parental leave. It also sets out the requirements for those applying for adoption leave through surrogacy.

This document sets out the relevant definitions and provisions concerning maternity, adoption, new parent (formerly paternity/maternity support) and ordinary parental leave and related benefits for all staff employed by Swansea Bay University Health Board based on **Agenda for Change Terms and Conditions of Service**, which for these purposes is extended to apply to Medical and Dental staff.

The Maternity, Adoption, New Parent Support (formerly paternity /maternity support leave), and Ordinary Parental Leave policies apply equally to same-sex couples and regardless of gender.

If you have any queries about your entitlements or obligations you are advised to speak to your manager or HR team who will be able to advise you accordingly.

A separate procedure sets out the process to be used when parents wish to take [Shared Parental Leave](#).

Employees wishing to take maternity, new parent support, adoption or ordinary parental leave will need to fulfill the specific requirements for qualification as set out in legislation and in the Agenda for Change NHS Terms and Conditions of Service.

## REVIEW ARRANGEMENTS

This guidance will be reviewed and revised in line with changes in legislation as required but no later than 3 years after implementation.

## PART 1: MATERNITY LEAVE PROVISIONS

### 1. WHEN YOU ARE FIRST PREGNANT

It is recommended that you let your manager know that you are expecting a baby at the earliest opportunity and follow up your conversation in writing. This then provides your manager with time to plan for your anticipated absence and also ensures that a risk assessment is carried out as soon as possible. You must have informed your manager of your pregnancy by the 15<sup>th</sup> week before your expected date of childbirth (EDC).

#### 1.1 ANTE- NATAL CARE

1.1.1 During the course of your pregnancy your medical advisor will request that you attend ante-natal appointments at various intervals. You are entitled to reasonable paid time off to attend. This may include relaxation or parent craft classes if these have been recommended by your doctor or midwife.

**1.1.2** You will need to provide evidence of your first appointment. You will be required to give your manager reasonable notice that you intend to take time off to attend an ante- natal appointment.

**1.1.2** If you have chosen not to tell your manager that you are pregnant and want time off to attend your initial antenatal appointment, you will need to make alternative arrangements to be able to attend (i.e. annual leave).

You will need to tell your manager about your pregnancy before the end of the 15<sup>th</sup> week before your expected date of childbirth (EDC).

**1.1.4** The father of the child or your partner is entitled to take reasonable paid time off to attend antenatal appointments with you. Evidence of the first appointment will be required.

## **1.2 WORKING DURING PREGNANCY**

**1.2.1** Once you have informed your manager of your pregnancy, they must undertake a [risk assessment](#) of your working environment. This is to identify any potential risk(s) to your health and the safety of your pregnancy. Your manager will identify, in discussion with yourself, any temporary adjustments that are needed to your working conditions to prevent you or your unborn child from being exposed to any identified risk. Please refer to the information on Risk Assessments for New and Expectant Mothers.

**1.2.2** The Heath Board recognises that in exceptional circumstances your registered medical practitioner may advise that you are unable to carry out all or part of your current duties, but does not advise you to refrain from work. In such circumstances, the Health Board will in consultation with Occupational Health, provide you with amended duties where it is reasonably practicable to do so. This will also apply if the risk assessment carried out by your manager determines that you or your child would be at risk if you were to continue with your normal duties.

**1.2.3** Junior doctors should also take advice from the Deanery in relation to any changes to ensure they are compatible with their training requirements.

## **1.3 PLANNING ANNUAL LEAVE**

**1.3.1** Once you have informed your manager that you are pregnant, you must plan and discuss with your manager how you will take your annual leave. You need to consider what your leave year is (for staff on A4C terms and conditions this will be 1<sup>st</sup> April-31<sup>st</sup> March) and you are encouraged to take any annual leave accrued prior to your expected date of childbirth, before you start your maternity leave.

The amount of leave to be taken before and after your maternity leave and any agreement reached regarding carryover of annual leave must be confirmed in writing by your manager.

Medical and dental staff leave years are calculated differently and you should contact the Medical Workforce team for advice if you are unsure of your leave year.

- 1.3.2** You will continue to accrue annual leave and bank holidays during the course of both your paid and unpaid maternity leave. You should try to take all leave in the leave year in which it accrues. If you are unable to take your annual leave before the end of your leave year (usually 31<sup>st</sup> March) because you are still on maternity leave, you are encouraged to use the outstanding annual leave immediately before returning to work (i.e. at the end of your maternity leave).

**Please note that you cannot take annual leave and then go back onto maternity leave.**

- 1.3.3** In very exceptional circumstances, where the needs of the service prevent you from taking or carrying over your annual leave, payment in lieu may be considered. This will only be with the agreement between you and your Senior Manager in conjunction with the Head of Workforce.

- 1.3.4** Maternity leave, whether paid or unpaid, will count as service for annual leave increments and for the purpose of any service qualification period for additional annual leave

## **1.4 SICKNESS DURING PREGNANCY**

- 1.4.1** If you are off work ill, or become ill, with a pregnancy related illness during the last four weeks before your expected week of childbirth.

Your maternity leave will normally commence from the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after you last worked, whichever is the later.

Absence prior to the last four weeks before the EWC, supported by a self certificate or Fit Note, will be managed in accordance with the ABMU Sickness Policy.

- 1.4.2** Odd single days of pregnancy related illness during the four weeks before the expected week of childbirth may be disregarded if you wish to continue working until the maternity leave start date previously agreed with your manager

## **1.5 MATB1 CERTIFICATE**

In order to confirm your maternity pay entitlement you must attach a copy of your MAT B1 certificate to your application form when applying for your maternity leave. This certificate is available from your doctor or midwife who must sign it **no earlier** than 20 weeks before the week in which your baby is due.

## **1.6 CONTACT DURING MATERNITY LEAVE**

Your manager is entitled to make reasonable contact with you during your maternity leave. Before your maternity leave commences you will need to discuss with your manager the arrangements to keep in touch about a range of issues such as developments in the workplace and your return to work.

## **1.7 KEEPING IN TOUCH DAYS**

**1.7.1** If you and your manager agree you may be able to work during your maternity leave period for up to 10 days (i.e. on 10 occasions even if not a full days) without bringing your maternity leave to an end. These are known as **Keeping in Touch (KIT) days**.

Where possible, before your maternity leave commences, you will need to discuss if and when you will work KIT days. It is important to note the following:

- You cannot work on a KIT day until at least 2 weeks after the birth of your child.
- There is no obligation on you to work a KIT day or on your manager to allow you to do so.
- The work that you undertake on KIT days must be work that you are entitled to perform under your contract of employment (including training) or activities that help you keep in touch with the workplace.
- KIT days do not have to be consecutive.
- Working for any part of a day will count as one KIT day. If you work in excess of 10 KIT days this may have an impact on your SMP.
- The total duration of your Statutory Maternity leave period will still be 52 weeks regardless of whether you have worked KIT days.

**1.7.2** If you work a KIT day, you will be paid at the basic daily rate for the hours worked minus any statutory or occupational maternity payments made to you. If you are on unpaid maternity leave you will be paid the basic rate for the hours worked.

**1.7.3** If you work a KIT day during the full pay period, you will receive a day of paid leave in lieu once you have returned to work. If you work a KIT day during the half pay period, you will receive a half day of paid leave in lieu once you have returned to work.

**1.7.4** Your manager must keep a record of all hours worked on KIT days and inform payroll as appropriate.

## **1.8. NURSE BANK**

Employment on nurse bank will not count for the purposes of calculating your continuous service for the purposes of entitlement to Occupational Maternity Pay.

If you are employed on a substantive contract but also undertake nurse bank shifts, your Occupational Maternity Pay will be based only on your substantive hours.

## **2. STARTING MATERNITY LEAVE**

### **2.1 STARTING YOUR MATERNITY LEAVE**

You may begin your maternity leave at any time between 11 weeks before the EWC and the EWC, providing you give the required notice.

Leave may start on any day of the week, but to avoid any loss of SMP it is advisable to start your maternity leave on a Sunday (even if this is not a working day for you).

However, please note section 1.4.1 about what happens if you are sick in the 4 weeks immediately before your EWC

## **2.2 ELIGIBILITY FOR MATERNITY LEAVE**

Statutory Maternity leave of up to 52 weeks is available to both full and part time employees irrespective of your length of service.

This is made up of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). This period of Additional Maternity Leave starts immediately after the Ordinary Maternity Leave.

Your entitlement to payment during this leave is dependent on your length of service and whether or not you intend to return to work with the Health Board or another NHS employer.

During your maternity leave your contract of employment will continue and incremental dates will remain unchanged. During this period you will retain all of your contractual rights with the exception of remuneration.

## **2.3 HOW TO APPLY FOR MATERNITY LEAVE**

To qualify for Maternity leave you must write to your manager and HR Department, confirming that you are pregnant, before the end of the 15<sup>th</sup> week before your expected date of childbirth (EDC) (or if this is not possible as soon as is reasonably practicable).

The letter must confirm:

- your intention to take maternity leave
- the date you intend to start your maternity leave
- whether or not you intend to return to work with the NHS for a minimum period of 3 months( 13 weeks)

You must also provide a MATB1 form from your midwife or GP confirming your EDC.

If you subsequently want to change the start date of your maternity leave you must notify your manager and the HR Department at least 28 days before hand (or if this is not possible as soon as possible as soon as is reasonably practicable).

**Please note that a statutory minimum period of two weeks maternity leave must be taken immediately after childbirth.**

## **3. PAY ENTITLEMENTS– SEE ALSO TABLE 1**

### **3.1 OCCUPATIONAL MATERNITY PAY.**

To qualify for Occupational Maternity Pay (OMP) you will need to have been continuously employed by one or more NHS employers for a period of no less than 12 months as at the beginning of the 11<sup>th</sup> week before the expected week of childbirth (EWC) **and** have confirmed your intention to return to work with the Health Board or another NHS employer for a minimum period of 3 months (13 weeks). Part of your OMP will be made up of Statutory Maternity Pay (SMP).

Continuous employment in this context includes periods of service with any NHS employer which includes Health Authorities, NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Services, and including employment as a salaried General Practitioner directly employed by a Health Board/Trust, provided that there are no breaks in service of 3 calendar months or more. Bank service does not count for these purposes.

A break of 3 months or less will be disregarded (but not counted as service) for the purposes of eligibility for Occupational Maternity Pay.

Occupational Maternity Pay is 8 weeks full pay and 18 weeks half pay. Statutory Maternity Pay/Maternity Allowance will be payable for 13 weeks thereafter, subject to entitlement.

By prior agreement with the Health Board, your Occupational Maternity Pay can be paid in a different way, e.g. a fixed amount of OMP spread equally over the maternity pay period. You should be aware that this does not mean you will get the same amount of pay each month as the payment of SMP cannot be amended. Also, this will have an impact on your liability for pension contributions on your return to work if you have had a period of unpaid leave before returning.

Payroll have devised an [average maternity/adoption pay calculator](#) which enables you to calculate an estimate of the OMP/ OAP you will receive in the normal way, and allows you to compare this with how it would be paid if you chose to have it averaged over 9 or 12 months.

Unless you inform payroll otherwise, your maternity /adoption pay will be as set out in your maternity/adoption leave letter. If you decide that you would like to have your maternity/adoption pay averaged over either 9 or 12 months please email [payroll.enquiries@wales.nhs.uk](mailto:payroll.enquiries@wales.nhs.uk) to confirm this specifying the time period and including your staff number.

Once you have received your first payment of maternity/adoption pay you will not be able to change your mind about the way in which it is paid.

### **3.2 STATUTORY MATERNITY PAY**

To qualify for SMP, you will need to have been employed by Swansea Bay University Health Board for a continuous period of at least 26 weeks prior to the 15<sup>th</sup> week before the expected week of childbirth (EWC) **and** your average pay within the relevant period prior to the 15<sup>th</sup> week must be above the lower earning level for NI purposes. Bank Workers may be eligible to receive the appropriate statutory pay if they meet the relevant criteria.

Your SMP is payable by your employer **as at the 15<sup>th</sup> week before the expected week of childbirth**. If that was not SBU Health Board you will need to approach your previous employer to obtain your statutory maternity benefits.

Your entitlement to SMP may cease if any of the following occur:

- If you return to work with a different employer, after childbirth, during the maternity leave period
- If you are taken into legal custody

If either of these occurs you must immediately notify your manager who will inform Payroll services.

If you are not employed by SBU Health Board at the 15<sup>th</sup> week before the expected week of childbirth you will not be eligible for SMP from this Health Board, but may be able to claim it from another employer. Payroll will issue you with an SMP1 to enable you to claim it from elsewhere.

If you decide you do not wish to return to work with the NHS for a minimum period of 3 months (13 weeks) after your maternity leave, you may still be entitled to pay equivalent to SMP (provided you have 26 weeks service as at the 15<sup>th</sup> week before the EWC).

### **3.3 MATERNITY ALLOWANCE**

Where you do not meet the criteria for OMP or SMP, Maternity Allowance may be payable. The payroll department will issue you with an SMP1 form which you should submit to Job Centre Plus together with your Mat B1.

### **3.4 Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements subject to the following qualifications: -**

- Any pay awards or annual increment being implemented before the paid maternity leave period begins are taken into account in the calculation. If such a pay award was agreed retrospectively, the maternity leave should be re-calculated on the same basis.
- In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly.

If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis.

- In the case of an employee on unpaid sick absence or sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for SMP purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

### **3.5 If you are on an Employment Break, or are away from the workplace for any other reason (e.g. secondment, parental leave etc) or if your salary is reduced**

because you have paid for child care vouchers, or any are participating in any other salary sacrifice scheme during the relevant calculation period, the amount of maternity pay you are entitled to may be reduced. If this applies to you, you are advised to seek advice from your HR department as soon as you know you are pregnant.

### **3.6 WHERE YOU DO NOT INTEND TO RETURN TO WORK**

**3.6.1** If you have indicated at the outset that you will not be returning to work with SBU Health Board or another NHS employer, Occupational Maternity Pay will not be payable and you will receive Statutory Maternity pay only (see section 3.2 above).

**If you want your contract to come to an end before or at the expiry of your 52 weeks maternity leave period then you will be expected to submit a letter of resignation in line with your contract of employment.**

**3.6.2** You will be entitled to the annual leave that you have accrued up to the date your contract ends.

**3.6.3** Pension contributions will be required for the entire 52 week period and so you must contact the payroll department to make arrangements for this to be paid. If you do not wish to continue to make pension contributions during the unpaid maternity leave period, you will need to opt out of the pension scheme.

**3.6.4** If you change your mind and decide to return to work at or before the expiry of your 52 weeks of maternity leave, **as long as you have not already submitted your letter of resignation**, you can give your manager 28 days' notice of your intention to do so.

Your Occupational Maternity Pay will then be paid as long as you satisfy the requirement to return to work with the Health Board or another NHS employer for a minimum period of 3 months (13 weeks) immediately after your period of maternity leave.

## **4 WHAT HAPPENS IF I HAVE A FIXED TERM, TRAINING OR ROTATIONAL APPOINTMENT?**

### **4.1 FIXED TERM TEMPORARY OR TRAINING CONTRACTS**

If you are employed on a fixed term, temporary or training contract which is due to expire after the 11th week before the expected week of childbirth but you would be eligible for maternity leave.

You will have your contract extended to allow you to receive your maternity leave and pay entitlements and will be terminated at the end of your maternity leave period. However, you should be aware that if your contract is extended to allow you to take the unpaid period of your maternity leave you will be liable for pension contributions for this period.

Absence on maternity leave (paid and unpaid) up to 52 weeks before taking up a further NHS appointment does not constitute a break in service. If there is no right to return to a post after the end of maternity leave because the contract would have ended had it not been extended to take account of your pregnancy, the repayment provisions will not apply.

## **4.2 ROTATIONAL CONTRACTS**

If you are on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training you shall have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred.

In such circumstances your contract will be extended to enable you to complete the agreed programme of training.

## **5. CHANGES TO YOUR MATERNITY LEAVE**

### **5.1 IF YOU WISH TO CHANGE YOUR START DATE**

If you want to change the start date of your maternity leave you must notify your manager and the HR Department at least 28 days before hand (or if this is not possible as soon as is reasonably practicable).

### **5.2 PREMATURE BIRTH**

Where the baby is born prematurely you are entitled to the same amount of Maternity Leave and pay as if the baby was born at full term.

Where the baby is born before the eleventh week before the expected week of confinement, you will need to provide a birth certificate or a document signed by a doctor or midwife confirming the birth.

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

### **5.3 STILL BIRTH**

Where your baby is still born after the 24<sup>th</sup> week of pregnancy, you will be entitled to the same amount of maternity leave and pay as if your baby was born alive.

You should contact your manager as soon as you are able to let them know so that arrangements can be made to ensure you are paid correctly.

### **5.4 MISCARRIAGE**

Where you have a miscarriage before the 25<sup>th</sup> week of pregnancy, normal sick leave provisions will apply as necessary. This would be pregnancy related sickness and should be dealt with sensitively in accordance with the Health Board's Sickness Policy. You should let your manager know about this as soon as you are able to do so.

## **6. RETURNING TO WORK**

**6.1.** You will not be permitted to return to work for the two weeks immediately after childbirth as this is your compulsory maternity leave. If you want to return to work at the end of your full 52 week maternity leave entitlement, you are not

required to give any further notification to your manager but it would be helpful for you to contact them several weeks in advance so that arrangements can be made to facilitate your smooth return. You will be required to report for duty the day after the end of your maternity leave as confirmed in your letter.

If you want to return earlier than at the end of your full maternity leave you should contact your manager as soon as practicable but no later than 28 days before you wish to return to give notice of your intention to do so.

You will be entitled to return to your own job under your own contract and on no less favorable terms and conditions.

Where during the maternity leave period, your job has changed or disappeared, your manager will discuss this with you as early as possible, and suitable alternative employment will be found for you.

Where you request the opportunity to return to work on a different basis (perhaps to work fewer hours) your manager has a duty to facilitate this wherever possible in line with service requirements, so that you can return to work on different hours in the same job. If that is not possible, the manager must provide written, objectively justifiable reasons for this. Any flexible working arrangements will be approved subject to the needs of the service.

If you are a junior doctor, you must also agree any flexible working arrangements with the Deanery as it may affect your training requirements.

If it is agreed that you will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect your right to return to your job under your original contract at the end of the agreed period.

In the event of illness following the date you were due to return to work, normal sick leave provisions will apply on the basis that the appropriate notice of return to work has been given.

Notification of such illness must be in accordance with the normal arrangements for reporting sick.

## **6.2 FAILURE TO RETURN TO WORK**

Where you have indicated your intention to return to work and received Occupational Maternity Pay but then fail to return to the same or different NHS employer for a minimum of 3 months (13 weeks) within 15 months of the beginning of the Maternity Leave, you will be liable to refund the whole of the Maternity Pay less any Statutory Maternity Pay received.

Where an employment break has been agreed immediately following your maternity leave, and you fail to return to work to the same or different NHS employer for a minimum of 3 months (13 weeks) immediately after the employment break, you will remain liable to refund your Maternity Pay as above.

## **7 OTHER MATTERS**

### **7.1 LEASE CARS**

During period of unpaid maternity leave, all terms and conditions remain in existence in respect of lease cars. This includes subsidy, contributions and conditions of use and penalties.

If you have a lease car you are advised to contact the Lease Car Department to confirm details of your lease and possible changes affecting your tax and other lease issues.

## **7.2 PENSIONS**

Where you are a member of the NHS Pension Scheme, pension contributions will be collected from you whilst in receipt of Occupational and/or Statutory Maternity Pay. Pension contributions will be collected on the actual pay you will be in receipt of during the period of Maternity Leave.

For a period of unpaid Maternity Leave, pension contributions for the period will be collected on return to work. Contributions will be calculated on the pay you were receiving directly prior to the period of unpaid Maternity Leave. Arrears of contributions will be collected within the first 3 months of returning to work and once repaid in full, will credit you with continuous pensionable service. Further information relating to pensions can be obtained from the NWSS Pensions Department.

## **7.3 SALARY SACRIFICE SCHEMES**

If you are participating in any salary sacrifice schemes (e.g. child care vouchers, lease cars etc) this will reduce your gross taxable pay and your maternity pay will be calculated based on your gross taxable pay during the qualifying week.

You will continue to receive the benefit of child care vouchers, Lease Car etc during your maternity leave. Any other arrangement that reduces your gross taxable pay (e.g. purchase of annual leave) may also reduce your Maternity Pay entitlement.

## **7.4 BREASTFEEDING**

The Health Board will support you to continue breastfeeding on your return from maternity leave.

You will be given reasonable time to enable you to continue breastfeeding and you should discuss this with your manager before your return to work. This may take the form of:-

- Offering facilities and time to express milk in private and for this to be stored if possible
- and/or
- Agreeing to a temporary reduction in hours, flexible working hours or use of annual leave in order to allow you to breastfeed for a reasonable period.

Your manager must complete a risk assessment in relation to your breast feeding plans and take action to deal with any health and safety issues that may arise from the assessment.

## **7.5 POST NATAL APPOINTMENTS**

If you have recently given birth, you will be permitted to take reasonable paid time off for post-natal care appointments and attendance at health clinics.

**TABLE 1-ENTITLEMENTS- MATERNITY LEAVE**

For the purposes of Maternity Pay, full pay/half pay refers to average weekly earnings based on gross taxable pay (i.e. minus any salary sacrifice payments etc. See section 7.3 above).

Details of how the qualifying week is identified and how Maternity pay is calculated can be accessed on the HRMC Website <https://www.gov.uk/maternity-pay-leave>

QUALIFYING PERIOD	INTENTION	OPTION	ENTITLEMENT
<b>12 months</b> continuous <b>NHS Service</b> as at 11 <sup>th</sup> week before EWC  <b>And</b>  <b>26 weeks</b> continuous <b>Health Board</b> service as at 15 <sup>th</sup> week before EWC	You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	A1	8 weeks full pay ( inclusive of SMP) <b>and then</b> 18 weeks at half full pay plus SMP/Maternity Allowance (but not to exceed full pay) + 13 weeks SMP at standard rate.  + 13 weeks additional unpaid maternity leave
	You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 month(13 weeks)	A2	6 weeks SMP at 90% of full average pay <b>and then</b> 33 weeks SMP at standard rate or at 90% of full pay (whichever is lower)
<b>12 months</b> continuous <b>NHS Service</b> as at 11 <sup>th</sup> week before EWC  <b>But</b>  <b>Less than 26 weeks</b> continuous <b>Health Board</b> service as at 15 <sup>th</sup> week before EWC	You wish to return to work with the same or another NHS Employer for a minimum period of 3 months (13 weeks)	B1	8 weeks full pay less Maternity Allowance <b>and then</b> 18 weeks half pay. + Maximum 26 weeks additional unpaid maternity leave.  Your SMP may be payable by your previous employee.
	You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	B2	The equivalent of 6 weeks SMP at 90% of full pay plus 33 weeks at standard rate SMP (or 90% whichever is the lower).  Your SMP may be payable by your previous employer

<p><b>Less than 12 months continuous NHS service</b> at 11<sup>th</sup> week before EWC</p> <p><b>But</b></p>	<p>You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)</p>	<p>C1</p>	<p>6 weeks SMP at 90% of average weekly earning  <b>and then</b>  33 weeks SMP at standard rate or at 90% of average weekly earnings (whichever is lower)  <b>+</b>  13 weeks additional unpaid maternity leave.</p>
<p><b>26 weeks continuous Health Board service</b> as at 15<sup>th</sup> week before EWC</p>	<p>You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)</p>	<p>C2</p>	<p>The equivalent of 6 weeks SMP at 90% of full pay  <b>and then</b>  33 weeks SMP at standard rate or at 90% of full pay(whichever is lower)</p>
<p><b>Less than 26 weeks continuous service with the NHS</b> as at 15<sup>th</sup> week before EWC</p>	<p>You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)</p>	<p>D1</p>	<p>No entitlement to SMP however Maternity Allowance may be payable by the DSS for a period of 26 weeks.    A further 26 weeks unpaid leave is also available.</p>
	<p>You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)</p>	<p>D2</p>	<p>Nil pay due. Maybe entitled to Maternity Allowance payable through Job Centre Plus</p>

## **PART 2: NEW PARENT SUPPORT (PATERNITY /MATERNITY SUPPORT) LEAVE PROVISIONS**

### **1. NEW PARENT SUPPORT LEAVE PROVISIONS (See also TABLE 2 below)**

- 1.1** You are eligible to take new parent support leave if you have responsibility for the child's upbringing, are taking the time to support the birth parent or care for the child and :
- in the case of childbirth – you are either the father of the child, or are married to, or the partner or civil partner, whether opposite or same sex, of the child's birth parent/primary carer.
  - in the case of adoption –are married to, or the partner or civil partner, whether opposite or same sex, of a person who has adopted a child, or a member of a couple adopting jointly and you have chosen not to take the adoption leave.
  - in the case of surrogacy – are the intended parent and have applied or intend to apply for a parental order in the first six months after the baby's birth.
- 1.2** If you have 12 months continuous NHS service at the beginning of the week in which the baby is due you will be entitled to two weeks paid new parent support leave (pro rata) based on normal earnings including Statutory Paternity Pay.
- 1.3** If you do not have 12 months service you may be entitled to Statutory Paternity pay in line with the appropriate regulations.
- 1.4** It is recommended that you let your manager know at the earliest opportunity that you will need to take some new parent support leave, and follow up your conversation in writing. This then provides your manager with time to plan for your anticipated absence.

### **2. LENGTH OF NEW PARENT SUPPORT LEAVE**

- 2.1** You can take one or two weeks of new parent support (paternity/maternity support) leave. This leave will be pro rata for part time staff. If you are taking two weeks this can be taken consecutively or separately.
- 2.2** You cannot take this leave before the child is born. The start date must be one of the following:
- The actual date of birth
  - A specified number of days after the birth
  - A set date which is after the date of birth
- 2.3** If you are adopting a child you can take this leave from
- the date of placement
  - an agreed number of days after the date of placement
  - the date the child arrives in the UK or an agreed number of days after this (overseas adoptions)
  - the date the child is born (or the day after if you're working that day) if you are a surrogate parent
- 2.4** This leave can be taken at any time within 52 weeks of the birth or placement of the child.

2.5 Even if more than one child is born as a result of the pregnancy (or more than one child is included on the matching certificate in the case of adoption), only one allocation of paternity (new parent support) leave will be available.

### 3. APPLYING FOR NEW PARENT SUPPORT LEAVE

You must inform your manager of the due date of the birth/ adoption at least 15 weeks before the baby is expected. You must then tell your manager that you intend to take new parent support leave(Paternity Leave) at least 28 days before you want the leave to start unless this is not reasonably practicable. Employees must tell their manager:

- the week the baby is due;
- whether they wish to take one or two weeks' leave;
- when they want their leave to start.

You must also complete a new parent support leave application form and submit it to your manager at least 28 days before you want the leave to start. Later notification will only be accepted if there is good reason.

You will receive a letter within 28 days of your application confirming your entitlement.

### 4. ANTENATAL LEAVE

4.1 Reasonable paid time off to attend antenatal classes or official adoption meetings will also be given and employees are requested to provide as much notice as possible of appointments.

4.2 You will be required to provide evidence of the first appointment.

<b>TABLE 2 – NEW PARENT SUPPORT (Paternity) LEAVE ENTITLEMENT</b>	
<b>QUALIFYING PERIOD</b>	<b>ENTITLEMENT</b>
<b>12 months</b> continuous <b>NHS Service</b> <b>And</b> <b>26 weeks</b> continuous Health Board service as at 15 <sup>th</sup> week before EWC ( or at the date on which you are notified of being matched)	Two weeks leave at full pay, inclusive of SPP
<b>12 months</b> continuous <b>NHS Service</b> <b>But</b> <b>Less than 26 weeks</b> continuous <b>Health Board</b> service as at 15 <sup>th</sup> week before EWC (or at the date on which you are notified of being matched).	Two weeks leave at full pay.
<b>Less than 12 months</b> continuous <b>NHS service</b> <b>But</b> <b>26 weeks</b> continuous <b>Health Board</b> service as at 15 <sup>th</sup> week before EWC (or at the date on which you are notified of being matched).	Two weeks unpaid leave plus SPP( payable at 90% of full pay or the current flat rate whichever is less)

<p><b>Less than 12 months</b> continuous <b>NHS service</b></p> <p style="text-align: center;">And</p> <p><b>Less than 26 weeks</b> continuous <b>NHS service</b> with the as at 15<sup>th</sup> week before EWC (or at the date on which you are notified of being matched).</p>	<p>No entitlement to SPP.</p>
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## PART 3: ADOPTION LEAVE PROVISIONS

### 1. ADOPTION LEAVE

- 1.1** Adoption leave, paid and unpaid, will be available to an employee wishing to adopt a child who has primary carer responsibility for that child. Where a couple adopt jointly, the couple may choose which partner is regarded as the primary adopter and takes adoption leave. The partner of the primary adopter may be entitled to new parent support leave and pay.
- 1.2** If the couple wishes to share their leave entitlement differently, they may be able to apply for shared parental leave.
- 1.3** It is recommended that you let your manager know at the earliest opportunity that you will need to take some adoption leave, and follow up your conversation in writing. This then provides your manager with time to plan for your anticipated absence.

### 2. BEFORE THE ADOPTION

- 2.1** During the course of the adoption process you will need to attend official meetings. Reasonable paid time off will be granted to attend these meetings by agreement with your manager. You will be asked to provide documentary evidence of your appointment (e.g. letter of invitation or appointment card). If you are unable to provide this, unpaid time off will be granted.
- 2.2** If you don't want to tell your manager about your initial adoption meeting and if so you will need to make alternative arrangements to attend (e.g. annual leave).
- 2.3** If you and your partner work for the Health Board, you will need to state which of you will be the primary carer for the child. The other parent will be entitled to new parent support leave and pay.

### 3. ELIGIBILITY FOR ADOPTION LEAVE

- 3.1** Eligibility for occupational adoption pay will be 12 months' continuous 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.
- 3.2** To qualify for adoption leave, an employee must: be 'newly matched' with a child for adoption by an approved adoption agency. Once you have been matched with child/children for adoption you will be issued with a matching certificate. You will need this matching certificate to apply for your adoption leave.
- 3.3** If there is an established relationship<sub>20</sub> with the child that you wish to adopt, where

you have fostered the child before adoption, where you are step parent adopting a partner's child, or a grandparent adopting your grandchild, then you will need to discuss this with your manager. In such cases you will not be entitled to full adoption leave and pay, but some reasonable allowance may be made for you to attend any necessary meetings.

- 3.4 Employees with less than 12 months service will be entitled to unpaid leave subject to the Health Board's agreement.

#### 4 **STARTING ADOPTION LEAVE**

- 4.1 Adoption leave will commence no earlier than 14 days before the placement date.

#### 4.2 **PLANNING ANNUAL LEAVE**

- 4.2.1 Once you have informed your manager that you are adopting a child, you must plan and discuss with your manager how you will take your annual leave.

You need to consider what your leave year is (for staff on A4C terms and conditions this will be 1<sup>st</sup> April-31<sup>st</sup> March) and you are encouraged to take any annual leave accrued prior to your placement date before you start your adoption leave.

The amount of leave to be taken before and after your adoption leave and any agreement reached regarding carryover of annual leave must be confirmed in writing by your manager.

Medical and dental staff leave years are calculated differently and you should contact the Medical Workforce team for advice if you are unsure of your leave year.

- 4.2.2 You will continue to accrue annual leave and bank holidays during the course of both your paid and unpaid adoption leave. You should try to take all leave in the leave year in which it accrues.

If you are unable to take your annual leave before the end of your leave year (usually 31<sup>st</sup> March) because you are still on adoption leave, you are encouraged to use the outstanding annual leave immediately before returning to work (i.e. at the end of your adoption leave).

**Please note that you cannot take annual leave and then go back onto adoption leave.**

- 4.2.3 In very exceptional circumstances, where the needs of the service prevent you from taking or carrying over your annual leave, payment in lieu may be considered. This will only be with the agreement you and your Senior Manager in conjunction with the Head of Workforce.

- 4.2.4 Adoption leave, whether paid or unpaid, will count as service for annual leave increments and for the purpose of any service qualification period for additional annual leave

#### 4.3 **WHERE YOU DO NOT INTEND TO RETURN TO WORK**

**4.3.1** If you have indicated at the outset that you will not be returning to work with ABMU Health Board or another NHS employer, Occupational Adoption Pay will not be payable and you will receive Statutory Adoption pay only in accordance with table 3 below. **If you want your contract to come to an end before or at the expiry of your 52 weeks adoption leave period then you will be expected to submit a letter of resignation in line with your contract of employment.**

**4.3.2** You will be entitled to the annual leave that you have accrued up to the date your contract ends.

**4.3.3** Pension contributions will be required for the entire 52 week period and so you must contact the payroll department to make arrangements for this to be paid. If you do not wish to continue to make pension contributions during the unpaid adoption leave period, you will need to opt out of the pension scheme.

**4.3.4** If you change your mind and decide to return to work at or before the expiry of your 52 weeks of adoption leave, **as long as you have not already submitted your letter of resignation**, you can give your manager 28 days' notice of your intention to do so.

Your Occupational Adoption Pay will then be paid as long as you satisfy the requirement to return to work with the health board or another NHS employer for a minimum period of 3 months (13 weeks) immediately after your period of adoption leave.

## **5 ADOPTION LEAVE ENTITLEMENT**

**5.1** Where the child is below the age of 18, adoption leave and pay will be in accordance with the adoption leave and pay provisions of the ABMU Health Board as set out in the Table below.

**5.2** Reasonable paid time off to attend official meetings in the adoption process should also be given.

**5.3** If you are on an Employment Break or are away from the workplace for any other reason (e.g. secondment, parental leave etc) or if your salary is reduced because you have paid for child care vouchers, or any are participating in any other salary sacrifice scheme during the relevant calculation period, the amount of adoption pay you are entitled to may be reduced. If this applies to you, you are advised to seek advice from your HR department as soon as you are aware the adoption will be going ahead.

## **6 NOTIFICATIONS**

**6.1** If you wish to take adoption leave you must write to your manager as soon as practicably possible but by no later than 7 days after being notified by their adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You must tell your manager:

- when the child is expected to be placed with you;
- when you want your adoption leave to start; and
- if you are committed to return to work for at least 13 weeks after adoption leave.

**6.2** When you have been matched with a child for adoption you will be issued with a

matching certificate. You will need to submit this matching certificate to your manager when applying for adoption leave.

- 6.3** If the child is being adopted from abroad, different arrangements apply and you should discuss this with your HR advisor

## **7 KEEPING IN TOUCH DURING ADOPTION LEAVE**

**7.1** You and your manager should agree reasonable arrangements to keep in contact about a range of issues such as developments in the workplace and your return to work during the course of your adoption leave.

**7.2** If you and your manager agree you may be able to work during your adoption leave period for up to 10 days (i.e. on 10 occasions even if not a full days) without bringing your adoption leave to an end. These are known as **Keeping in Touch (KIT) days**.

Where possible, before your adoption leave commences, you will need to discuss if and when you will work KIT days. It is important to note the following:

- There is no obligation on you to work a KIT day or on your manager to allow you to do so.
- The work that you undertake on KIT days must be work that you are entitled to perform under your contract of employment (including training) or activities that help you keep in touch with the workplace.
- KIT days do not have to be consecutive.
- Working for any part of a day will count as one KIT day. If you work in excess of 10 KIT days this may have an impact on your SMP.
- The total duration of your Statutory Adoption leave period will still be 52 weeks regardless of whether you have worked KIT days.

**7.3** If you work a KIT day, you will be paid at the basic daily rate for the hours worked minus any adoption payments made to you. If you are on unpaid adoption leave you will be paid full pay for the hours worked.

If you work a KIT day during the full pay period, you will receive a day of paid leave in lieu once you have returned to work. If you work a KIT day during the half pay period, you will receive a half day of paid leave in lieu once you have returned to work.

Your manager must keep a record of all hours worked on KIT days and inform payroll as appropriate.

## **8. RETURNING TO WORK**

**8.1.** If you want to return to work at the end of your full 52 week adoption leave entitlement, you are not required to give any further notification to your manager, but it would be helpful for you to contact them several weeks in advance so that

arrangements can be made to facilitate your smooth return. You will be required to report for duty the day after the end of your adoption leave as confirmed in your letter.

If you want to return earlier than at the end of your full adoption leave you should contact your manager as soon as practicable but no later than 28 days before you wish to return to give notice of your intention to do so.

You will be entitled to return to your own job under your own contract and on no less favorable terms and conditions. Where during the adoption leave period, your job has changed or disappeared, your manager will discuss this with you as early as possible, and suitable alternative employment will be found for you.

Where you request the opportunity to return to work on a different basis (perhaps to work fewer hours) your manager has a duty to facilitate this wherever possible in line with service requirements, so that you can return to work on different hours in the same job. If that is not possible, the manager must provide written, objectively justifiable reasons for this. Any flexible working arrangements will be approved subject to the needs of the service.

If you are a junior doctor, you must also agree any flexible working arrangements with the Deanery as it may affect your training requirements.

If it is agreed that you will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect your right to return to your job under your original contract at the end of the agreed period.

In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply on the basis that the appropriate notice of return to work has been given. Notification of such illness must be in accordance with the normal arrangements for reporting sick.

## **8.2 FAILURE TO RETURN TO WORK**

Where you have indicated your intention to return to work and received Occupational Adoption Pay but then fail to return to the same or different NHS employer for a minimum of 3 months (13 weeks) within 15 months of the beginning of the adoption leave, you will be liable to refund the whole of the Adoption Pay less any Statutory Adoption Pay received.

Where an employment break has been agreed immediately following your adoption leave, and you fail to return to work to the same or different NHS employer for a minimum of 3 months (13 weeks) immediately after the employment break, you will remain liable to refund your Adoption Pay as above.

## **9. REQUESTS FOR FLEXIBLE WORKING**

Adoptive parents may apply for flexible working arrangements in the same way as an employee commencing or returning from a period of maternity leave. The same process for dealing with such requests will apply.

## **10. OTHER MATTERS.**

### **10.1 PENSIONS**

Where you are a member of the NHS Pension Scheme, pension contributions will be collected from you whilst in receipt of Occupational and/or Statutory Adoption Pay. Pension contributions will be collected on the actual pay you will be in receipt of during the period of Adoption Leave.

For a period of unpaid Adoption Leave, pension contributions for the period will be collected on return to work.

Contributions will be calculated on the pay you were receiving directly prior to the period of unpaid Adoption Leave. Arrears of contributions will be collected within the first 3 months of returning to work and once repaid in full, will credit you with continuous pensionable service.

Further Information relating to pension can be obtained from the Pensions Department.

## **10.2 LEASE CARS**

During period of unpaid adoption leave, all terms and conditions remain in existence in respect of lease cars. This includes subsidy, contributions and conditions of use and penalties. If you have a lease car you are advised to contact the Lease Car Department to confirm details of your lease and possible changes affecting your tax and other lease issues.

## **10.3 SALARY SACRIFICE SCHEMES**

If you are participating in any salary sacrifice schemes (e.g., Child Care Vouchers, Lease Cars etc) this will reduce your gross taxable pay and your adoption pay will be calculated based on your gross taxable pay during the qualifying week. You will continue to receive the benefit of Child Care Vouchers, Lease Cars etc during your maternity leave.

Any other arrangement that reduces your gross taxable pay (e.g., purchase of annual Leave) may also reduce your adoption pay entitlement.

### **TABLE 3 - ENTITLEMENTS-ADOPTION LEAVE**

For the purpose of adoption Pay, full pay/half pay refers to average weekly earnings based on gross taxable pay (i.e., minus any salary sacrifice payments, etc see section 10.3 above).

Details of how the qualifying week is identified and how Maternity Pay is calculated can be accessed on the HRMC Website <https://www.gov.uk/adoption-pay-leave/pay>

**Table next page**

QUALIFYING PERIOD	INTENTION	OPTION	ENTITLEMENT
<b>12 months</b> continuous <b>NHS Service</b>  <b>And</b>  <b>26 weeks</b> continuous <b>Health Board</b> service as at the week you are notified of successfully being matched with a child.	You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	A1.	8 weeks full pay ( inclusive of SAP) <b>and then</b> 18 weeks at half pay plus SAP (but not to exceed full pay) + 13 weeks SAP at standard rate. + 13 weeks additional unpaid adoption leave
	You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	A2	6 weeks SAP at 90% of full pay  <b>and then</b>  33 weeks SAP at standard rate or at 90% of full pay(whichever is lower)
<b>12 months</b> continuous <b>NHS Service</b>  <b>But</b>  <b>Less than 26 weeks</b> continuous <b>Health Board</b> service as at the week you are notified of successfully being matched with a child.	You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	B1.	8 weeks full pay <b>and then</b> 18 weeks half pay. + Maximum 26 weeks additional unpaid adoption leave.  Your SAP may be payable by your previous employer
	You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	B2	The equivalent of 6 weeks SAP at 90% of full pay plus 33 weeks at standard rate SAP (or 90% whichever is the lower).  Your SAP may be payable by your previous employer
<b>Less than 12 months</b> continuous <b>NHS service</b>  <b>But</b>  <b>26 weeks</b> continuous <b>Health Board service</b> as at the week you are notified of successfully being matched with a child.	You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	C1	6 weeks SAP at 90% of full pay  <b>and then</b>  33 weeks SAP at standard rate or at 90% of full pay(whichever is lower)
	You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	C2	The equivalent of 6 weeks SAP at 90% of full pay  <b>and then</b>  33 weeks SAP at standard rate or at 90% of full pay(whichever is lower)
<b>Less than 26 weeks</b> continuous service with the <b>NHS</b> as at the week you are notified of successfully being matched with a child.	You wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	D1	No entitlement to Statutory Adoption Pay  Entitled to Adoption leave up to 52 weeks
	You do not wish to return to work with the same or another NHS Employer for a minimum period of 3 months( 13 weeks)	D2	Nil pay due.

**1. SURROGACY ARRANGEMENTS**

1.1 There are two types of surrogacy:

- **Traditional or straight surrogacy** - this method uses the eggs of the surrogate mother and the sperm of the intended biological father. The baby is biologically related to the intended father and the surrogate.
- **Gestational or host surrogacy** - this method uses the egg of the intended mother and the sperm of the partner or donor sperm, or a donor egg and the sperm of the intended biological father. A baby conceived by this method has no biological connection to the surrogate.

1.2 An employee who is carrying a baby as a surrogate even if they are not genetically related will receive full entitlement in respect of maternity pay and leave based on their service.

1.3 Employees who are the intended parents of a baby that is being carried by a surrogate will be treated in the same way as those who have gone through the formal adoption process via an adoption agency.

1.4 The intended parents can apply for a parental order 6 weeks after the baby is born, and before the baby is 6 months old, where one of the intended parents is genetically related to the child.

**2 ELIGIBILITY**

Adoption leave and pay is available to one of the parents of a child under a parental order provided that one of the intended parents is genetically related to the child and the child must live with the intended parents.

**3 ENTITLEMENTS TO ADOPTION LEAVE**

Where one parent elects to take adoption leave and pay, this will be in accordance with the adoption leave and pay provisions of this policy. An adoption application form must be completed along with a form giving details of the surrogacy arrangements.

**4 NOTIFICATIONS**

4.1 An employee using a surrogate to have a baby must inform the employer of the date the baby is expected and that they wish to take adoption leave at least 15 weeks before the expected week of the child's birth.

4.2 The employee must also provide a statutory declaration or written statement signed in the presence of a legal professional to confirm they have applied, or will be applying for a parental order in the 6 months after the child's birth.

4.3 Where a couple has a parental order in relation to a child or is applying for one, one of the parents may be eligible for adoption leave and pay and the other may be eligible for new parent support leave and pay. The couple must elect which of them will take adoption leave.

**4.4** If you are having a baby through a surrogacy arrangement you can only take adoption leave from the day of the birth or the day after the birth (if you are at work on the day of the birth).

You must notify your employer of the day the baby is born as soon as reasonably practicable so that your employer knows when your leave and pay starts.

## **5. TIME OFF TO ATTEND ANTE NATAL APPOINTMENTS**

Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the mother to up to two ante natal appointments.

## **PART 5: ORDINARY PARENTAL LEAVE**

### **1. PARENTAL LEAVE**

Swansea Bay University Health Board recognises the rights of eligible working parents to a prescribed period of ordinary parental leave as set out in the Maternity and Parental Leave Etc Regulations 1991 (as subsequently amended) and contained within the NHS terms and condition of service.

This is unpaid leave available to either parent in addition to their full maternity /adoption leave period and is not dependent on the mother/primary adopter curtailing their maternity/adoption leave. In this way it differs from [shared parental leave](#) for which there is a separate procedure.

### **2. ELIGIBILITY**

Parental leave applies to all employees, both birth parent, and the father of the child or partner of the birth parent who have completed one year's continuous employment with the Health Board, and are parents (named on a birth /adoption certificate) of a child aged under 18 years old or who have assumed parental responsibility for a child under 18.

If the parents are separated or don't live with the child, they have the right to parental leave if they keep formal parental responsibility for the child.

Parental leave should only be taken to care for the welfare of the child.

### **3. ENTITLEMENT**

**3.1** Parental leave is a period of up to 18 weeks unpaid leave to care for each child under 18.

**3.2** Parental Leave can start once the child is born or placed for adoption, or as soon as the employee reaches one year's service, whichever is the latest.

**3.3** Parental leave must be taken no later than the child's eighteenth birthday.

**3.4** Parental leave should be taken in blocks of a week or multiples of a week. Staff can take more than 1 week at a time up to a maximum of four weeks (pro rata) in any year for each child. In the case of a child with a disability, parental leave may be taken as one day, or multiples of a day, subject to a maximum of four weeks in any year.

- 3.5** Part time staff is entitled to a pro-rata equivalent of 18 weeks
- 3.6** A minimum of 21 days notice is required. However, you are requested to give as much notice as possible of your leave requirements, particularly where a long period of leave is required.  
If you want to take parental leave straight after the birth or adoption of a child, you should give notice 21 days before the beginning of the expected week of childbirth or placement. In cases where this may not be possible, e.g. if your child is born prematurely or where less than 21 days notice is given that a child is to be placed with you for adoption, you must give notice as soon as possible.
- 3.7** You must let you manager know the exact day on which your parental leave will start. Parental leave may also be added to periods of maternity, new parent support and adoption leave.
- 3.8** During parental leave you will retain all of your contractual rights except remuneration and you will return to the same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of parental leave shall also be regarded as continuous service.
- 3.9** In exceptional circumstances, where there is a good service reason for doing so, parental leave may be postponed by the organisation for no more than 6 months from the date on which you wanted to take the leave. If this means that the leave is postponed beyond the age limit, you will still have the right to take it. Any decision to postpone the leave should be confirmed in writing by your line manager.
- 3.10** You may also postpone or cancel leave that you have booked. Any further request for parental leave will normally be subject to the same notice provisions.
- 3.11** In the unlikely event than your request to take parental leave is not genuine, this may be dealt with in accordance with the normal disciplinary procedures.

#### **4. PROCEDURE**

- 4.1** You must submit a written request to take parental leave to your line manager. Evidence of parental responsibility, i.e. a copy of the birth certificate or adoption papers or equivalent should be attached to the application.
- 4.2** Line managers should consider the request and respond within 7 days.
- 4.3** The amount of leave requested and the timing of the leave should be agreed between the line manager and the employee and confirmed in writing by the manager.
- 4.4** Line managers are responsible for recording the amount of parental leave taken by employees particularly where the leave is taken in blocks of 1 week or more rather than in its entirety.