



Maternity, Adoption and Related Parental Support Procedure

Including Maternity Leave, Adoption Leave, Maternity & Adoption Support Leave (formerly Paternity Leave), Shared Parental Leave and Parental Leave.

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Contents

1	Introduction	5
2	Discrimination Awareness	5
3	Maternity	5
3.1	Antenatal Appointments	5
4	Risk Assessment	6
5	Procedures	6
5.1	Applying for maternity leave	6
5.2	How to apply for maternity leave/pay – documentary evidence	7
6	Maternity pay provision	7
7	Statutory maternity pay (SMP)	7
8	Occupational maternity pay (OMP).....	8
9	Maternity Allowance (MA)	8
10	Premature Birth	9
11	Miscarriage, stillbirth or death	9
12	Pregnancy related sickness absence.....	9
13	Breastfeeding at work.....	10
14	Employees not returning to work	10
15	Adoption	10
15.1	Eligibility.....	10
15.2	Adoption Appointments.....	10
15.3	Adoption Leave	11
15.4	Statutory adoption pay (SAP)	11
15.5	Occupational Adoption pay (OAP)	12
15.6	Adoption Allowance (AA)	12
15.7	Employees not returning to work.....	12
15.8	Adoption leave and pay process	13
15.9	Documentary evidence – adoption leave/pay	13
15.10	Unsuccessful adoption process	13
16	Childcare vouchers	14
17	Deductions from salary whilst on maternity or adoption leave	14
18	Terms and conditions of employment during maternity or adoption leave	14
19	Annual Leave.....	14
20	Keeping in touch	15
21	Fixed term contracts.....	16
22	Returning to work	16
23	Not returning to work.....	17
24	Flexible working requests	18

25	Maternity and adoption support (formerly known as paternity) leave	18
26	Parental leave	19
27	Shared parental leave and pay.....	20
28	Roles and responsibilities.....	21
28.1	Employees are responsible for:	21
28.2	Line managers are responsible for:.....	21
28.3	The HR Shared Service (BSA) are responsible for:	22
28.4	The Director of People and Organisational Development is responsible for: 22	
29	Further information.....	22
30	Equality impact assessment	22
31	Data Protection	23

1 Introduction

- 1.1 This procedure is written in support, and should be read in conjunction with the [Maternity, Adoption and Related Parental Support Policy](#).
- 1.2 This document outlines the responsibilities and expectations of all employees and workers within NHS England in relation to the maternity, adoption and Related Parental Support.

2 Discrimination Awareness

- 2.1 NHS England expects the same standards of conduct of all employees. Managers should bear in mind the possibility that some employees may need assistance to follow or understand rules or procedures because of language or disability factors, for example. If such assistance is needed or requested, consideration should be given to providing it.
- 2.2 When referencing the term 'partner' within this procedure, NHS England is clear that the term is fully inclusive of same sex partners.

3 Maternity

3.1 Antenatal Appointments

- 3.1.1 All pregnant employees, including those fixed term contracts, are entitled to reasonable paid time off for antenatal care made on the advice of a registered doctor or midwife. Except for the first appointment, employees should show the employer, if requested, an appointment card or other documents showing that an appointment has been made. Antenatal care can include not only medical examinations, but also relaxation classes and parent craft classes. The employee must give their line manager as much notice as is reasonably practicable if they need time off work for antenatal care.
- 3.1.2 NHS England recognises this is an important time and therefore employees will be given reasonable time off to accompany their partner, to attend antenatal appointments. This should be discussed in advanced with their line manager and the appointment card/letter etc. provided if requested.
- 3.1.3 Partners of pregnant employees are entitled to unpaid time off to attend two ante-natal appointments up to a maximum of 6.5 hours per appointment.
- 3.1.4 Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two antenatal appointments. Further information is available from Gov.UK – Surrogacy: [legal rights of parents and surrogates](#).

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 5

4 Risk Assessment

- 4.1 NHS England has a legal obligation to protect employees who they know (or could reasonably be expected to know) are or may become pregnant, have given birth during the last 6 months or are breast-feeding. This applies whether or not formal notification has been received.
- 4.2 The line manager has a responsibility to ensure that suitable and sufficient risk assessments are in place to mitigate exposure to any hazard which may adversely affect expectant employees, employees who have recently given birth (up to 6 months following childbirth) and breast-feeding employees.
- 4.3 In the event that a risk is identified, the following steps should be taken to remove the employee from exposure to that risk:-
- A temporary adjustment to the employee's duties, working conditions, hours of work etc.
 - If such measures would not remove the risk or would not be reasonably practicable to implement, then the employee should be offered suitable alternative work on no less favourable terms and conditions of employment. Medical advice (e.g. Occupational Health, GP) may be sought.
 - If it is not reasonably practicable to offer suitable, alternative work, then the employee should be suspended from work ("for maternity-related reasons") on full pay for as long as the risk exists or until commencement of maternity leave (whichever is the sooner).
 - An employee who unreasonably refuses an offer of suitable, alternative work can be suspended without pay.

5 Procedures

5.1 Applying for maternity leave

- 5.1.1 Every pregnant employee has the right to 52 weeks maternity leave; this includes employees who give birth as a surrogate. As soon as reasonably practicable employees should inform their manager that they are pregnant. This will enable the line manager to fulfil their statutory obligations in safeguarding the employee and their unborn baby from exposure to possible harmful situations at work. (Please refer to the section on risk assessment). If the employee wishes their pregnancy to remain confidential their manager will respect their request.
- 5.1.2 An employee can commence their maternity leave on any day from their 29th week of pregnancy (i.e. 11 weeks before the Expected Week of Childbirth). Maternity leave cannot commence later than the actual date of childbirth.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 6

5.2 How to apply for maternity leave/pay – documentary evidence

5.2.1 The employee should provide the following documentary evidence as soon as practicable:-

- [Maternity Adoption and Related Parental Support Application Form](#) - this is the application the employee completes to commence maternity leave. Maternity leave can commence on any day of the week.
- A MATB1 Certificate should be attached to the completed maternity leave application form. This certificate is normally provided to the pregnant employee by their midwife or related healthcare professional. It will be copied and sent back with the confirmation letter.
- If the employee subsequently wants to change their maternity start date they, should notify their line manager and the Workforce Systems Team (england.workforcesystems@nhs.net) in writing at least 28 days beforehand (if this is not possible, as soon as is reasonably practicable).

6 Maternity pay provision

6.1 Maternity pay is based on average weekly earnings over the 8 weeks prior to 15th week before the baby is due.

7 Statutory maternity pay (SMP)

- 7.1 SMP is a legal entitlement and is the minimum level of maternity pay due to employees who meet the necessary requirements of the scheme. If an employee has been employed by NHS England for 26 weeks by the notification week (15th week before their baby is due) and their earnings are above the NI lower earnings limit, they are entitled to statutory maternity leave with pay.
- 7.2 Statutory Maternity Pay (SMP) is a weekly benefit paid to employees who are on maternity leave.
- 7.3 Employees who meet the criteria above will be entitled to:-
- The first 6 weeks at 90% of average earnings
 - The next 33 weeks at the SMP rate or 90% of average weekly earnings whichever is lower
 - 13 weeks unpaid maternity leave, in exceptional circumstances such as in the event of multiple births, it may be deemed appropriate to extend the period of

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 7

unpaid maternity leave. Any such requests should be made in writing to the local HR team who will consider the individual circumstances of each case and take a decision on a case by case basis.

- This entitlement is 52 weeks in total.
- This entitlement can be taken regardless of whether the employee returns to work or not.

8 Occupational maternity pay (OMP)

8.1 OMP, which is an NHS contractual benefit that is paid to those employees who have been continuously employed for 12 months at the beginning of the 11th week prior to the expected week of childbirth at NHS England or another NHS organisation, AND who plan to return to work to NHS England or another NHS organisation at the end of their maternity leave. OMP operates in conjunction with SMP and is paid to employees working full or part-time.

8.2 Employees who meet the criteria above will be entitled to:-

- 8 weeks at full pay less any Statutory Maternity Pay (SMP) or Maternity Allowance (MA).
- 18 weeks at half pay plus SMP or MA at the standard rate (providing this does not exceed full pay).
- 13 weeks at SMP only.
- 13 weeks unpaid maternity leave, in exceptional circumstances such as in the event of multiple births, it may be deemed appropriate to extend the period of unpaid maternity leave. Any such requests should be made in writing to the local HR team who will consider the individual circumstances of each case and take a decision on a case by case basis.
- This entitlement is 52 weeks in total.

9 Maternity Allowance (MA)

9.1 Where earnings are too low to qualify for SMP, or the employee does not qualify for SMP for another reason, the employee may be eligible to claim up to 39 weeks of MA. MA is a benefit paid by the Department of Work and Pensions and can be claimed from Job Centre Plus or a local social security office. Further information can be obtained via the government website at www.gov.uk.

9.2 To be eligible for MA an employee must have worked a total of 26 weeks in the 66 weeks before the week in which the baby is due.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 8

10 Premature Birth

- 10.1 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 the baby was born full term.
- 10.2 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.
 - If the baby is in hospital the employee may split their maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of the leave following the baby's discharge from hospital.

11 Miscarriage, stillbirth or death

- 11.1 In the event of a miscarriage, stillbirth or death before the 25th week of pregnancy normal sick leave procedures apply.
- 11.2 In the event of a stillbirth at any point from the commencement of the 25th week of pregnancy the employee is entitled to maternity leave and pay as per this policy.
- 11.3 In the event of the death of a child occurring after a live birth the employee is entitled to the full maternity leave and pay. If the death of a child should occur at the end of a maternity leave period, managers may consider compassionate leave under the Special Leave Policy or normal sickness arrangements may apply.

12 Pregnancy related sickness absence

- 12.1 NHS England recognises that pregnancy may cause an employee to be absent from work more frequently than other employees. The formal process of triggers and stages set out within the [Supporting Attendance at Work Policy](#) should not be followed for pregnancy related illness. These absences will be recorded on [ESR](#) and the individual should continue to be monitored through the maternity risk assessment process, where appropriate and the completed risk assessment paperwork should be revisited.
- 12.2 Absence prior to the last 4 weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sickness absence in accordance with normal leave provisions.
- 12.3 If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last 4 weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 9

expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later.

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

13 Breastfeeding at work

- 13.1 Employees have the right to flexible working arrangements and access to appropriate facilities if they wish to express and store breast milk at work. Breastfeeding employees may also be entitled to paid time off to attend appointments relating to post-natal care. These matters should be discussed further with their line manager or HR & OD Shared Service team.

14 Employees not returning to work

- 14.1 Employees who are not planning to return to work at the end of their maternity leave and who have completed 12 months continuous service with NHS England or another NHS employer will be entitled to:-
- 6 weeks at 90% of full pay.
 - 33 weeks at standard rate of SMP.
- 14.2 Employees must resign from their post thus giving up their right to return to work.

15 Adoption

15.1 Eligibility

- 15.1.1 To qualify for adoption leave the employee must be the adoptive parent (regardless of gender) who is “newly matched” with a child. Employees who are considering surrogate parenting, may be entitled to adoption pay and leave and should seek advice from their local HR team about their leave entitlement.

15.2 Adoption Appointments

- 15.2.1 The main adopter, having been matched with a child, is entitled to take paid time off for up to five adoption appointments, in connection with the adoption or contact with the child for up to a maximum of 6.5 hours per appointment.
- 15.2.2 Where two prospective parents have been notified of a match with a child, the secondary adopter is entitled to take unpaid time off to attend two adoption appointments, up to a maximum of 6.5 hours per appointment.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 10

15.3 Adoption Leave

15.3.1 Employees who have been matched with a child may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay. If a couple jointly adopt a child, only one parent may take adoption leave, the other parent may be able to take adoption support leave or shared parental leave, this includes same sex couples.

15.3.2 Adoption leave is made up of 26 weeks of ordinary adoption leave and 26 weeks of additional adoption leave.

15.3.3 Adoption leave is a “day one” right there is no qualifying period. Adoption leave may be taken:-

- When a child starts living with the employee or up to 14 days before the placement date (UK adoptions).
- When an employee has been matched with a child by a UK adoption agency.
- When the child arrives in the UK or within 28 days (overseas adoptions).
- The day the child's born or the day after (if a surrogate has given birth to the child).

15.4 Statutory adoption pay (SAP)

15.4.1 SAP is a legal entitlement and is the minimum level of adoption pay due to employees who meet the necessary requirements of the scheme.

15.4.2 SAP will be paid to employees who have been employed by NHS England for a minimum of 26 weeks by the week they are matched with a child for adoption. Employees are entitled to statutory adoption leave with pay if their earnings are above the NI lower earnings limit.

15.4.3 Employees who meet the criteria above will be entitled to:-

- The first 6 weeks at 90% of average earnings.
- The next 33 weeks the employee are entitled to a lower rate of SAP or 90% of average weekly earnings whichever is lower.
- 13 weeks unpaid adoption leave.
- This entitlement is 52 weeks in total.
- This entitlement can be taken regardless of whether the employee returns to work or not.

15.4.4 Statutory Adoption Pay starts when an employee commences adoption leave.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 11

15.4.5 During the adoption leave period the employee will retain all their contractual rights except remunerations. Employees will receive their annual increments and pay awards as if they had been at work.

15.5 Occupational Adoption pay (OAP)

15.5.1 OAP is a contractual benefit, which is paid to employees who have completed 12 months continuous service with the NHS on the date they are matched with a child for adoption. OAP is paid to employees who wish to return to work with NHS England or another NHS organisation. OAP operates in conjunction with SAP and is paid to employee's working full or part-time.

15.5.2 Employees who meet the criteria above will be entitled to:-

- 8 weeks at full pay less any SAP.
- 18 weeks at half pay plus SAP at the standard rate.
- 13 weeks at SAP only.
- 13 weeks unpaid adoption leave.
- This entitlement is 52 weeks in total.

15.5.3 In cases where full OAP entitlements have been paid, and a decision is made at the end of the adoption leave not to return to NHS England or another NHS Employer, within 15 months of commencing adoption leave, the employee will be liable to refund the whole of the adoption pay less any Statutory Adoption Pay. NHS England has the discretion to waive this in cases of undue hardship or distress.

15.6 Adoption Allowance (AA)

15.6.1 Where earnings are too low to qualify for SAP, or the employee does not qualify for SAP for another reason, the employee may be eligible to claim up to 39 weeks of AA. AA is a benefit paid by the Department of Work and Pensions and can be claimed from Job Centre Plus or a local social security office. Please see the Department for Work and Pensions website for further information www.gov.uk.

15.7 Employees not returning to work

15.7.1 Employees not wishing to return to work at the end of the adoption leave and have worked continuously with NHS England or another NHS employer for 26 weeks on the day they are informed that a child is to be placed with them for adoption will be entitled to:-

- 6 weeks at 90% of full pay.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 12

- 33 weeks at the standard rate of SAP.
- 13 weeks unpaid adoption leave.
- This entitlement is 52 weeks in total.

15.7.2 The employee must also resign from their post thus giving up their right to return to work. Their line manager will need to terminate the individual using [ESR](#) Manager Self Service .

15.8 Adoption leave and pay process

15.8.1 Employees should give their manager as much notice as possible that they intend to adopt a child. It is recommended that the employee advises their manager of their intention to take Adoption Leave when they are approved for adopting.

15.8.2 Once an employee knows that a child will be placed with them, they should notify their line manager within 7 days of being notified by the Adoption Agency unless this is not reasonably practicable. The employee will need to inform their line manager of the possible dates that the child is to be placed with them and when they want their adoption leave to start.

15.9 Documentary evidence – adoption leave/pay

15.9.1 Once an application for Adoption Leave has been placed the employee should provide the following documentary evidence:-

- Approval letter from the Adoption Agency. This will be copied and sent back with the confirmation letter.
- Confirmation letter from the adoption agency/matching certificates. These will be copied and sent back to the employee.
- [Maternity Adoption and Related Parental Support Application Form](#) This is the application the employee needs to complete to commence adoption leave. Leave can commence from the date of the child's placement (whether earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement.

15.10 Unsuccessful adoption process

15.10.1 If the child's placement ends during the adoption leave period, the employee may continue to take adoption leave for a period of one week after the end of the placement. This may be extended at the discretion of the line manager.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 13

16 Childcare vouchers

- 16.1 Employees participating in the childcare voucher scheme prior to starting maternity or adoption leave, and who wish to carry on doing so, will continue to receive this benefit throughout their leave.

17 Deductions from salary whilst on maternity or adoption leave

- 17.1 Trade union subscriptions, if subscriptions are normally deducted from the employee's pay and they wish to continue to subscribe during the period of unpaid maternity or adoption leave, the employee will need to make their own individual arrangements direct with their Trade Union.
- 17.2 Pension contributions, if the employee is a member of the NHS pension scheme, their contributions will continue to be deducted from their salary throughout the period of their paid maternity or adoption leave. The employee will also be eligible to make pension contributions to cover their period of unpaid maternity or adoption leave. If the employee has any pension queries they should contact the NHS Pensions website.
- 17.3 If the employee has salary sacrifice deductions taken from their pay, for example lease cars or season ticket loans, then they should discuss this with Payroll.

18 Terms and conditions of employment during maternity or adoption leave

- 18.1 During the maternity or adoption leave period the employee will retain all their contractual rights except remuneration. Employees will receive their annual increments, pay awards and other benefits as if they had been at work.

19 Annual Leave

- 19.1 During maternity or adoption leave whether paid or unpaid, the employee will be entitled to accrue annual leave. Bank Holidays will continue to accrue. The employee may choose to take annual leave before the start of the leave or immediately before the return to work.
- 19.2 It is recommended that employees discuss options for using annual leave with their line manager before commencing maternity or adoption leave.
- 19.3 Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity or adoption leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 14

the employee and employer. Employees who are prevented from taking planned annual leave immediately prior to the commencement of their maternity leave because the actual date of childbirth was earlier than the start date of maternity leave should discuss this further with their line manager.

20 Keeping in touch

- 20.1 Managers must discuss and agree any voluntary arrangements for keeping in touch with the employee prior to the commencement of their maternity or adoption leave. This should include an arrangement which the employee may find helpful to keep in touch with developments at work, and to facilitate their return to work such as:-
- Newsletter
 - Team briefings
 - Vacancy bulletins
 - Information on training courses and seminars
 - Social or departmental events
 - Any other changes to the organisation
- 20.2 The manager may wish to nominate another member of staff to be the contact point and carry out these arrangements. The employee must also keep in touch with their line manager and notify them of any changes in personal/contact details and developments which may affect their intended date of return.
- 20.3 Keeping in touch days (KIT days) are intended to facilitate a smooth return to work for staff returning from maternity or adoption leave. An employee may work up to a maximum of 10 keeping in touch days during their leave without bringing the leave period to an end or affecting their pay. Any days of work will not extend the maternity or adoption leave period.
- 20.4 An employee may not work during the two weeks of compulsory maternity leave immediately after the birth.
- 20.5 KIT days are mainly used to carry out training, attend events/meetings or any other activity for the purposes of keeping in touch with the workplace.
- 20.6 KIT days can either be full or half days and the details should be agreed in advance with the line manager. Working for part of any day will count as one day. Employees who work part of the day will be paid for the hours worked.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 15

- 20.7 The employee will be paid at their basic daily rate for the hours worked less appropriate maternity or adoption leave payment. There is no obligation for the employee to complete KIT days.
- 20.8 Where an employee is either in receipt of SMP or on 'no-pay', the KIT day(s) will be paid at the daily salary rate.
- 20.9 KIT days that have been worked should be completed by the line manager using the [ESR 2 Form](#). The form should clearly reflect the hours worked to enable payment for the individual

21 Fixed term contracts

- 21.1 An employee employed under a fixed-term contract which would normally be due to expire after the eleventh week before the expected week of childbirth, will be entitled to have their contract extended so as to allow them to receive the 52 weeks maternity leave, which includes paid contractual and statutory maternity pay and the remaining 13 weeks of unpaid maternity leave, providing they are able to satisfy the following criteria:
- a) has 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth;
 - b) notifies their line manager in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):
 - of their intention to take maternity leave;
 - of the date they wish to start maternity leave;
 - c) provides a MATB1 Form from her midwife or GP giving the expected date of childbirth.
- 21.2 Employees on fixed-term contracts who do not meet the 12 months continuous service condition may still be entitled to Statutory Maternity or Adoption Pay.

22 Returning to work

- 22.1 It is good practice for employees to keep in contact with their line manager during their period of leave so that they are able to keep up to date with work and organisational developments. Employees should contact their line manager a month before the end of their maternity or adoption leave period to discuss their return to work.
- 22.2 Unless notified otherwise, NHS England will expect employees to return to work at the end of their maternity or adoption leave i.e. 52 weeks. If the employee intends to return to work at the end of their full maternity or

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 16

adoption leave entitlement they are not required to give any further notification.

- 22.3 An employee returning from maternity or adoption leave has the right to return to their role on no less favourable terms.
- 22.4 If the employee intends to return to work before the end of the full leave entitlement i.e.52 weeks, they must give their manager at least 8 weeks' notice. The return to work must be for a minimum of 3 months. Failure to comply could result in NHS England reclaiming any monies in excess of the first 6 weeks at 90% of full pay, less any Statutory Maternity or Adoption Pay the employee may be entitled to.
- 22.5 Absence due to maternity or adoption leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.
- 22.6 Maternity or adoption leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave.
- 22.7 The expectation is that an employee on maternity or adoption leave would progress through a Knowledge and Skills Framework (KSF) gateway/increment (in NHS England) on the date that the increment is due, if concerns have not been raised about the ability to meet their KSF outline prior to the commencement of maternity or adoption leave. In the event of performance concerns being raised, individuals should be given reasonable opportunity and support over a defined period, in accordance with the Supporting Employee Performance Policy ([hyperlink](#)) prior to the commencement of maternity or adoption leave.
- 22.8 In all cases, at the earliest opportunity, an [ESR 2 Form](#) should be completed by the line manager confirming the agreed return to work date.

23 Not returning to work

- 23.1 If the decision is made at the end of the maternity or adoption leave not to return to NHS England and the full OMP or OAP entitlement has been paid, the employee will be liable to refund the whole of the maternity or adoption pay minus any statutory maternity or adoption pay. NHS England has the discretion to waive this in cases of undue hardship or distress.
- 23.2 An exemption to this clause, in line with NHS terms and conditions of service is:-
- If the employee returns to NHS England for a minimum of three months or if they take up employment with another NHS employer within 15 months of the beginning of their maternity or adoption leave, providing that they send the manager a copy of the letter of appointment within this timescale. If the employee does not wish to

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 17

return to work they should formally resign thus giving up their right to return.

24 Flexible working requests

- 24.1 On return to work after maternity or adoption leave, the employee will resume the original hours worked, unless through agreement with the line manager a change of hours or working pattern is in place.
- 24.2 If the employee wishes to return to work on reduced hours or a different working pattern, this should be fully discussed and agreed with the line manager at least one month prior to returning to work. NHS England will offer employees a post on the same terms and conditions as prior to maternity or adoption leave, and all requests for a change to those terms and conditions will be considered in line with service requirements and will be accommodated if reasonably practicable.
- 24.3 NHS England is committed to promoting flexible and family friendly working patterns and if their request is refused the employee will be given a full explanation.
- 24.4 If the employee wishes to apply to return to their job on a job-share basis, they must notify their manager of their request at least three months before their planned return date. Where the manager agrees that their post is suitable for job share then arrangements will be made to recruit a suitable job share partner prior to their return to work. Again, it should be noted that job share is not an entitlement but is subject to the needs of the service. Please refer to the [Flexible Working Policy](#).

25 Maternity and adoption support (formerly known as paternity) leave

- 25.1 Partners of employees who have newly given birth have the right to leave and pay following the birth of their child, as does the partner of the main adopter following the placement of a child. The law generally refers to these rights as paternity leave and pay, however, in support of eligibility for same sex partners the term maternity and adoption support leave has been introduced.
- 25.2 Maternity and adoption support (paternity) leave provides for two weeks leave at the time of birth or the placement of the child for adoption to the other parent or adopter, or partner of the pregnant employee, regardless of gender or nominated carer.
- 25.3 Employees who are eligible for maternity and adoption support (paternity) leave will be entitled to receive their normal pay for the two week period.
- 25.4 A [Maternity, Adoption and Parental Leave Application Form](#), should be completed and sent to the employee's line manager for maternity or adoption support leave.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 18

26 Parental leave

- 26.1 Parental leave is available to any employee in NHS England who has nominated caring responsibility for a child under 18. Parental leave provides employees with a right to at least 18 weeks' unpaid leave.
- 26.2 Parental leave can be taken in blocks or can be added to periods of maternity or adoption support leave; or maternity or adoption leave. Employees should submit applications for parental leave to their line managers using the [Maternity Adoption and Related Parental Support Application Form](#)
- 26.3 In order to assist with service delivery employees who are requesting to take less than 4 weeks parental leave are required to give 28 days' notice in writing to their line manager. Employees who are requesting to take more than 4 weeks parental leave are required to give 2 months' notice. However NHS England recognises there will be rare cases where this notice cannot be given and in these situations employees should give as much notice as is reasonably practicable and discuss this further with their line manager.
- 26.4 Upon receipt of the application the line manager and employee must meet to discuss the leave, cover arrangements, service impact as soon as possible.
- 26.5 In exceptional circumstances and due to the needs of the service the employee may be asked to postpone their Parental Leave until a later date. This would only take place after a discussion between the line manager and employee. The employee has the option to either withdraw or alter their application.
- 26.6 Should they wish to proceed with the full application the leave will not be postponed for more than 6 months from the date on which the employee wanted to start Parental Leave. The manager and the employee should try to agree a suitable time but if they cannot the manager becomes responsible for guaranteeing that the employee can take the leave at a set time, no more than 6 months ahead, which best fits the needs of the service and the employee. If this means that the leave is postponed beyond the 18 year limit the parent still has a right to take it.
- 26.7 The line manager must confirm agreement, or the postponement of arrangements in writing no later than 7 working days after the employees request to take leave is received. If the request is postponed, the line manager needs to clearly state the reasons for the postponement.
- 26.8 When the line manager has made a decision in regards to agreeing or postponing an individual's leave request, they need to go to the [ESR](#) Manager Self Service and update the period of unpaid leave.
- 26.9 Parental leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption e.g. the other parent/main carer may be on Maternity

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 19

Leave/Adoption Leave and their partner wishes to utilise Parental Leave at this time.

- 26.10 Absence on parental leave will not break continuity of service. During parental leave the employee will retain their contractual rights, except remuneration. It is good practice for the line manager (or a nominated deputy) and employees to maintain contact during the period of parental leave.

27 Shared parental leave and pay

- 27.1 Since April 2015 an employee eligible for maternity or adoption leave retains their right to 52 weeks maternity or adoption leave but is able to choose to share the maternity or adoption leave and pay with their partner if they wish. The legal entitlement is for the statutory element of maternity or adoption pay to be ceased; and replaced with Shared Parental Pay (ShPP) where this is payable.
- 27.2 To qualify the employee must be entitled to, and have given notice to hold back their maternity or adoption entitlements and must share the main responsibility for caring for the child with the child's other parent, civil partner or their partner.
- 27.3 For a parent to be eligible to take Shared Parental Leave from NHS England they must be an employee of NHS England and they must pass the continuity of employment test.
- 27.4 To satisfy the continuity of employment test, the parent must have worked for NHS England for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be take.
- 27.5 The right to shared parental leave applies to all eligible employees in the United Kingdom.
- 27.6 However the application of shared parental leave can vary between employers. Where an NHS England employee is considering taking shared parental leave with a partner, it is recommended that they consult the Shared Parental Leave Guidance ([hyperlink](#)) and seek advice from their local HR team at the earliest opportunity.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 20

28 Roles and responsibilities

28.1 Employees are responsible for:

28.1.1 Employees will comply with this procedure and associated policies.

Specifically this includes:-

- Informing their line manager at an early stage to ensure they have the appropriate support and guidance.
- Reading the relevant sections of the policy carefully. Additionally, employees are strongly advised to make an appointment to seek guidance and support from their local People and Organisation Development (OD) Advisory team as soon as possible.
- Submitting the relevant documentary evidence to their manager i.e. MATB1, Placement letter, appointment letter / card etc. within the appropriate timescales wherever possible.
- Ensuring completion of the maternity/adoption/paternity/parental leave paperwork within the specified timescales.
- Complying with all health and safety regulations including the completion of risk assessments.

28.1.2 If an employee has any questions or concerns about these they should raise these with their manager or local Human Resources representative.

28.2 Line managers are responsible for:

28.2.1 Managers are responsible for complying with this procedure and ensuring their direct reports also understand and comply with it

28.2.2 There is a requirement for managers to accept corporate responsibility for NHS England employees and to make every effort to respond positively when applications from them are received. Specifically this includes:-

- Respecting the employee's confidentiality at all times.
- Assisting the employee with completion of the maternity/adoption/related parental support leave paperwork.
- Ensuring the timely completion and submission of appropriate documents to commence and cease maternity and adoption-related payments, and where necessary in relation to the payment of Keeping in touch (KIT) days.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 21

- Signposting employees to the gov.uk website for further information on benefits and support.
- Acting in accordance with all health and safety regulations for pregnant employees or employees who are returning from maternity leave.

28.3 People and OD Advisory Teams are responsible for:

28.3.1 Support employees and line managers, providing advice on policy and process matters relating to maternity, adoption and related parental support leave. Early contact will ensure timely access to appropriate advice and support.

28.3.2 Provide advice to managers on how to ensure business continuity through any leave period.

28.4 The Director of People and Organisational Development is responsible for:

28.4.1 For the effective implementation of this procedure.

29 Further information

- 29.1 If you require further information please refer to your local People & Organisational Development Advisory team for further advice.
- 29.2 Guidance for staff and managers is available via the People pages of the intranet.

30 Equality impact assessment

- 30.1 This document forms part of NHS England's commitment to create a positive culture of respect for all employees and service users. The intention is to identify, remove or minimise discriminatory practice in relation to the protected characteristics (race, disability, gender, sexual orientation, age, religious or other belief, marriage and civil partnership, gender reassignment and pregnancy and maternity), as well as to promote positive practice and value the diversity of all individuals and communities.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 22

31 Data Protection

- 31.1 Any processing (i.e. handling or storing etc.) of personal identifiable information; during the application of this policy; must be compliant with relevant data protection laws - the Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR). Please consult NHS England's IG Policy for more information.

Document number: MARSPROC	Issue/approval date 01/09/2018	Version number: G v3.0
Status: FINAL	Next review date: 01/09/2020	Page 23