

Worcestershire Acute Hospitals NHS Trust

Family Leave Policy

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Changes since previous version	<table border="1"> <thead> <tr> <th>Date</th><th>Change</th></tr> </thead> <tbody> <tr> <td>May 2025</td><td>Neonatal Pay: If eligible (26 weeks continuous service), up to 12 weeks full pay – paid at any time, in week increments or blocks, either during the neonatal care or after mat leave.</td></tr> <tr> <td>May 2025</td><td>Partners neonatal babies: Partners up to 12 weeks leave and pay if eligible (26 weeks continuous service).</td></tr> <tr> <td>May 2025</td><td>Neonatal leave introduced: 1 week minimum, 12 weeks maximum (from employment day one) and paid after 26 continuous service.</td></tr> </tbody> </table>	Date	Change	May 2025	Neonatal Pay: If eligible (26 weeks continuous service), up to 12 weeks full pay – paid at any time, in week increments or blocks, either during the neonatal care or after mat leave.	May 2025	Partners neonatal babies: Partners up to 12 weeks leave and pay if eligible (26 weeks continuous service).	May 2025	Neonatal leave introduced: 1 week minimum, 12 weeks maximum (from employment day one) and paid after 26 continuous service.
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Target Organisation	Worcestershire Acute Hospitals Trust								

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As a controlled document, this document should not be saved onto local or network drives and should always be accessed from the intranet.

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What this Policy Covers

This policy is a guide for both colleagues and managers covering all of our family leave and pay policies including adoption, maternity, paternity parental, and shared parental leave. This policy applies to individuals, same sex couples/all couples regardless of gender or sexual orientation.

The Trust is committed to positively supporting colleagues whilst undergoing fertility treatment, during their pregnancy or adoption, and in the sad event of any pregnancy loss.

These policies have been grouped together to be called 'Family Leave' and describes the eligibility criteria required to qualify for time off and pay (both statutory and occupational entitlement).

A brief description of the types of leave and pay are:

- Adoption Leave & Pay – for colleagues adopting a child
- Fertility treatment leave – for colleagues undergoing fertility treatment
- Maternity Leave & Pay – for pregnant colleagues
- Paternity Leave & Pay – for partners of mothers /adopters/ carrying parent taking time off work at the time of birth/ placement
- Parental Leave & Pay – for parents taking unpaid time off during the first eighteen years of their child's life
- Shared Parental Leave & Pay – for colleagues sharing maternity or adoption leave with their partners

All supporting documents, forms, and checklists are available in the [Family Leave Policy Toolkit](#).

Adoption Leave

If you are adopting a child, you are entitled to adoption leave. Where a couple are adopting a child, only one parent can take adoption leave, the other parent may be able to take paternity leave or shared parental leave.

This policy does not apply if a child is not newly matched for adoption (e.g. when a stepparent is adopting a partner's child) or where there is already an established relationship with the child (e.g. the child has been fostered prior to adoption). This policy includes surrogate parents who are adopting their baby.

Entitlement to adoption leave

Regardless of gender identity, you are entitled to 52 weeks' adoption leave. Only one period of adoption leave can be taken, irrespective of whether more than one child is placed for adoption as part of the same arrangement. There is no limit to the number of periods of adoption leave that you may take during your employment.

For UK adoptions, you can start adoption leave either on the date of the child's placement or from a fixed date that can be up to 14 days before the expected date of placement.

For overseas adoptions, you may commence adoption leave from either the date the child enters the UK, or on a pre-determined date which is no later than 28 days after the date the child enters the UK.

You may change the intended start date and must give the Trust a minimum of 28 days' notice where practicable.

If the adoption placement is not a success or the child dies during a period of adoption leave, you must contact your line manager immediately. In such circumstances adoption leave may continue for up to a further 8 weeks from the event in question.

Time away from work

All colleagues adopting a child, regardless of their length of service, are entitled to reasonable time off with pay to attend official meetings.

You should try to book appointments on your days off where possible. If appointments are to be taken during working hours, they should be booked at times that minimise impact on service where possible.

Procedure for requesting leave

To apply for adoption leave you must write to your manager informing them of your intention to take adoption leave within seven days of being notified that you have been matched with a child for adoption (28 days if adopting from overseas), unless this is not reasonably practicable. You must also give the date the child is expected to be placed with you. The line manager must send the following documents into HR:

- An application for adoption leave and pay (available in the [Family Leave Policy Toolkit](#))
- The original adoption 'matching certificate' from the adoption agency

Adoption Pay

There are two types of adoption pay:

1. Statutory Adoption Pay (SAP) paid by the government but through the Trust payroll
2. Occupational Adoption Pay (OAP) paid by the Trust

Assuming the correct evidence and paperwork is provided, the type of adoption pay paid is based on three deciding factors:

1. How long you have worked at the Trust or how much continuous NHS service you have
2. Whether you have earned enough in the relevant period
3. Whether you intend to return to work after the adoption leave.

Statutory Adoption Pay (SAP)

SAP is paid to all colleagues provided they have been continuously employed by the Trust for 26 weeks ending the week in which they are notified of being matched, and have earnings above the lower earnings limit for National Insurance contributions.

SAP is payable for 39 weeks; 6 weeks at 90% of average earnings plus 33 weeks at the lower earnings limit per week or 90% of average earnings, whichever is the lesser amount. In addition, the colleague will be entitled to a further 13 weeks of unpaid additional adoption leave.

Occupational Adoption Pay (OAP)

OAP is paid in addition to SAP for colleagues who have been employed by one or more NHS employer for a continuous period of 12 months or more by the beginning of the week in which they are notified of being matched with a child for adoption and are intending to return to work. The payment is 8 weeks at full pay (OAP), 18 weeks at half pay (plus SAP but not exceeding full pay), 13 weeks of SAP. In addition, colleagues are also entitled to a further 13 weeks of unpaid adoption leave.

The tables below show the breakdown of SAP and OAP.

SAP – for colleagues with between 26 and 52 weeks' continuous service with the Trust prior to the week they are notified of having being matched

Weeks	Pay	Duration
1-6	Higher rate SAP – a weekly equivalent to 90% full pay	6 weeks
7-39	Lower rate SAP – a set weekly SAP rate or 90% of full pay, whichever is the lower.	33 weeks
40– 52	Unpaid	13 weeks

OAP – for colleagues with over 52 weeks' continuous service with one or more NHS Trust prior to the week they are notified of having being matched

Weeks	Pay	Duration
1-8	Full normal pay	8 weeks
9-26	Half normal pay plus lower rate SAP (this will not exceed full pay)	18 weeks
27– 39	Lower rate SAP - a set weekly SAP rate or 90% of full pay, whichever is the lower.	13 weeks
40– 52	Unpaid	13 weeks

You will be required to return to work for a period of 3 months following your adoption leave if you have received any OAP, if you do not return to work you will need to repay the OAP less any SMP. If you are uncertain of whether they will return to work, they can choose to defer payment of OMP until you return to work.

You can also request to have your OAP paid in equal instalments throughout your leave period; either over 39 or 52 weeks, this only applies to the OAP element and can be selected when completing the adoption application form.

Fertility treatment leave

Fertility treatment

Although there is no legal right to paid time off for fertility treatment, the Trust recognises the impact this has on individuals and couples and as such the Trust will support up to 5 days paid leave for both partners, including partners who are supporting a surrogate in their fertility treatment, for each cycle of fertility treatment. This leave is to be used for any appointments and the treatment and should be recorded as special leave on E-roster. All time off for fertility treatment must be pre-arranged and authorised with adequate notice given for planning where possible. This should be recorded as other leave with the sub category of 'HR approved special leave'

Maternity Leave

Entitlement to maternity leave

You have the right to take 52 weeks' maternity leave regardless of your length of service.

The earliest date that maternity leave can start is the eleventh week before the Expected Week of Confinement (EWC) – 29 weeks pregnant.

After giving birth, you must take two weeks' compulsory maternity leave (CML).

Provided they meet the normal eligibility criteria, pregnant surrogates are entitled to 52 weeks' maternity leave and pay, the surrogate mother's plans for their baby after it is born have no impact on their right to maternity leave or pay.

Risk Assessments

All pregnant workers should have a risk assessment completed within 2 weeks of informing their line manager they are pregnant to assess any physical risks and hazards in the workplace. If any risks are identified, then action should be taken to reduce or remove the risk. The manager should seek support and advice from Health & Safety or Occupational Health if required. The template form and guidance can be found in the [Family Leave Policy Toolkit](#)

Time away from work

All pregnant colleagues are entitled to reasonable time off, with pay, to attend antenatal care appointments.

You should try to book appointments on your days off where possible. If appointments are to be taken during working hours, they should be booked at times that minimise impact on service where possible.

This should be recorded on e-roster as 'other leave' and 'antenatal leave' as sub-category

Sickness during pregnancy

Any absence from work due to a non-pregnancy related condition will be treated as normal sickness absence and can be taken up until the date the individual has notified you intend maternity leave to start.

Any pregnancy related sickness absence during the last 4 weeks before the EWC will trigger maternity leave to commence.

Pregnancy complications

As soon as practicable, you should inform your line manager of any pregnancy complications that may affect your daily work or ability to perform your role. Such complications will be discussed, and risk assessments amended where appropriate. Line managers should seek advice from HR and make a referral to Occupational Health to obtain guidance on reasonable adjustments.

Pregnancy loss

The Trust recognises pregnancy loss at any stage is an incredibly difficult time for parents and the Trust is pleased to be able to support colleagues with paid time off during this difficult period. Pregnancy loss includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy and molar pregnancy.

Before 16 weeks

The pregnant woman / person would be entitled to 10 days paid leave and their partner 5 days paid leave. This should be recorded on e-roster as 'other leave' with the sub category 'HR approved special leave'.

After 16 weeks

Any pregnancy loss after 16 weeks of pregnancy, the pregnant woman / person would be entitled to the same maternity leave and pay as if the baby had been born alive, as long as they are eligible to maternity leave and pay, and this will commence on the date of the pregnancy loss, please contact HR to record this.

Neonatal loss

Where a baby is born alive at any point but does not survive the pregnant woman / person would be entitled to the same maternity leave and pay as if the baby had survived, only if they are eligible to maternity leave and pay. In this scenario contact HR to arrange the payment.

Procedure for requesting maternity leave

You must notify the Trust in writing of your intentions and plans for maternity leave by the 15th week before the EWC or as soon as practicable in cases of pregnancy loss or premature birth. The line manager must send the following documents into HR:

- An application for maternity leave and pay (available in the family leave toolkit)
- The original MATB1 unless in the cases of pregnancy loss where this happened before 20 weeks
- A change form specifying the maternity leave start dates and anticipated end dates – this is available on the intranet under ESR forms.
- Record any special leave for fertility treatment, pregnancy loss before 16 weeks, and premature birth before 37 weeks on e-roster.
- In cases of premature birth before 37 weeks provide a certified copy of the birth certificate

If you wish to change your maternity leave dates you should discuss with your line manager to agree a new date. Reasonable notice of a change of dates should be given where possible, normally no fewer than 28 days' notice.

Maternity Pay

There are three types of maternity pay:

1. Statutory Maternity Pay (SMP) paid by the government but through the Trust payroll
2. Occupational Maternity Pay (OMP) paid by the Trust
3. Maternity Allowance (MA) paid by the government – colleagues need to apply through gov.uk

Assuming the correct evidence and paperwork is provided, the type of maternity pay paid is based on three deciding factors:

1. How long the individual has worked at the Trust or how much continuous NHS service they have
2. Whether they have earned enough in the relevant period
3. Whether they intend to return to work after the maternity leave

Statutory Maternity Pay (SMP)

SMP is paid to all colleagues provided they have been continuously employed by the Trust for 26 weeks prior to the Qualifying Week (15 weeks before the EWC), and have earnings above the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks; 6 weeks at 90% of average earnings plus 33 weeks at the lower earnings limit per week or 90% of average earnings, whichever is the lesser amount. In addition the colleague will be entitled to a further 13 weeks of unpaid additional maternity leave.

Occupational Maternity Pay (OMP)

OMP is paid in addition to SMP for colleagues who have been employed by one or more NHS employer for a continuous period of 12 months or more by the 11th week before the EWC and are intending to return to work. The payment is 8 weeks at full pay (OMP), 18 weeks at half pay (plus SMP but not exceeding full pay), 13 weeks of SMP or Maternity Allowance (MA) if eligible. In addition colleagues are also entitled to a further 13 weeks of unpaid maternity leave.

Maternity Allowance (MA)

MA is available for colleagues who do not qualify for SMP, MA is a weekly payment paid by the Department for Work and Pensions for a maximum period of 39 weeks. Colleagues will need to complete a MA1 form available from gov.uk.

The tables below show the breakdown of SMP and OMP

SMP – for colleagues with between 26 and 52 weeks continuous service with the Trust prior to Qualifying Week (15 weeks before EWC)

Weeks	Pay	Duration
1-6	Higher rate SMP – a weekly equivalent to 90% full pay	6 weeks
7-39	Lower rate SMP – a set weekly SMP rate or 90% of full pay, whichever is the lower.	33 weeks
40– 52	Unpaid	13 weeks

OMP – for colleagues with over 52 weeks continuous service with one or more NHS Trust prior to the qualifying week (15 weeks before EWC)

Weeks	Pay	Duration
1-8	Full normal pay	8 weeks
9-26	Half normal pay plus lower rate SMP (this will not exceed full pay)	18 weeks
27– 39	Lower rate SMP - a set weekly SMP rate or 90% of full pay, whichever is the lower.	13 weeks
40– 52	Unpaid	13 weeks

You will be required to return to work for a period of 3 months following your maternity leave if you have received any OMP, if you do not return to work you will need to repay the OMP less any SMP. If you are uncertain of whether you will return to work you can choose to defer payment of OMP until your return to work.

You can also request to have your OMP paid in equal instalments throughout your leave period, either over 39 or 52 weeks, this only applies to the OMP element and can be selected when completing the maternity application form.

Premature birth

The Trust recognises that parents of babies requiring neo natal care may need dedicated time to care for their newborn babies during a challenging period.

Neonatal care leave

The minimum period of neonatal care leave is one week and a maximum period of 12 weeks. This is in addition to existing parental leave entitlements and must be taken within a 68-week period. No minimum service period is required. You will be entitled to take one week's neonatal care leave for every uninterrupted week your baby receives neonatal care and can be taken in week-long increments.

Eligibility for neonatal care leave

You are eligible if your baby was born on or after 6 April 2025 and has received medical or palliative neonatal care for at least seven consecutive days within the first 28 days after birth. There are three categories of medical care within the Act that constitute as neonatal care:

- Any medical care received in hospital.
- Medical care received elsewhere following discharge from an inpatient stay hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals.
- Palliative or end of life care.

Neonatal care pay

You will need to meet minimum requirements relating to continuity of employment (at least 26 weeks by the end of the relevant week. Pay would be paid at basic pay.

Tier 1 & 2

Before taking any neo natal leave, you must notify your line manager. This notice period varies depending on whether leave is taken during a Tier 1 or Tier 2 period.

Tier 1

This begins when your baby starts receiving neonatal care and up to a week post discharge. This period of leave ends on the seventh day after the day the baby stops receiving neonatal care. Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time and up to 12 weeks.

- Notice period for leave – you must give notice of this leave before you are due to start work on the first day of absence, or if this is not possible, notice must be given as soon as reasonably practicable.
- Notice period for pay – you are required to give notice within 28 days from the first day of leave in which the period relates to, or if this is not possible notice should be given as soon as reasonably practicable.

Tier 1 notice does not need to be in writing.

Tier 2

This applies to leave taken after the tier 1 period ends and must be taken in one continuous block. The entitlement to this leave ends 68 weeks after your child's birth.

Notice period for leave and pay:

- For a single week of leave and pay, written notice at least 15 days before the first day of neonatal care leave.
- For a period of two or more weeks of leave and pay, written notice at least 28 days' notice before the first day of leave in which the period it relates to.

Neonatal care leave can be taken in addition to other forms of family leave, such as maternity, paternity or adoption leave. If other statutory leave has already started, the neonatal care leave should be taken at the end of that period. Where neonatal care leave has started before another type of statutory leave, the neonatal care leave comes to an end and any remaining entitlement can be taken after the other statutory leave ends (but within 68 weeks of your baby's birth).

Infant Feeding

If you are breast/chest feeding and wish to continue following your return to work, the Trust will support this as far as reasonably practicable. You should discuss with your line manager so you can agree how this will fit into your job and what solutions can be applied to allow you to achieve this, including suitable facilities to express and store milk. A risk assessment should be completed; a template and guidance is available in the family leave toolkit.

Paternity Leave

Paternity leave is to support colleagues with the opportunity to attend the birth of their child and to help with childcare when the mother / carrying person and baby return home. It is also available for parents of a child who is newly placed for adoption or surrogate parents.

Entitlement to Paternity Leave

Paternity leave is available to all colleagues, regardless of their length of service, who are:

- A biological/adoptive father/ parent or an individual who is part of a parental order following surrogacy.
- A partner that is not the baby's biological father / parent
- A person living with the mother / carrying person / adopter in an enduring family relationship but not an immediate relative
- Expected to have direct responsibility for the child's upbringing
- Expected to take the time off work to support the mother /carrying person/adopter or care for the child.

Paternity leave must be taken within 52 weeks of the baby's birth /adoption placement date /parental order date.

Paternity leave can be split into two non-consecutive periods of leave of a week each irrespective of whether more than one child is born as a result of the same pregnancy or is placed for adoption.

Partners are also entitled in addition to Paternity Leave up to 12 weeks' neonatal leave (and pay, where eligible) where their baby is born prematurely. (Please see above page 12 & 13 for more information on neonatal leave).

Time away from work

All partners are entitled to reasonable time off, with pay, to attend antenatal care appointments / official adoption meetings.

You should try to book appointments on your days off where possible. If appointments are to be taken during working hours, they should be booked at times that minimise impact on service where possible.

Pregnancy loss

The Trust recognises pregnancy loss at any stage is an incredibly difficult time for parents and we are pleased to be able to support colleagues with paid time off during this difficult period. Pregnancy loss includes but is not limited to; miscarriage, stillbirth, abortion, ectopic pregnancy and molar pregnancy.

Before 16 weeks

Partners would be entitled to 5 days paid leave. This should be recorded as special leave with the sub category 'HR approved special leave'.

After 16 weeks

Any pregnancy loss after 16 weeks of pregnancy, partners would be entitled to the same paternity leave and pay as if the baby had been born alive and will commence on the date of the pregnancy loss this should be recorded as special leave with the sub category 'HR approved special leave'.

Procedure for requesting leave

For births a paternity leave application form available in the family leave toolkit should be completed and given to your line manager on or before the 15th week before the EWC, if this is not practicable, as soon as possible and at least 28 days before the planned paternity leave.

For adoptions the form should be completed within 7 days of being notified by the adoption agency that they have been matched to a child or 7 days from the date of the parental order.

The line manager should sign the form and forward to HR with the MATB1/Matching certificate.

You can change your mind about the date on which they want their paternity leave to start providing they give at least 28 days' notice.

Paternity Pay

Statutory Paternity Pay (SPP)

Colleagues who have been continuously employed by the Trust for a minimum of 26 weeks by the 15th week prior to the EWC (or in the case of adoption) 26 weeks ending with the week in which the adoption agency notified them that they have been matched with a child) are entitled to 2 weeks SPP per birth/adoption.

SPP is payable at the same rate per week as SMP or 90% average weekly earnings, whichever is the lesser amount.

Occupational Paternity Pay (OPP)

Colleagues who have been continuously employed with one or more NHS employer for 12 months by the beginning of the week in which the baby is due (or in the case of adoption 12

months ending with the week in which the adoption agency notified them that they have been matched with a child) are entitled to 2 weeks OPP per birth/adoption.

OPP is payable at full pay and is calculated on the basis of the average weekly earnings rule used for calculating OMP entitlements.

Colleagues who do not qualify for SPP or OPP may still be eligible to claim Income Support whilst in paternity leave.

Parental Leave

Parental leave is a right for working parents to take a period of unpaid parental leave during the first 18 years of their child's life / placement in relation to adoption.

Entitlement to Parental Leave

You do not have to be living with the child to access parental leave but you will need to satisfy the following conditions:

- You have 12 months continuous NHS service
- You have responsibility of caring for a child under the age of 18
- You are the natural parent, adoptive parent or the current partner of the parent
- You have the legal parental responsibility or have nominated caring responsibility for the child.

You are entitled to 18 weeks' unpaid leave for each child up to the 18th birthday/anniversary of being placed for adoption.

Up to 4 weeks' parental leave can be taken per child in any 1 year, however leave should be taken in blocks of at least one week, this does not apply in relation to a child with a disability when leave may be taken one day at a time.

Procedure for requesting leave

You must complete the Parental Leave Application Form, available in the family leave toolkit and submit to your line manager giving 21 days' notice of the proposed start date of your leave. You must also submit the child's birth/matching certificate of child's entitlement to disability living allowance as evidence.

The line manager must sign and forward the form with the appropriate documentation to HR.

The request for parental leave may be delayed or refused if the granting of the request would be unduly disruptive to service needs.

Your line manager will provide written reasons for the delay or refusal of any requests. The parental leave will not be delayed longer than six months from the date it was originally requested. Your line manager can only postpone parental leave in exceptional circumstances, if the postponement means you have been unable to take the leave by the child's 18th birthday the leave can be then taken within the next 6 months. Parental leave cannot be postponed when you have already given the required notice to take it immediately after the child is born/adopted.

Shared Parental Leave

Shared Parental Leave (SPL) enables partners to choose how to share time off work after their child is born or placed for adoption.

Entitlement to SPL

SPL can only be used by two people:

The mother / carrying person / adopter, and **one** of the following

- The father / parent of the child (in the case of birth)
- The spouse, civil partner or partner of the child's mother / carrying person / adopter.
This includes all couples of regardless of gender or sexual orientation.

Who must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

To trigger the right to SPL the mother / carrying person / adopter must:

- Have a partner
- Be entitled to maternity/adoption leave and pay
- Have curtailed, or given notice to reduce, their maternity/adoption leave and/or pay.

A parent who intends to take SPL must:

- Have worked continuously for the Trust for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date
- Be a colleague of the Trust at the start of each period of SPL
- Have notified the Trust of their entitlement and provided the necessary evidence.

Colleagues who meet the eligibility criteria may be entitled to take up to 50 weeks SPL during the child's first year in their family.

The number of weeks available is calculated using the mother's / carrying person's / adopter's entitlement to maternity/adoption leave (52 weeks) and reducing that by the amount of maternity/adoption leave the mother / carrying person / adopter has taken.

SPL can commence after the mother / carrying person / adopter has taken the legally required two weeks of maternity/adoption leave

SPL must end no later than one year after the birth/placement of the child.

You can submit three separate requests for SPL specifying the period of leave you wish to take this can either be:

- A single period of continuous leave up to a maximum of 50 weeks
- Two or more weeks of discontinuous leave, where the colleague intends to return to work during periods of leave

Procedure for requesting leave

The mother / carrying person / adopter must end their maternity/adoption leave by returning to work with their employer. They must have given their employer at least eight weeks 'binding notice' of the date when they plan to end any maternity/adoption leave.

You can start SPL whilst your partner is still on maternity/adoption leave as long as you have given binding notice to end it and as long as the shared leave between the two parties does not exceed 52 weeks.

You can request SPL by completing the SPL form which can be found in the family leave toolkit. This completed form must be submitted at least 8 weeks before you intend to take a period of SPL.

Your line manager will inform you in writing of the decision as soon as is reasonably practicable but no later than the 14th day after the leave notification was made.

Requests for continuous leave cannot be refused. However, a request for discontinuous leave can be refused if there is an impact on the Trust.

Agreed SPL can be varied or cancelled by giving at least 8 weeks' notice, any revised start date cannot be sooner than 8 weeks from the date of the variation request. The variation must be approved by your line manager.

Any variation or cancellation will usually count as a new notification.

A change as a result of a baby being born early will not count as a new notification.

Shared Parental Pay (ShPP)

In order to be eligible for ShPP the following criteria must be met:

- The mother / carrying person / adopter must be entitled to SMP/SAP/MA and must have reduced their maternity/adoption pay period.
- The colleague must intend to care for the child during the weeks in which ShPP is payable
- Colleagues must remain in continuous employment until the first week of ShPP has begun
- Colleagues must have 26 weeks' continuous service with the Trust at the end of the 15th week before the child's expected due/matching date.
- The colleague must have earned above the Lower Earnings Limit in the 8 weeks leading up to and including the 15th week before the child's due/matching date.

ShPP is paid at a set weekly rate or 90% of your average weekly earnings, whichever is the lower.

Other conditions applicable for all family leave policies

Sickness absence immediately following any family leave

Colleagues who fail to return to work at the end of their family leave period as agreed due to illness should follow the Sickness Absence Procedure and the normal provision of sick pay will apply.

Salary Sacrifice

Colleagues who make salary sacrifices should consider that this money is deducted from your salary prior to tax and therefore will not be included in the calculations for Maternity/Adoption Pay.

You may opt out of childcare vouchers whilst on leave by contacting the provider; however, you will not be able to re-join until you return from family leave.

Annual Leave

Annual leave and bank holidays will continue to accrue during any paid or unpaid leave period. You are encouraged to take annual leave before and/or after the family leave period, this must be discussed and agreed with your manager.

NHS Pensions

NHS Pension rights and contributions are in accordance with the provision of the NHS Pension regulations. If you contribute to the scheme, you will be required to repay contributions you have accrued during unpaid periods of family leave upon your return to work. The repayment commences automatically and is based on the number of contribution periods absent.

Increments

Any period of family leave, paid or unpaid, does not affect the incremental date for salary payments.

In the event of a pay award being implemented from any date prior or during the paid family leave period, the pay will be calculated as though the pay award had been in effect throughout the entire SMP/SAP/SPP pay calculation. If the pay award is agreed retrospectively the family leave pay will be recalculated on the same basis.

Redundancy

If a redundancy situation arises during a period of family leave you will be offered suitable alternative employment and will be managed in accordance with the Trust's Management of Change Policy.

Dismissal

Should evidence arise that would normally result in disciplinary action whilst you are on family leave, the Trust reserves the right to instigate the disciplinary procedure including undertaking an investigation which may be acted upon either during the leave or when you return to work.

Car Parking

If you wish to stop your monthly car parking deductions whilst on leave, you must confirm this in writing to HR and return your car parking badge. A new application would need to be made on return from leave.

Keeping in touch

Before going on maternity, adoption, or shared parental leave, you should discuss and agree with your line manager any voluntary arrangements for keeping in touch.

You may work for up to 10 days during your maternity/adoption leave and up to 20 days during shared parental leave without affecting your SMP/SAP. These days are known as Keeping in Touch (KIT) days. Working for part of a day counts as one KIT day and will be paid at the normal hourly rate as if you were at work if taken during the unpaid part of maternity/adoption leave. If the KIT day is taken during paid leave you will be paid at the basic daily rate for the hours worked, less the appropriate leave payment. A KIT day form should be completed and this can be found in the family leave toolkit.

Return to work

For Maternity and Adoption leave the Trust will notify you of the date you are required to return to work, which will be the first working day after the end of 52 weeks' leave.

Your line manager will contact you to clarify your intentions to return to work either 7 weeks following the birth or 11 weeks from the date on which their maternity/adoption leave commenced (whichever is the later), you should reply within 14 days.

You have the right to return to your job under your original contract on no less favourable terms and conditions. If you wish to apply for flexible working on your return to work details are available in the Trust's Flexible Working Policy.

If you change your mind and wish to return to work earlier than planned, you must give your line manager 8 weeks' notice of this intention.

Line managers must complete an ESR change form for colleagues returning from Maternity, Adoption, and Shared Parental Leave.

If you decide you do not wish to return to work after your family leave you must give the Trust the notice of termination required by your contract of employment. If you have received any OAP or OMP you will be required to repay this, less any SMP/SAP. If you are uncertain of whether you will return to work you can choose to defer your OMP/OAP payment until you return to work.

Fixed Term Contracts

Under all NHS Terms and Conditions of Service, colleagues holding a Fixed Term or Training Contract shall have their contract extended to allow them to receive their full family leave, for adoption leave this will be after the beginning of the week in which they are notified of being placed with a child for adoption and for maternity leave this will be after the 11th week before the EWC.

Definitions and Abbreviations

ABBREVIATION	MEANING
Adopter	The person who is eligible for adoption leave and/or pay.
Parental order	A genetic relation to the child usually the egg or sperm donor in cases of surrogacy. The parental order can also include the partner of the genetic relation.
CML	Compulsory maternity leave – two week period of compulsory maternity leave following the birth of the baby.

EWC	Expected week of confinement – the week in which the baby is due to be born.
KIT	Keeping in Touch
MA	Maternity Allowance
Main carer	Person providing the primary support and care.
MATB1	Certificate provided by the GP or midwife anticipating the potential date of birth of the baby
OAP	Occupational Adoption Pay
OMP	Occupational Maternity Pay
OPP	Occupational Paternity Pay
Partner	Child's biological father/parent or the partner of the mother/carrying person /adopter.
Qualifying leave	15 th week before the EWC
SAP	Statutory Adoption Pay
ShPP	Statutory Shared Parental Pay
SMP	Statutory Maternity Pay
SPL	Shared Parental Leave
SPP	Statutory Paternity Pay

Health & Wellbeing Support

Health and Wellbeing support for families with any family health concerns is available on the Trust Intranet under our Health & Wellbeing Pinwheel.

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

[HR Key Documents Supporting Documents](#)

[Family Leave Policy Toolkit](#)