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Health Education and  
Improvement Wales (HEIW)

# **Health Education and Improvement Wales**

## **Maternity, Adoption, New Parent Support and Shared Parental Leave Policy**

**Policy Owner: Director of Workforce and OD**

**Approved by: Executive Team**

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## 1. Introduction

Health Education and Improvement Wales, HEIW, recognises the importance of supporting employees hoping to become or new parents or guardians allowing them to keep safe and maintain a healthy work-life balance without fear of jeopardising their career; salary, banding or development opportunities.

## 2. Purpose

The purpose of this policy and associated guidance is to ensure that all employees are aware of their entitlement to maternity, adoption, surrogacy, new parent support and shared parental leave, under the Employment Rights Act (1996), Children and Families Act (2014), Maternity and Parental Leave Regulations (2008), Paternity and Adoption Regulations (2006), Shared Parental Leave Regulations (2014), the NHS Terms and Conditions of Service Handbook and the Equality Act (2010), and guide managers in their correct application.

## 3. Scope

This policy will apply to all HEIW employees on Agenda for Change terms and conditions, including those employed on fixed term and temporary basis, who meet the eligibility criteria to take maternity, adoption, new parent support and shared parental leave.

Some of the provisions contained within this policy, however, will only apply to employees who are pregnant or those who are matched with a child, under the age of 18 years, for adoption.

Currently the policy does not apply to former Cardiff University staff who should still refer to the CU Worklife Balance Policy for matters related to Maternity, Adoption, Surrogacy and Paternity Leave.

## 4. Definitions

A glossary of terms used throughout this policy is contained within Appendix A: **Glossary of Terms**

Within this policy, the terms parent or guardian are used, not 'mother' and 'father', recognising and reflecting the diversity within our workforce.

## 5. Roles and Responsibilities

### 5.1 Employee's Responsibilities

- Notify their line manager as soon as possible that they or their partner are pregnant and /or they intend to take maternity, adoption, new parent support or shared parental leave, and provide evidence in the form of a MATB1 or Matching Certificate, as appropriate;
- Give notice and make antenatal or adoption appointments at the start or end of the day providing certificates or appointments cards as appropriate;

- Give appropriate notice and complete all the relevant form in relations to their leave request, obtaining all relevant signatures;
- Inform their manager and Payroll, if they intend to take unpaid maternity, adoption or shared parental leave, so that salary sacrifice schemes or direct deductions from pay can be re-arranged accordingly;
- Contact their pension provider for financial advice, if required;
- Notify their manager, in writing, of the date of the birth of a new baby, as soon as reasonably practicable;
- Inform their manager of their intentions regarding returning to work and any changes to those plans with appropriate notice.

## 5.2 Line Manager's Responsibilities

- Ensure that the employee has a copy of this policy, is aware of their rights and obligations and seeks additional advice from the People Team where clarity is required;
- Carryout risk assessments promptly, review regularly and take reasonable steps to avoid workplace risks to women who are pregnant, have recently given birth (within the preceding six months) or are breastfeeding (Appendix C: **New and Expectant Mothers Risk Assessment**)
- Allow reasonable amount of paid time off for employees to attend antenatal or adoption meetings;
- Confirm in writing
  - the employee's paid and unpaid leave entitlement,
  - unless an earlier return date has been given by the employee, their expected return date, based on their 52 week paid and unpaid leave entitlement or the confirmed leave pattern including start and end dates,
  - the need for the employee to give at least 28 days' notice, if they wish to return to work before the expected return date, or confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended,
  - the length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity leave period.

This is included in a template letter – see Appendix E: **Template Letter – Confirmation of Maternity Leave Plans**

- Ensure that the appropriate paperwork is forwarded to Payroll Team in a timely manner and People Team (HEIW.People@Wales.NHS.uk) are copied in for filing in the employee personnel file;
- Ensure that all employees who are on maternity, adoption, new parent support or shared parental leave are kept informed about developments within the department and organisation and arranging Keeping in Touch (KIT) days where appropriate.

### 5.3 People Team's Responsibilities

- Guide managers and advise employees of their rights and obligations under this policy;
- Undertake a review of this policy every 3 years or whenever new legislation arises.

## 6. Application Processes

### 6.1 Maternity Leave

An employee may begin maternity leave at any time from the 11<sup>th</sup> week before the baby is due (Expected week of childbirth or EWC) provided she gives the required notice and submits a Maternity Leave Application Form (Appendix D: **Maternity / Adoption Leave Application Form**)

Although there is no legal requirement to do so, employees are encouraged to notify the line manager that they are pregnant as soon as possible, so that a health and safety assessment can be undertaken.

However, an employee is required to notify the line manager in writing before the end of the 15th week before the EWC, or as soon as practicable for cultural reasons.

Notification should include:

- that she is pregnant;
- her intention to take maternity leave;
- the date she wishes to start her maternity leave (she can choose to start maternity leave any date from the beginning of the 11th week before the baby is due);
- whether she intends to curtail maternity leave to facilitate shared parental leave;
- whether she intends to return to work, with HEIW or another NHS employer, for a minimum period of three months after the maternity leave has ended;
- provide a MATB1 form from the midwife or GP giving the expected date of childbirth.

The line manager must confirm the agreed details in writing within 28 days (See Appendix E.a: **Template Letter – Confirmation of Maternity Leave Plans**)

The employee must notify the line manager, if they wish to stop maternity leave in order to start shared parental leave instead – see section 6.4.2 Curtailment of Maternity Notice.

Otherwise when the employee returns to work, either permanently or to attend a Keeping in Touch (KIT) day, the line manager must complete a form (Appendix G: **Maternity / Adoption Leave Return to Work / Keep in Touch Form**) and submit it to payroll. The same form can be submitted repeatedly and a separate line initialled by the manager for each Keeping in Touch (KIT) day until the employee returns to work.

## 6.2 Adoption Leave

An employee is required to notify their manager that they wish to take adoption leave and submit the Adoption Leave Application Form (Appendix D: **Maternity / Adoption Leave Application Form**)

) no more than 7 days after they have been matched with a child. If it is not reasonably practicable for them to meet this deadline, they should provide written notification as soon as possible.

Notification should include;

- that they intend to take adoption leave;
- when they intend the leave to start;
- the date the child is expected to be placed with them for adoption;
- whether they intend to curtail adoption leave to facilitate shared parental leave;
- whether they intend to return to work, with HEIW or another NHS employer, for a minimum period of three months after their adoption leave has ended; and
- documentary evidence from the Adoption Agency that they have been matched with a child e.g. Matching Certificate.

Should an employee not provide at least 7 days written notice, the manager may delay the start of their adoption leave and pay until they have given appropriate notice or the date of placement, whichever is sooner.

The line manager must confirm the agreed details in writing within 28 days (See Appendix E.b: **Confirmation of Adoption Leave Plans**).

The employee must notify the line manager, if they wish to stop adoption leave in order to start shared parental leave instead – see section 6.4.2 Curtailment of Adoption Notice.

Otherwise when the employ returns to work, either permanently or to attend a Keeping in Touch (KIT) day, the line manager must complete a form (Appendix G: **Maternity / Adoption Leave Return to Work / Keep in Touch Form**)

## 6.3 New Parent Support Leave

Employees wishing to apply for New Parent Support Leave (previously known as Paternity Leave) must notify their line manager and submit the form (Appendix F:

**Ordinary New Parent Support Leave Application Form**)

no later than the end of the 15<sup>th</sup> week before the baby is born (Expected week of childbirth or EWC) or within 7 days of being told by the adoption agency that they have been matched with a child.

## 6.4 Opting into Shared Parental Leave

### 6.4.1 Notice of Entitlement

Employees who wish to utilise Shared Parental Leave (ShPL) must provide an opt-in notice (Appendix H: **Notice of Entitlement for Shared Parental Leave following the birth of a child/ren**)



## Appendix I: **Notice of Entitlement for Shared Parental Leave following the adoption of a child/ren**

At least eight weeks prior to the date of commencement of ShPL. This notice informs HEIW that the employee and their partner wish to share the entitlement to ShPL.

The notice of entitlement will outline the total leave available as ShPL, how much will be allocated between each parent and an indication of the pattern of leave, including start and end dates. This notice provides a declaration from each parent that they meet the entitlements to Shared Parental Leave and Pay.

Parents may split ShPL in several ways:

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes ShPL at a later date
- the birth parent or primary adopter returns to work and their partner takes ShPL
- both parents are off at the same time
- the parents split ShPL evenly and are off at different times

Following commencement of ShPL, maternity/adoption/new parent support leave and pay entitlement will cease i.e. it will not be possible to return to previous arrangements.

### **6.4.2 Curtailment of Maternity/Adoption Notice**

The child's parent or primary adopter must provide HEIW with **at least eight weeks notice** to stop their maternity leave in order to start ShPL (Appendix J: **Notice to Curtail Maternity / Adoption Leave**)

A curtailment notice can be provided before or after the birth/adoption. However, **there must be at least two weeks of compulsory maternity leave/adoption leave taken immediately after the birth/adoption.**

The curtailment notice cannot be revoked unless:

- It has been identified that one parent does not meet the eligibility criteria for ShPL. In this instance, the curtailment notice must be revoked in writing up to eight weeks after it was submitted; or
- The curtailment notice was provided prior to the birth/adoption. In this instance, the curtailment notice must be revoked, in writing, up to eight weeks after it was given or up to six weeks after the birth of the baby/the date of adoption, whichever is later; or
- If the other parent has died.

Only in exceptional circumstances will there be an opportunity to submit a second curtailment notice if there has been a revocation of an initial curtailment notice.

There may be an opportunity for the other parent to begin ShPL, prior to the maternity/adoption leave ending, providing a curtailment notice has been submitted.

### **6.4.3 Period of Leave Notice**

A period of leave notice (Appendix K: **Period of Shared Parental Leave Notice**) must be submitted before any period of ShPL is due to commence. This can be submitted at the same time as the notice of entitlement and/or the curtailment notice or it can be given **up to eight weeks before the start of the period of leave.**

Employees can submit up to **three notifications** for periods of ShPL (or more in

exceptional circumstances), **which must be periods of complete weeks** (as opposed to days).

Where a period of leave notice is provided prior to the birth or adoption of a child, the start date may be expressed as a number of days from the date of the birth or adoption e.g. a duration of twelve weeks ShPL, starting 169 days after the birth/adoption.

#### **6.4.4 Continuous Blocks of Shared Parental Leave**

A continuous block of ShPL is an unbroken period of leave with a clear start and end date. Requests for a single continuous block of ShPL cannot be refused and will be confirmed by the line manager within fourteen days of receipt of the request (see Appendix L: **Confirmation of Periods of [Discontinuous Blocks of] Shared Parental Leave**)

#### **6.4.5 Discontinuous Blocks of Shared Parental Leave**

The employee cannot be prevented from taking the amount of leave they have requested, but all requests for discontinuous leave, where periods of Shared Parental Leave are split between periods of work, must be discussed in advance and prior to submitting a period of leave notification. These will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business with the view to trying to accommodate the requests. All requests for discontinuous leave will be responded to, in writing, within fourteen days of receiving the request (see Appendix L: **Confirmation of Periods of [Discontinuous Blocks of] Shared Parental Leave**)

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of ShPL.

If a discontinuous leave request is declined, there will be a two-week discussion period between the manager and the employee whereby start and end dates will be negotiated. If an agreement is reached at the end of this period, the agreed discontinuous block of ShPL will be confirmed in writing as soon as is reasonably possible (see Appendix L: **Confirmation of Periods of [Discontinuous Blocks of] Shared Parental Leave**)

Should no agreement have been reached at the end of the two week discussion period, the employee may choose to:

- Take the full amount of requested ShPL in one continuous block;
- Choose a new start date, which is at least eight weeks after the original Period of Leave Notice was submitted;
- Withdraw the Period of Leave Notice within two days of the end of the two week discussion period (in which case, it will not be counted, and a new Period of Leave Notice may be submitted).

#### **6.4.6 Changing the Dates or Cancelling Shared Parental Leave**

A previously agreed period of ShPL can be cancelled by written notification, if there is at least eight weeks before the start date of the period of leave.

There is also an opportunity to change the dates of agreed periods of ShPL, with at least eight weeks' notice before the original start date and the new start date.

Where a period of leave notification has been submitted and agreed prior to the birth/adoption and is due to commence less than eight weeks subsequent to the date of birth or placement, but the child has been born/adopted earlier, there will be no need to provide eight weeks' notice to amend the start of ShPL. In such cases, the change should be outlined in writing as soon as is reasonably possible.

A notice to cancel or change a period of leave will continue to contribute to one period of leave notification, unless:

- The variation is a result of the child being born/adopted earlier or later than the EWC/expected placement date;
- The variation is at the request of HEIW; or
- Any other exceptional circumstances.

## **7. Procedures and Principles**

### **7.1 Communication and access to information**

The line manager is encouraged to hold an early discussion with any employee who has recently announced their or their partner's pregnancy or their intention to adopt.

This conversation should be handled sensitively and the employee reassured that they can continue to work, leave to have / look after the baby/child/ren and return to work without any problem, if that is what they intend. The meeting should cover the following legal rights and options for providing support:

- Health and safety arrangements,
- Time off for antenatal care, medical or matching appointments,
- Annual leave entitlement,
- When to give notice for maternity, adoption, new parent support or shared parental leave and pay,
- Sickness reporting and pregnancy-related sickness in the four weeks before the expected week of childbirth,
- MATB1 maternity certificate and confirmation of payment of statutory and occupational pay entitlement,
- Methods of contact during leave and keeping-in-touch / shared-parental-leave-in-touch days,
- Informal indication of whether the employee will be requesting flexible work on return to work and when to request this,
- Notice of early return to work or if they decide not to return to work.

An employer getting the level of contact wrong whilst its employee is on leave can lead to a claim of discrimination e.g. from a new mother who feels she has not been kept in touch with changes at work, job vacancies or opportunities for training or promotion; or, conversely, from a new mother who feels she is being put under pressure to end her maternity leave early and return to work, or confirm early that she will be returning to work, or to call into work when she does not want to. However, some contact is likely to be necessary as HEIW has a duty of care towards its employee. The frequency and method of this communication should be agreed in principle in advance.

## 7.2 Time off

### 7.2.1 Antenatal Care

Once an employee has advised her line manager that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor or registered midwife / health visitor. Part-time employees are also entitled to time off, if their appointment coincides with their normal working days / hours. Antenatal care may include relaxation and parent-craft classes, in addition to medical examinations.

To be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor or registered midwife / health visitor, stating that she is pregnant. Except in the case of the first antenatal appointment, the employee should also produce evidence of the appointment, such as an appointment card, if requested to do so.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Reasonable time off with pay will also be granted to employees who are the husband, partner, civil partner or father of an expected child, who wish to attend antenatal classes (i.e. parent craft classes and medical examinations) with the expectant mother. Wherever possible, these employees should seek appointment times that will minimise their time away from the workplace and provide documentary evidence of the appointment date and time.

### 7.2.2 Formal Adoption Meetings

Where an employee is being assessed by an adoption agency to become an adoptive parent, they will be entitled to reasonable paid time off work to attend official meetings. The employee should endeavour to give their manager as much notice as possible of these meetings and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

### 7.2.3 Post Natal Care

Employees who have recently given birth and returned to work before the end of the ordinary maternity leave period, should be given paid time off work to attend post-natal care e.g. attendance at health clinics.

## 7.3 Risk Assessment

Managers must carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth (within the preceding six months) or are breastfeeding. The Risk Assessment Form – New and Expectant Mother at Work Form is contained in Appendix C: **New and Expectant Mothers Risk Assessment**

If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their duties e.g. manual handling, excessive standing or infection, HEIW will take reasonable steps to avoid those risks such as offering the

employee suitable alternative work, if available, on terms and conditions that are not substantially less favourable.

If it is not possible for the manager to alter the employee's working conditions to remove the risks to their health and safety or there is no suitable alternative work available to offer on a temporary basis, the manager may suspend the employee from work on maternity grounds until such time as there are no longer any risks to the employee's health. This may be for the remainder of the pregnancy, i.e. until the commencement of the maternity leave period, or, in the case of a breast-feeding issue, until a solution can be found. The employee will be entitled to their salary related and contractual benefits during the period of suspension unless the employee has unreasonably refused an offer of suitable alternative employment.

The employer has a legal duty to revisit, review and revise a risk assessment if they suspect that it is no-longer valid or there have been significant changes to anything it relates to.

## **7.4 Sickness Absence**

### **7.4.1 Prior to Childbirth**

Where sickness is attributable to pregnancy, sickness absence will not be counted towards the review prompt of the management of sickness absence. Non pregnancy related sickness absence, however, will continue to count towards the management of sickness absence as usual.

All sickness will be managed in accordance with the Managing Attendance at Work Policy (Section 4.10 Pregnancy Related Illness) to facilitate a return to work as soon as possible with any necessary support or adjustment to duties during the pregnancy.

**If an employee is off sick due to pregnancy related illness on or after the fourth week before the expected week of confinement, their ordinary maternity leave will commence the day after their first completed day of sickness absence.**

### **7.4.2 Related to Miscarriage**

If an employee miscarries (spontaneous ending of a pregnancy before viability, which may occur before the beginning of the 25<sup>th</sup> week of pregnancy), normal sick leave provisions will apply as necessary. The employee will not be entitled to maternity leave or pay.

### **7.4.3 Still Birth**

Should a pregnancy end with a still birth, after the end of 24<sup>th</sup> week of pregnancy the employee will be entitled to the same maternity leave and pay, as if the baby had been born alive.

Stillbirth charities such as Sands at [www.sands.org.uk](http://www.sands.org.uk) or Tommy's at [www.tommys.org.uk](http://www.tommys.org.uk) are experts at providing support when a baby dies.

#### **7.4.4 End of Maternity or Adoption Leave**

If an employee becomes ill on or following the date they were due to return to work, normal sick leave provisions will apply as necessary.

### **7.5 Contract of Employment**

#### **7.5.1 Permanent Employees**

During the periods of Maternity Leave, Adoption Leave, New Parent Support Leave and Shared Parental Leave, the employee's contract of employment continues and they are entitled to receive all of their contractual benefits, except for salary related payments during the relevant periods. Any benefits in kind e.g. private use of a lease car, laptop, mobile phone etc. will continue and contractual annual leave and bank holiday entitlements will continue to accrue.

#### **7.5.2 Employees on Fixed Term and Training Contracts**

Employees employed on a fixed term or training contract i.e. internship or apprenticeship, that expires after the 11th week before the EWC or the date of matching, or the 15<sup>th</sup> week before the baby's due date if applying via a surrogacy arrangement will, if they fulfil the qualifying conditions, have their contract extended to enable them to receive their contractual rights and payment in line with Appendix B: **Maternity Pay Entitlements**

Where an employee employed on such a contract does not satisfy the qualifying conditions for entitlement to Occupational Maternity pay, they may be entitled to Statutory Maternity pay (SMP) or Shared Parental pay (ShPP). In such cases where the contract expires after the 15th week before the EWC, but before 26 weeks after the expected week of childbirth, the contract shall be extended to allow payment of SMP or ShPP.

Where the employee has no right to return to work, because their contract would have ended if pregnancy and childbirth had not occurred, the repayment provision set out in Appendix B: **Maternity Pay Entitlements**

If the employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, the provision set out in the NHS Agenda for Change Terms and Conditions of Service, Section 15 will apply.

### **7.6 Changing Leave Start Date**

Should an employee, after agreeing their maternity or adoption leave start date, subsequently wish to change the date, they should notify their manager in writing. This notification should be provided to the manager at least 28 days before the revised leave start date. If this is not possible, the notification should be submitted, as soon as is reasonably practicable.

### **7.7 Accrual of Annual Leave**

Annual leave will continue to accrue during maternity, adoption, new parent support and shared parental leave, whether paid or unpaid, as set out in the NHS Agenda for Change Terms and Conditions of Service. Employees are encouraged to take any

accrued annual leave prior to the commencement of their ordinary maternity, adoption or shared parental leave. Annual leave accrued during the paid and unpaid element of the maternity, adoption or shared parental leave should be taken at the end of leave period before returning to work.

The arrangements relating to the taking of annual leave and / or to request leave to be carried forward should be discussed and agreed between the employee and their manager prior to the commencement of the period of maternity, adoption or shared parental leave. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions, providing this would not cause a breach in the Working Time Regulations 1998.

Employees returning to work on reduced hours must take any accrued annual leave either prior to the commencement of maternity leave or prior to their return. Thereafter, annual leave will be calculated pro rata to the new hours worked. Employees not intending to return to work following maternity, adoption or shared parental leave should take any outstanding accrued annual leave prior to commencement of Ordinary Maternity or Adoption or Shared Parental Leave. The employee's termination date will be their last day of paid leave. The employee will be paid for any annual leave and bank holidays accrued during the paid maternity / adoption/ shared parental leave period in their final salary payment.

## 7.8 Keeping In Touch (KIT)

Before maternity, adoption, new parent support or shared parental leave starts, the line manager and employee should come to an agreement about how, when and how often the employee would like to be kept in touch, about what and with whom. Both should accept that once the relevant leave starts, however, there may be a need for flexibility about what they have agreed e.g. once the baby has arrived, the employee may find they cannot keep up to the level of contact they agreed to – and they are not obliged to.

'Keeping in touch' (KIT) or 'Shared Parental Leave in Touch' (SPLIT) days are not obligatory and must therefore be agreed between the employee and their manager. KIT days are intended to help the employee stay connected with their workplace, enable them to do some work during this period, subject to the needs of the service, or facilitate their return to work at the end of the leave period. **An employee may not work a KIT day during the two weeks of compulsory maternity leave immediately after the birth of the baby.**

The work can be undertaken on separate or consecutive days and can include training or other activities, which enable the employee to keep in touch with the workplace. An employee may work for up to a maximum of ten KIT days without bringing the maternity / adoption leave period to an end. Additional KIT days, up to a maximum of twenty, may be agreed throughout periods of shared parental leave. Any KIT days worked will not extend the maternity, adoption or shared parental leave period.

Employees should be aware that any work undertaken as a KIT day, even as little as half an hour for example, will be counted as a whole day for the calculation of the number of KIT days worked, but not for payment purposes.

The employee will be paid at their contractual hourly rate, in respect of the number of hours actually worked, less any maternity, adoption or shared parental leave pay received (if the KIT days are worked during the paid leave period). Alternatively, there may be a prior agreement to receive the equivalent paid time off in lieu.

Towards the end of her maternity leave, the employer should suggest discussing plans to return to work. The employer cannot demand the employee confirms whether they are returning to work. But if not, they must give the same notice they would if still at work – for example, if their contract says they must give one month's notice, they should give notice of their resignation at least a month before the end of their maternity leave.

## **7.9 Return to Work**

An employee has the right to return to the same position as they held before commencing leave and on no less favourable terms and conditions.

An employee returning from leave should receive the same opportunities as other employees for career development, training and promotion, and be offered any training that they may have missed. However, employers should be flexible with recently returning employees who may be juggling responsibilities at home still. If a training course requires an employee to be away from home for long periods or involves very long days, for example, managers may have to rethink how the training is delivered.

If they intend to return to work at the end of the full maternity, adoption or shared parental leave, they will not be required to give any further notification to the employer once they have completed the appropriate Leave Application or Notice Form.

Should an employee wish to return early from Maternity or Adoption Leave, they must give at least 28 days' notice in writing to the line manager. If appropriate notice is not provided by the employee, the manager will have the discretion to postpone their date of return until the date on which the appropriate notice would have had effect.

If the employee wishes to return to work from shared parental leave earlier than the expected return date, they may provide a written notice to vary the leave and must give their Manager at least 28 days' notice of the date of their early return. This will count as one of the employee's notifications. If the employee has already submitted the maximum of three periods of leave notifications to book and/or vary leave, HEIW does not have to accept the notice to return early but may do if it is reasonably practicable to do so.

**An employee who returns to work at HEIW or another NHS Employer following maternity, adoption or shared parental leave and works for 13 weeks and then resigns will not be required to refund their occupational pay.**

## **7.10 Flexible Working Requests**

At the end of maternity, adoption and shared parental leave, should an employee wish to return to work on amended contractual terms e.g. reduced hours etc. they should submit a formal application, in accordance with the provisions contained in



the HEIW Flexible Working Request Policy. The employee's manager will be required to consider any such request in a reasonable manner and provide written reason(s) for their decision, should the request be refused.

There is no automatic right to switch to part-time working. However, an unjustified refusal to allow an employee to work part time after having a baby is likely to constitute indirect sex discrimination.

Where it is agreed that the employee may return to work on a temporary flexible working arrangement e.g. reduced hours, this will not affect their right to return to their original contractual terms at the end of the agreed temporary flexible working period.

## **7.11 Failure to Return to Work**

### **7.11.1 Refunding Occupational Pay**

Should an employee, who has notified their manager of their intention to return to work within HEIW or for a different NHS employer, fail to do so at the end of their agreed maternity, adoption or shared parental leave period, or returns, but does not work for 13 weeks (which may or may not be consecutive), they will be liable to repay any occupational element of their maternity, adoption or shared parental pay i.e. the difference between SMP / SAP / ShPP and what they actually received.

Return to work on an ad hoc NHS Bank arrangement will not constitute a return to work.

In cases where HEIW considers that to enforce this provision would cause undue hardship or distress, they will have the discretion to waive their rights to recovery.

### **7.11.2 Termination of Employment**

Where an employee is expected to return, but who changes their mind and no longer wishes to come back to work following a period of maternity, adoption or shared parental leave, a resignation notice should be submitted by the employee and arrangements made to recover any occupational pay as described above.

Failure to return without formally resigning may result in the termination of their contract of employment, but only after communication has been established and health and welfare of the employee assured.

In such an event, the manager will be responsible for writing to the employee, via registered post. This letter will advise the employee that they were expected to return to work on a given date and request that they contact the line manager to confirm the reason which has prevented them from doing so.

If the employee fails to respond within 14 days, this may result in their contract of employment with HEIW being terminated with immediate effect and they will be liable to repay any occupational maternity, adoption or shared parental leave pay received. In such circumstances, the manager may take advice from the People Team (HEIW.People@Wales.NHS.uk) and, if appropriate, write to the employee confirming that their contract of employment had been terminated and the reason for this decision.

## 8. Maternity Leave and Pay Entitlements

### 8.1 Maternity Leave

**All pregnant employees** are entitled to 52 weeks maternity leave; up to 26 weeks' ordinary maternity leave (OML) and up to a further 26 weeks' additional maternity leave (AML) starting from the day after OML ends. This entitlement is regardless of the number of hours the employee works or their length of service and whether they return to NHS employment.

Only one period of maternity leave will be granted to an employee irrespective of whether more than one baby is delivered. Additional maternity leave (unpaid), however, may be extended in exceptional circumstances, for example, where employees have sick, pre-term or multiple births.

Employees are not required to take their full contractual entitlement, but **the law does require them to take a minimum of two weeks of maternity leave**, known as compulsory maternity leave, immediately after the birth of a child.

OML can start at any time after the beginning of the 11<sup>th</sup> week before the employee's "expected week of childbirth" (EWC), unless the child is born prematurely. Maternity leave will start on whichever date is the earliest of:

- the employee's chosen start date,
- the day after the employee gives birth, or
- the day after any day on which the employee is absent for a pregnancy-related reason, in the four weeks before the expected week of childbirth (EWC).

If the employee gives birth before the maternity leave was due to commence, she must notify the manager, in writing, of the date of the birth as soon as reasonably practicable.

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 at full term.

Where an employee's baby is born before the 11th week before the EWC and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

Where an employee's baby is born before the 11th week before the EWC and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.

Where an employee's baby is born before the 11th week before the EWC and the baby is in hospital, the employee may split the 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.

In accordance with the Shared Parental Leave Regulations (2014), employees who fulfil the criteria of entitlement to shared parental leave (ShPL) can curtail up to 50 weeks maternity leave to use as shared parental leave – see section 11 for further explanation.

## 8.2 Occupational Maternity Pay (OMP)

An employee working full-time or part-time, who has 12 months continuous NHS service by the 11th week before the EWC AND intends to work with HEIW or another NHS employer for a minimum period of thirteen weeks after their maternity has ended, will be entitled to occupational Maternity pay (OMP). This is an enhanced payment made by HEIW in addition to the statutory maternity pay (SMP) as defined by HM Revenue and Customs. Eligibility to receive SMP applies as below.

A table setting out payment entitlements can be found at Appendix B: **Maternity Pay Entitlements**

Occupational Maternity Pay would be paid at;

- 8 weeks at full pay
- 18 weeks at half pay, plus Statutory Maternity Pay (SMP) (limited to full pay)
- 13 weeks SMP
- 13 weeks unpaid

The prescribed SMP rate is set and reviewed annually by the Department for Work and Pension (DWP).

## 8.3 Statutory Maternity Pay (SMP)

If an employee does not have 12 months continuous NHS service OR does not intend to work with HEIW or another NHS employer for a minimum period of thirteen weeks after their maternity, they still may be eligible to receive 39 weeks SMP in accordance with their statutory rights, if they satisfy the following criteria:

- they have been employed by the same employer continuously for a period of at least 26 weeks, at the end of the Qualifying Week (QW - the 15th week before the expected week of childbirth);
- the period must include at least one day's employment in the QW
- they have average weekly earnings (see Section 12.1 Average Weekly Earnings) which are at least equal the lower earnings limit (LEL) which applies on the Saturday at the end of the QW. (The LEL is the amount an employee must earn before they are treated as paying National Insurance contributions.)
- they have notified their employer of their pregnancy and planned date of maternity leave on or before the QW
- they give 28 days' notice should they wish to vary the date on which they want to commence their maternity, if this is reasonably practicable. They provide medical evidence of the expected date of childbirth usually in the form of a MAT B1.
- they are still pregnant at the 11th week before the expected week of childbirth or have given birth by that time.

SMP will cease if the employee returns to work (except where the employee is simply keeping in touch), in accordance with paragraph 7.10.

Statutory Maternity Pay would be paid at;

- 6 weeks at 90% of average gross weekly earnings no upper limit
- 33 weeks at the prescribed standard rate of SMP (or 90% of average gross earnings, if this is less).

The prescribed SMP rate is set and reviewed annually by the Department for Work and Pension (DWP).

SMP is payable by the organisation in which the employee was employed, as at the 15th week before the week their baby is due. Therefore, if an HEIW employee has been employed by another organisation at the 15th week before their baby is born, they will need to approach that organisation to obtain their statutory maternity / adoption benefits.

## **8.4 Maternity Allowance**

Employees who do not qualify for SMP may be able to claim Maternity Allowance (MA) paid directly by the Department of Works and Pensions. Information including a calculator and application form can be found on the government website ([www.gov.uk](http://www.gov.uk)) or Job Centre Plus may help.

## **9. Adoption Leave and Pay Entitlements**

### **9.1 Adoption Leave**

**All employees** who will have primary carer responsibilities for a child newly placed for adoption are entitled to up to 26 weeks' ordinary adoption leave (OAL) and up to a further 26 weeks additional adoption leave (AAL), making a total of 52 weeks. This entitlement is regardless of the number of hours the employee works, their length of service and whether they return to NHS employment.

Only one period of adoption leave will be granted to an employee, irrespective of whether more than one child is placed with them for adoption as part of the same matching process.

Should the adoption break down ("Be disrupted") the employee will be entitled to continue their adoption leave and receive the appropriate payment for that time.

Adoption leave may start on:

- any day of the week,
- the date the child is placed with the adoptive parent, whether this is earlier or later than anticipated, or
- from a fixed date, which can up to 14 days before the expected date of the placement.

If HEIW employs both prospective parents of the child to be placed for adoption, the period of leave and pay may be shared between them. In accordance with the Shared Parental Leave Regulations (2014), employees who fulfil the criteria of entitlement to shared parental leave (ShPL) can curtail up to 52 weeks adoption leave to use as shared parental leave (ShPL) - see section 11 for further explanation.

### **9.2 Occupational Adoption Pay (OAP)**

An employee working full-time or part-time who has 12 months continuous NHS service, ending with the week in which they are notified of being matched with child for adoption, AND intends to return to work for HEIW or, in exceptional circumstances, for another NHS employer, for a minimum of thirteen weeks, will be entitled to occupational adoption pay (OAP). This is an enhanced payment made by

HEIW in addition to the Statutory Adoption Pay (SAP) as defined by HM Revenue and Customs. Eligibility to receive SAP applies as below.

Calculation of OAP pay is the same as for occupational maternity pay (see Appendix B: **Maternity Pay Entitlements**)

Occupational Adoption Pay (OAP) would be paid at;

- 8 weeks at full pay
- 18 weeks at half pay, plus Statutory Adoption Pay (SAP) (limited to full pay)
- 13 weeks SAP
- 13 weeks unpaid

The prescribed SMP rate is set and reviewed annually by the Department for Work and Pension (DWP).

### 9.3 Statutory Adoption Pay (SAP)

If an employee does not have 12 months continuous NHS service OR does not intend to work with HEIW, or another NHS employer, for a minimum period of thirteen weeks after their adoption leave, they still may be eligible to receive 39 weeks SAP in accordance with their statutory rights, if they satisfy the following criteria:

- they have been employed by the same employer continuously for a period of at least 26 weeks before the beginning of the week when they are to be matched with a child;
- they have average weekly earnings (see Section 12.1 Average Weekly Earnings) which are at least equal the lower earnings limit (LEL) which applies on the Saturday at the end of the QW. (The LEL is the amount an employee must earn before they are treated as paying National Insurance contributions.)
- they have notified their employer of their planned start date of adoption leave within 7 days of having been matched with a child for adoption;
- they provide a Matching Certificate as evidence of a newly matched child and give as much notice as is reasonably practicable should they wish to vary the date on which they want to commence their adoption leave;
- SAP will cease if the employee returns to work (except where the employee is simply keeping in touch), in accordance with paragraph 7.10.

Statutory Adoption Pay is paid at;

- 6 weeks at 90% of average gross weekly earnings no upper limit
- 33 weeks at the prescribed standard rate of SMP (or 90% of average gross earnings if this is less).

The prescribed SAP rate is set and reviewed annually by the Department for Work and Pension (DWP).

If an HEIW employee has been employed by another organisation at the 15th week before the child is placed for adoption, they will need to approach that organisation to obtain their statutory adoption benefits.

## 9.4 Fostering for Adoption

Prospective adopters who have been approved by their adoption agency under a “concurrent” or “fostering for adoption” arrangement may choose to start their adoption leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of placement will not affect any adoption pay payable under this agreement.

**Where an employee has an established relationship with a child or is the stepparent of a partner’s children, they will not be eligible for adoption leave.**

## 9.5 Overseas Adoption

For an employee to qualify for adoption leave and or pay resulting from an overseas adoption, they must:

- i) tell their employer the date of the official notification (permission from a GB authority for an adoption abroad) and the estimated date that the child will arrive in GB. This must be done within 28 days of receipt of the official notification;
- ii) tell their employer the actual date the child arrives in GB within 28 days of this date;
- iii) provide their employer with a minimum of 28 days’ notice of when they wish to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered GB and must start no later than 28 days after the child has entered GB);
- iv) provide appropriate documentation and proof of the adoption to the employer including, but not limited to, the official notification and evidence that the child has entered GB.

## 10. New Parent Support Leave and Pay Entitlements

### 10.1 Ordinary New Parent Support Leave (ONPSL) (previously known as Paternity Leave)

An employee qualifies for two weeks Ordinary New Parent Support leave on the birth of a baby or where a child is matched or newly placed with them, if they:

- **have been with the employer for at least 26 weeks** by the end of the 15<sup>th</sup> week before the start of the week when the baby is due or the end of the week in which the employee is notified of being matched with a child(ren);
- are the biological or adoptive father of the baby and/or the mother’s husband or partner, including same sex partners or civil partners.  
(A partner is someone who lives with the mother of the baby in an enduring family relationship, but is not an immediate relative.);
- have, or expect to have, responsibility for the baby’s upbringing;
- have not initiated any periods of shared parental leave prior to the start date of ONPSL.

They must notify their line manager no later than the end of the 15<sup>th</sup> week before the EWC or within 7 days of being told by the adoption agency of the match, including:

- Expected date of the baby’s birth/placement;
- When they want their leave to start (within 56 days of the baby’s date of birth / child’s placement);

- Whether they wish to take one or two weeks leave, and;
- Any intention to take of shared parental leave.

The employee can choose to start Ordinary New Parent Support Leave on any day of the week on or after the date of the birth/placement and it must be taken within eight weeks of the actual birth / or child's placement. It can be taken in one week or two consecutive weeks, but not odd days. A week is based on the employee's usual working pattern e.g. the employee only works Monday and Tuesday, therefore a week in this instance would be 2 days.

## 10.2 Occupational New Parent Support Pay (ONPSP)

To qualify for the two weeks occupational New Parent Support Pay (paid at the full pay rate), the employee must:

- have been continuously employed with one or more NHS employer for a period of **no less than one year** at the beginning of the week in which the baby is due. In cases of adoption, for a period of no less than one year ending in the week they are notified of being successfully matched with a child.

## 10.3 Statutory New Parent Support Pay (SNPSP)

Those employees who are not eligible to receive the two weeks of occupational New Parent Support pay may still be entitled to statutory New Parent Support pay subject to them meeting the following qualifying conditions;

- have been with the employer for **at least 26 weeks** by the end of the 15th week before the start of the week when the baby is due or the end of the week they are notified of being matched with a child(ren);
- continue to be employed by HEIW from the QW into the week before the baby is born / child is matched; and
- they have average weekly earnings (see Section 12.1 Average Weekly Earnings) which are at least equal the lower earnings limit (LEL) which applies on the Saturday at the end of the QW. (The LEL is the amount the employee must earn before they are treated as paying National Insurance contributions.)

## 11. Shared Parental Leave and Pay Entitlements

### 11.1 Shared Parental Leave (ShPL)

The Shared Parental Leave Regulations (2014) provide an opportunity for working parents to share care arrangements following the birth or adoption of a child. They may take up to 52 weeks leave, in total, immediately after the birth or adoption of a child.

Parents may be able to take this leave at the same or different times.

The birth parent of the child or the child's lead adoptive parent must take a minimum of two weeks compulsory maternity / adoption leave immediately after the birth of the baby / placement of the child. The total amount of Shared Parental Leave (SPL) available is 50 weeks, less these two weeks or any weeks in which either parent / guardian has been in receipt of Statutory Maternity / Adoption Pay (SMP/SAP) or Maternity Allowance (MA).

Following commencement of ShPL, Maternity/Adoption/New Parent Support leave and pay entitlement will cease.

### 11.1.1 Parental Eligibility

An employee is eligible to ShPL in relation to the birth or adoption of a child if:

- They are the child's parent or guardian and the main responsibility for the care of the child is shared with the other parent (or their partner, if the other parent is not their partner), or:
- A child has been placed with the employee and/or their partner for adoption and they intend to share the main responsibility for the care of the child.

### 11.1.2 Evidence of Entitlement

To confirm the employees' entitlement to ShPL, HEIW reserve the right to request:

- A copy of the birth certificate or one or more documents from the Adoption Agency showing the agency's name, address and the expected placement date.
- If the notice of entitlement is provided prior to the birth/adoption, the MAT B1 form, or adoption agency correspondence, may be utilised as a form of evidence of entitlement. HEIW reserves the right to request a copy of the birth certificate/adoption confirmation subsequent to the birth/adoption.
- The name and address of the other parent's employer.

If required, HEIW will request any/all information within fourteen days of receipt of the notice of entitlement and the employee must provide any/or information within fourteen days of the request.

## 11.2 Shared Parental Pay (ShPP)

### 11.2.1 Employment Eligibility

The following conditions of employment must also be fulfilled to be eligible to Shared Parental Pay;

- **Employees must have at least 26 weeks continuous employment with HEIW** by the end of the Qualifying Week (QW) or, in the case of adoption, before the beginning of the week when matched with a child and the employee must still be employed by HEIW in the week prior to the leave being taken;
- The other parent/partner must have worked (in an employed or self-employed capacity) for at least 26 of the 66 weeks before the Expected Week of Confinement (EWC) or, in the case of adoption, ending with the week in which they are notified of being matched with a child AND the partner must have received an average weekly earnings of at least £30.00\* during 13 of those weeks; and
- The employee and the other parent must give the necessary statutory notices and declarations, as summarised in paragraph 6.4, including any required notice to end any SMP or SAP periods.

(\* This amount can be amended from time to time by the Secretary of State.)



### 11.2.2 Occupational ShPP

Where an employee has at least 52 weeks continuous employment with HEIW by the end of the Qualifying Week (QW) or, in the case of adoption, before the beginning of the week when matched with a child, AND intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below.

Occupational Shared Parental Pay (OShPP) would be paid at;

- Compulsory maternity or adoption leave must be taken by the employee or their partner for the first two weeks immediately following the birth of the baby / placement of the child, then
- For the next 6 weeks of combined absence, the employee or their partner will receive full pay
- For the next 18 weeks of combined absence, the employee or their partner will receive half pay, plus Statutory Shared Parental Pay (SShPP) (limited to full pay)
- For the next 13 weeks of combined absence, the employee or their partner will receive SShPP only
- For the final 13 weeks of combined absence, the employee or their partner will receive no pay.

The maximum entitlement will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent or notified as intending to be taken by either parent, before the start of any Shared Parental leave.

The prescribed SShPP rate is set and reviewed annually by the Department for Work and Pension (DWP).

### 11.2.3 Statutory ShPP

An employee who satisfies eligibility conditions, but has less than 52 weeks continuous employment with HEIW by the end of the Qualifying Week (QW) or, in the case of adoption, before the beginning of the week when matched with a child, OR does not intend to return to work with HEIW or another NHS employer for a minimum period of three months after their shared parental leave has ended, will be entitled to pay equivalent to Statutory Shared Parental Pay.

Statutory Shared Parental Pay (ShPP) would be paid at;

- Compulsory maternity or adoption leave must be taken by the employee or their partner for the first two weeks immediately following the birth of the baby / placement of the child, then
- For the next 37 weeks of combined absence, the employee or their partner will receive a statutory flat rate sum or 90 per cent of an employee's average weekly earnings, whichever is the lower.

The maximum entitlement will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent or notified as intending to be taken by either parent, before the start of any Shared Parental leave.

The prescribed SShPP rate is set and reviewed annually by the Department for Work and Pension (DWP).

**HEIW will not pay more than 26 weeks, 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational maternity or adoption or shared parental pay, in aggregate, to an eligible couple. This is irrespective of whether one or both parents are NHS employees, as shared parental leave and pay is a joint entitlement**

### **11.3 Suspected Fraudulent Claims for ShPP**

HEIW may, where there is a suspicion that fraudulent information may have been provided by the employee, or where HEIW has been informed by the HMRC that a fraudulent claim was made, reclaim any overpayment and investigate the matter further in accordance with the HEIW Disciplinary Policy and without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

## **12 Calculation of Pay**

### **12.1 Average Weekly Earnings**

An employee's full pay will be calculated as the employee's average gross earnings over a period of at least eight weeks up to and including the last payday before the end of the qualifying week, subject to the following qualifications:

- in the event of a pay award (cost of living uplift) or annual increment being implemented before the paid maternity / adoption leave period begins, the pay should be calculated as though the pay award or annual increment had effect throughout the entire SMP / SAP calculation period. If such a pay award was agreed retrospectively, the pay should be re-calculated on the same basis;
- in the event of a pay award or annual increment being implemented during the paid maternity / adoption leave period, the 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 pay should be re-calculated on the same basis; and
- in the case of an employee on unpaid sick absence or on 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 / SAP purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

N.B. Where an employee has a period of back to back maternity / adoption leave, or they return to work only for a short period before taking a further period of maternity / adoption leave, they should contact the Payroll Department to check the implications this may have on the calculation of and their entitlement to maternity / adoption pay, during the further period of leave.

## **12.2 Increments**

Maternity, adoption and shared parental 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. For further information please refer to the NHS Terms and Conditions of Service Handbook.

## **12.3 Pay Progression and Promotions**

An employee on maternity, adoption or shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay-step date the pay-step point should be automatically applied in the individual's absence.

For employees on medical or dental contracts that are covered by this section the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking maternity/adoption/shared parental leave.

Employees who are appointed to a promotional post during a period of maternity/adoption leave, should note that the promotional pay band salary may not be taken into account when calculating their maternity/adoption pay. Maternity and adoption pay are calculated, using the EWC and counting back 15 weeks, to determine the average pay that the employee would have been entitled to receive, during that two-month period.

## **12.4 Deductions from Salary**

### **12.4.1 Pension Contributions**

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pension Scheme Regulations.

HEIW will continue to make employer pension contributions on behalf of members of the NHS Pension Scheme during any period of paid OML, OAL, ONPSL or ShPL based on normal salary.

Employee pension contributions are payable during periods of paid and unpaid maternity, adoption, new parent support and shared parental leave to avoid a break in service and the possible loss of pension rights which have already been accrued. Therefore, members of the NHS Pension Scheme are required to continue to pay pension contributions throughout their paid maternity, adoption, new parent support and shared parental leave. Deductions are calculated on the variable amount of pay (occupational and statutory) received each month, unless the employee wishes to make up any shortfall.

During any unpaid maternity, adoption and shared parental leave period taken, pension contributions are not deducted, but are assessed on the amount of pay received immediately prior to the unpaid leave. These arrears of pension contributions will then be deducted from salary on the employee's return to work, over the same period as the accumulation took place. If an employee decides to

return to work on a part-time basis, the period over which repayment takes place can be extended by arrangement between the manager and Payroll.

Employees should take this into consideration when planning their finances during and after their maternity, adoption and shared parental leave and should contact their pension provider for advice prior to confirming their leave arrangements. Should an unpaid period of the maternity, adoption or shared parental leave necessitate a tax refund, this will automatically be paid through the employee's salary. It should be noted that Payroll will use any such refund due to offset any pension contribution owing. Employees who may have any queries regarding this matter should contact Payroll.

#### **12.4.2 Salary Sacrifice Schemes and other deductions**

Should an employee have opted-in to a salary sacrifice scheme (e.g. business lease car, cycle to work, childcare vouchers etc) or have payments deducted directly from their salary (e.g. union subscription, student loan etc), during the period of paid maternity, adoption or shared parental leave, monthly payments will be deducted as normal from their salary. However, whilst on unpaid maternity / adoption / shared parental leave, Payroll will calculate the amount owing for this period of unpaid leave and contact the employee regarding arrangements for payment on return to work.

For the cycle to work scheme, this might mean temporary suspension of payment and extension of the hire period.

It is the employee's responsibility to inform the relevant body and/or Payroll that they intend to take unpaid maternity leave, and they are also responsible for making any necessary alternative arrangements, which may affect the total amount of maternity/adoption/shared parental pay and/or the benefit in kind.

For further information on the impact of such schemes/deductions, please contact Payroll.

#### **12.5 Payment Schedule**

By prior agreement with Payroll, occupational pay may be paid in a different way to ease financial budgeting e.g. a combination of full and half pay or a fixed amount spread equally over the leave period. Where this has taken place and the employee subsequently chooses to access shared parental leave and pay, HEIW may need to recalculate payments to ensure that there has not been any over or underpayment of entitlement.

### **13. Surrogacy**

As long as they meet eligibility criteria, either has a parental order with their partner or intends to apply for one (and expect it to be granted), and at least one of the couple is the biological parent of the child, an employee having a child via a surrogate mother has the right to adoption or new parent support leave and shared parental leave e.g. one of the couple may take adoption leave and the other new parent support leave, provided they meet all the conditions.

Qualifying service will be calculated at the 15<sup>th</sup> week before the baby's due date.

In addition, for both statutory adoption, new parent support and shared parental leave pay, they need to meet the average weekly earnings criteria.

#### **14. Breastfeeding in the Workplace**

HEIW recognises and supports a woman's right to breastfeed their baby and /or express their milk in the workplace. As such managers are required to support employees who choose to return to work, by providing flexibility, opportunity and encouragement to continue breastfeeding their child.

Prior to returning to work a mother who wishes to continue breastfeeding should inform their manager in writing to discuss and agree, where practical, suitable arrangements. The line manager must carry out a formal risk assessment of the employee's working conditions to identify any health and safety issues.

The time, which will be unpaid, required to continue breastfeeding may be given to the employee via agreeing;

- flexible working hours / arrangements;
- time off to feed the baby in a local crèche or local childminders;
- the baby can be brought onto HEIW premises to be fed;
- where appropriate, a private, clean, healthy and safe environment, in which the employee may express breast milk and an appropriate refrigerator to store the milk in.

Currently the multi-function room in Ty Dysgu is set-up for this purpose.

Breastfeeding mothers are welcome in the workplace, however, HEIW does recognise that it may be a sensitive issue for some employees. Employees with concerns regarding the practice of breastfeeding or expressing breast milk in the workplace should discuss them with their manager in the first instance. Such concerns, however, should not be used as a reason to prevent an employee from exercising the right to breastfeed their baby, unless there are real health and safety concerns or implications.

#### **15. In Vitro Fertilisation and Other Fertility Treatments**

HEIW recognises that infertility can cause considerable distress and is sympathetic to employee who may decide to undertake fertility treatment. The line manager should discuss any concerns with the employee to ensure any necessary support in the workplace is arranged.

##### **15.1 Time off Work Arrangements for Fertility Treatment**

HEIW will agree reasonable time off in support of in vitro fertilisation and other fertility treatments where the request is supported by documentary evidence from the employee's GP or Consultant / Specialist. Line managers should discuss with the employee concerned the likely duration of their treatment, together with the number of occasions and, where possible, dates when they are likely to need time off from work to self-medicate or attend a hospital or clinic for investigation and/or treatment.

Wherever it is possible to do so, employees (both full and part time) must endeavour to arrange such appointments at a time that they are not scheduled to work or, if this is not possible, as near to the beginning or end of the working period as possible.

Where employees need to attend such appointments during work time, they will be required to make up the time taken at the earliest opportunity. The following are options that can be agreed:

- arriving earlier or leaving later on the day of the appointment
- a temporary increase in hours over a short period
- paid or unpaid special leave
- annual leave
- time in lieu
- any other arrangement agreed with the manager.

Employees who are receiving fertility treatment are entitled to up to three days paid and up to seven days unpaid special leave in any rolling 12 month period.

To apply for special leave to receive fertility treatment, the employee is required to complete an Application for Special Leave Form (please refer to the HEIW Special Leave Policy). Wherever possible, the employee is required to request the leave at least 7 days in advance of the proposed treatment date.

Following implantation, the employee will be considered to be pregnant and should be treated as pregnant and the normal pregnancy provisions applied. An employee will therefore be entitled to paid time off for antenatal care as per Sections 7.1,2,3 and 4 of this policy, following successful implantation of the embryo.

Where an implantation is unsuccessful, the pregnancy will have deemed to have ended two weeks following the failed treatment.

## **15.2 Sickness Absence**

Where an employee experiences side effects or ill health as a result of their fertility treatment, which renders them unfit for work, such absences must be reported, certificated and recorded in accordance with the All Wales Managing Attendance at Work Policy. Should the illness be attributable to pregnancy (i.e. following implantation), it will not be counted towards the trigger of the management of sickness absence.

## **16. Integrated Equality Impact Assessment (EqIA)**

HEIW is committed to ensuring that, as far as is reasonably practicable, the way it treats its employees reflects their individual needs and does not discriminate against individuals or groups.

HEIW has undertaken an Integrated Equality Impact Assessment (EqIA) and received feedback on this policy and the way it operates. HEIW wanted to know of any possible adverse or differential impact that this policy may have on any groups in respect of: age, disability, gender identity; marriage (including same sex) or civil partnership, pregnancy and maternity issues, race, religion and or belief sexual orientation, transgender, carer, Welsh language, or other protected characteristics.

In exploring these possible adverse or differential impacts HEIW acknowledge the intersectionality of individuals. Meaning that due regard has been given to the way in which power structures based on factors such as: age, disability, gender identity,

sexuality, race, religion, belief or non-belief and religion interact with each other to create barriers of overlapping discrimination and disadvantage.

The assessment found that the policy created a number of opportunities for positive impacts on individuals and groups and enabled HEIW to make plans for any necessary actions required to minimise any potential negative impacts. Ensuring as an organisation we meet our responsibilities under the equalities, Welsh language and human rights legislation and promote good practice.

## **17. Policy Review**

Review of this policy will be undertaken no later than three years after the date of approval or sooner if required by revised legislation or NHS guidance.

## Appendix A

### Glossary of Terms

Summary of abbreviations and terminology used in this policy

AAL	Additional Adoption Leave (further 26 weeks of leave following on from Ordinary Adoption Leave, making 52 weeks entitlement in total)
AML	Additional Maternity Leave (further 26 weeks of leave following on from Ordinary Maternity Leave, making 52 weeks entitlement in total)
Continuous Service	Continuous Service with any NHS organisations, without a break in service of three calendar months or more; - up to the 11th week before the expected week of childbirth (EWC) for Occupational Maternity Pay (OMP), or - up to the 15th week before the EWC, the Qualifying Week (QW), for Statutory Maternity / Adoption Pay
EDC	Expected Date of Childbirth is the date the child is expected to be born on
EWC	Expected Week of Childbirth is the week starting on a Sunday, during which the employee's doctor or midwife expects her to give birth
KIT	Keep In Touch Days - employees may work up to 10 during their period of maternity, adoption or shared parental leave in order to maintain contact with the workplace or facilitate their return to work
LEL	Lower Earnings Limit is the amount the employee must earn before they are treated as paying National Insurance (NI) contribution
MA	Maternity Allowance (paid by Department of Work and Pensions)
MAT B1	Maternity Certificate confirming expected date of childbirth (available from GP or midwife around the 26th week of pregnancy)
OAL	Ordinary Adoption Leave (first 26 weeks of leave)
OAP	Occupational Adoption Pay (paid by HEIW)
OML	Ordinary Maternity Leave (first 26 weeks of leave)
OMP	Occupational Maternity Pay (paid by HEIW)
ONPSL	Ordinary New Parent Support Leave (2 weeks of leave for the biological or adoptive father of a baby and/or the mother's husband or partner)
ONPSP	Occupational New Parent Support Pay (paid by HEIW)
Parent	One of two people who will share the main responsibility for the child's upbringing and who may be the mother, the father, or the mother's partner (who is not the biological father). This would include heterosexual or same sex partners. Please note we have used the terms mother and father, but recognise that these terms may not be used by someone who identifies as non-binary and parent would be more appropriate.
Partner	Spouse, Civil Partner or someone living with another person, in an enduring relationship, but not a sibling, child, grandparent, grandchild, aunt, uncle, niece or nephew.
QW	Qualifying Week is the 15th week before the expected week of childbirth
SAP	Statutory Adoption Pay (paid by HEIW)
SMP	Statutory Maternity Pay (paid by HEIW)



ShPL	Shared Parental Leave (where maternity or adoption leave has been voluntarily curtailed)
ShPP	Shared Parental Pay (paid by HEIW)
SNPSP	Statutory New Parent Support Pay (paid by HEIW)
SPLIT	Shared Parental Leave in Touch (Days) Employees may work up to a maximum of 10 each during their shared parental leave in order to maintain contact with the workplace or facilitate their return to work

## Appendix B

### Maternity Pay Entitlements

Service	Qualifying Period	Intention	Pay Entitlement - HEIW
< 26 Wks.	@ 15 <sup>th</sup> week before EWC	Returning/Undecided/ Not returning	Unpaid, but may be entitled to Maternity Allowance paid directly by Dept. for Work & Pensions
26 – 51 Wks.	@ 15 <sup>th</sup> week before EWC	Returning/Undecided/ Not returning	6 Weeks 90% pay  33 weeks SMP  13 weeks unpaid
52 + Wks. Fixed Term/Temp	@ 11 <sup>th</sup> week before EWC	Not returning as contract expires  If contract expires after 11 <sup>th</sup> week before EWC, contract extended (subject to eligibility criteria in A4C T&Cs Section 15.7) for the paid period of Statutory Maternity Pay	8 weeks at full pay  18 weeks ½ pay + SMP (limited to normal full pay)  13 weeks SMP  13 weeks unpaid  Contract ends
52 + Wks.	@ 11 <sup>th</sup> week before EWC	Returning  If decides not to return, then they will be liable to repay any occupational element of their pay i.e. the difference between Statutory pay and what they actually received.	8 weeks at full pay  18 weeks ½ pay + SMP (limited to normal full pay)  13 weeks SMP  13 weeks unpaid
52 + Wks.	@ 11 <sup>th</sup> week before EWC	Undecided/Not returning  If decides to return, then the difference owed will be paid upon her return	6 Weeks 90% Pay  33 weeks SMP  13 weeks unpaid

**Appendix C**  
**New and Expectant Mothers Risk Assessment**

Name: .....

Department: .....

Date of Assessment: .....

Date of Baby's Birth (expected or actual): .....

Notice in writing of pregnancy received by HEIW:.....

**Manual Handling**

1. Do you perform any manual handling tasks? (If 'YES' briefly describe these tasks)
  
2. Do you require any handling aids to be able to perform these tasks? (If 'YES' then state items required)

**Working Environment**

3. If you use a computer screen has a DSE assessment been completed? (If 'NO' then ensure that one is completed immediately)
  
4. Do you need further equipment to make your working position more comfortable? (If 'YES' list items required)
  
5. Is your working day suitably flexible to allow you to reduce unnecessary fatigue? (If 'NO' consider reorganising work hours)
  
6. Are you able to control the pace and volume of your work to avoid unnecessary stress? (If 'NO' consider reorganising work routine)
  
7. Are you able to take rest periods when necessary? (If 'NO' consider reorganising work routine)
  
8. Are you able to control the temperature in your environment to avoid extremes of cold or heat? (If 'NO' consider improvements to heating/ventilation systems)
  
9. During the normal course of your work, do you come into contact with any hazardous substances that may cause harm to you or your unborn/breastfed

child? (If 'YES' list hazardous substances and ensure COSHH assessment has been completed for each)

10. Are you experiencing any conditions as a result of your pregnancy that we should be aware of?

General

11. Are there any other work-place issues which are causing you concern that we need to be aware of? (If 'YES' provide details below)

Recommendations:

(The following actions have been undertaken to address issues raised by this risk assessment)

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Signed: ..... (Pregnant/Nursing Mother)

Date: .....

Signed: ..... (Line Manager)

Date: .....

Signed: ..... (Facilities and Compliance Manager)

Date: .....

Once complete, please return this form to the People Team  
(HEIW.People@Wales.NHS.uk)

**Appendix D**  
**Maternity / Adoption Leave Application Form**

This form must be completed for ALL applicants, i.e. returning to work, not returning to work or undecided following maternity / adoption leave, on or before the 15th week before the baby is due or no more than 7 days after they have been matched with a child for adoption, or if that is not practicable, as soon as reasonably practicable to do so.

**Part A - Employee's Details**

Name:			
Home Address:			
Home Tel.			
NI no.			
Employee Number:		Contracted Hours:	
Directorate:		Dept.	
			Date:
Date of commencement in HEIW (or successor organisation)			
Date of commencement in NHS			
Any break in service more than 3 months?			*Yes / No
If yes, please specify from _____ to _____			

**Part B – Maternity / Adoption Leave Request**

I wish to apply for Maternity Leave  or Adoption Leave

	Please tick one box only
I will be returning to work following maternity / adoption leave and I intend to work for HEIW / another NHS employer for a minimum period of 3 months	
I will not be returning to work following maternity / adoption leave	
I am undecided whether to return to work following maternity / adoption leave	

	Date
Expected date of childbirth/placement (as stated on the MAT B1 Form or Matching Certificate)	
Proposed date of commencement of maternity leave / Proposed date of placement for adoption	

Form MATB1 / Matching Certificate attached:	*Yes/No
	Number of hours

Full year Annual leave entitlement	
Annual Leave already taken	
Annual Leave remaining at the time of application	
I wish/do not wish* to apply to take.....days/hours annual leave prior to commencing my Maternity Leave	
I would like the annual leave to commence from ..... to .....	
Comment:	

(\*Delete as appropriate)

I confirm that I agree to adhere to the HEIW Policy and Procedure:

Applicant Signed .....Date.....

**Part C - Authorisation by Manager**

I confirm the maternity / adoption leave as indicated above has been checked and approved and will run as follows:

.....weeks Paid Maternity / Adoption Leave from .....to.....  
(Maximum of 39 weeks)

.....weeks Unpaid Maternity / Adoption Leave from .....to.....  
(Maximum of 13 weeks)

I can confirm that I have discussed with the employee their right to 'keep in touch' days and have agreed to discuss these with the applicant at her convenience.

Manager Print Name ..... Signed .....

Job Title.....Date.....

Copy of this maternity / adoption leave form and Maternity / Matching certificate must be forwarded to Payroll, a copy returned to the employee and a copy retained on the personal file.

## Appendix E.a Template Letter – Confirmation of Maternity Leave Plans

Dear [Employee's First Name],

Re: Maternity Leave Entitlements

Thank you for your completed Maternity Leave Application Form and MATB1 certificate, which was received by the People Team and sent onto payroll for processing.

In accordance with your request, your maternity leave will commence on [xx/xx/xx] and, if you have opted to take Additional Maternity Leave, you may remain absent from work for a period of up to 52 weeks. Should you wish to change the date that you have requested your maternity leave to commence, please notify me in writing at least 4 weeks beforehand or, if this is not possible, as soon as reasonably practicable.

Currently you have told us that you wish to return on [xx/xx/xx]. If you wish to return to work before this date, you must give 8 weeks' notice of the date you intend to return, in writing, to your line manager.

[**Note:** Employees **not** intending to return to work following maternity leave should take any outstanding accrued annual leave prior to commencement of their maternity leave. The employee's termination date will be their last day of paid leave and they will be paid for any annual leave and bank holidays accrued during the paid maternity leave period in their final salary payment. They should not be required to work any Keeping in Touch (KIT) days during paid maternity leave or extend this period with KIT days. **This letter should be amended to reflect this, as appropriate.**]

[**Either:**

According to your employment details, you do not qualify for Statutory Maternity pay, but you may be able to claim Maternity Allowance, paid directly by the Department of Works and Pensions.]

[**OR:**

According to your employment details, you qualify for Statutory Maternity Pay. You will therefore be entitled to the following:

- 6 weeks at 90% pay (including Statutory Maternity Pay, SMP),
- 33 weeks at SMP only or 90% of pay, whichever is lower,
- 13 weeks unpaid (if required)]

[**OR:**

According to your employment details, you qualify for Occupational Maternity Pay. You will therefore be entitled to the following:

- 8 weeks at full pay (including Statutory Maternity Pay, SMP) ,
- 18 weeks at half pay, plus SMP, or full pay, whichever is lower,
- 13 weeks at SMP only
- 13 weeks unpaid (if required).

Should you decide not to return to work following Maternity Leave, you may be required to pay back any occupational Maternity Pay paid to you less any adjustment of SMP.]

If you and your partner are eligible, you may decide to take Shared Parental Leave. This enables you to commit to ending your maternity leave early and to share the untaken balance of leave and pay with your partner. Further details are provided in the Maternity, Adoption, New Parent Support and Shared Parental Leave policy on the intranet.

If you are absent from work wholly or partly on account of a pregnancy-related illness for more than 4 days within four weeks of the date your baby is due, your maternity leave will be triggered automatically. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work or a self-certificate, will be treated as sickness absence in accordance with the Managing Attendance at Work Policy. If your baby arrives early, your maternity leave will commence on the day after the birth of the baby

Annual leave accrued prior to maternity leave, where practical, should be used in advance of starting maternity leave. Excluding days already booked, you have [xx hours] to take before the start of your maternity leave on [xx/xx/xx].

You will continue to accrue annual leave at the normal rate during the period of your maternity leave. This should be used immediately following the end of the period of paid or unpaid absence. It can be used flexibly to create a longer continuous period of leave or, with the permission of your line manager, to have a phased reduction in working hours following your return. If your maternity period overlaps to another leave year, it is permissible to carryover and use all your accrued leave as outlined above. Assuming your dates do not change, you will have accrued [xx hours] annual leave, including [x days] Bank Holidays, which you have told us you wish to [amend according to individual plans]. Therefore, your first day in work will be [xx/xx/xx].

If you wish to reduce your working hours permanently on return to work, a flexible working request will need to be submitted eight weeks in advance.

During your maternity leave you can undertake up to a maximum of ten Keeping in Touch (KIT) days. KIT days are intended to facilitate a smooth return to work from maternity leave. Should you wish to work KIT days, please discuss these with [contact name].



Between these times, we would still like to keep in touch, and you have told us that you are happy to

- receive regular calls from [contact name] to [telephone number]
- receive email updates to your [business and/or personal] email address [xxxxx@xxxxx]
- make contact when is convenient to yourself.

Members of the NHS pension scheme are liable to pay contributions on both paid and unpaid maternity leave. Contributions during your paid maternity leave will be calculated on your total gross salary i.e. including SMP. For the period of unpaid maternity leave pension contributions will automatically be recovered from your salary on your return to work. If you require further details on the repayment, please contact the payroll department who will be able to discuss this further with you.

If you have any queries regarding this letter, please do not hesitate to contact me. In the meantime, may I take this opportunity to offer you my very best wishes for the forthcoming months.

Yours sincerely

**Appendix E.b**  
**Template Letter – Confirmation of Adoption Leave Plans**

Dear [Employee's First Name],

Re: Adoption Leave Entitlements

Thank you for your completed Adoption Leave Application Form and Matching certificate, which was received by the People Team and sent onto payroll for processing.

In accordance with your request, your adoption leave will commence on [xx/xx/xx] and, if you have opted to take Additional Adoption Leave, you may remain absent from work for a period of up to 52 weeks. Should you wish to change the date that you have requested your adoption leave to commence, please notify me in writing at least 4 weeks beforehand or, if this is not possible, as soon as reasonably practicable.

Currently you have told us that you wish to return on [xx/xx/xx]. If you wish to return to work before this date, you must give 8 weeks' notice of the date you intend to return, in writing, to your line manager.

[**Note:** Employees **not** intending to return to work following adoption leave should take any outstanding accrued annual leave prior to commencement of their adoption leave. The employee's termination date will be their last day of paid leave and they will be paid for any annual leave and bank holidays accrued during the paid adoption leave period in their final salary payment. They should not be required to work any Keeping in Touch (KIT) days during paid adoption leave or extend this period with KIT days. **This letter should be amended to reflect this, as appropriate.**]

[**Either:**

According to your employment details, you do not qualify for Statutory Adoption pay.]

[**OR:**

According to your employment details, you qualify for Statutory Adoption Pay. You will therefore be entitled to the following:

· 6 weeks at 90% pay (including Statutory Adoption Pay, SAP),

· 33 weeks at SAP only or 90% of pay, whichever is lower,

· 13 weeks unpaid (if required)]

[**OR:**

According to your employment details, you qualify for Occupational Adoption Pay. You will therefore be entitled to the following:

- 8 weeks at full pay (including Statutory Adoption Pay, SAP) ,
- 18 weeks at half pay, plus SAP, or full pay, whichever is lower,
- 13 weeks at SAP only
- 13 weeks unpaid (if required).

Should you decide not to return to work following Adoption Leave, you may be required to pay back any occupational Adoption Pay paid to you less any adjustment of SAP.]

If you and your partner are eligible, you may decide to take Shared Parental Leave. This enables you to commit to ending your maternity leave early and to share the untaken balance of leave and pay with your partner. Further details are provided in the Maternity, Adoption, New Parent Support and Shared Parental Leave policy on the intranet.

Annual leave accrued prior to adoption leave, where practical, should be used in advance of starting your adoption leave. Excluding days already booked, you have [xx hours] remaining to take before the start of your adoption leave on [xx/xx/xx].

You will continue to accrue annual leave at the normal rate during the period of your adoption leave. This should be used immediately following the end of the period of paid or unpaid absence. It can be used flexibly to create a longer continuous period of leave or, with the permission of your line manager, to have a phased reduction in working hours following your return. If your adoption period overlaps to another leave year, it is permissible to carryover and use all your accrued leave as outlined above. Assuming your dates do not change, you will have accrued [xx hours] annual leave, including [x days] Bank Holidays, which you have told us you wish to [amend according to individual plans]. Therefore, your first day back in work will be [xx/xx/xx].

If you wish to reduce your working hours permanently on return to work, a flexible working request will need to be submitted eight weeks in advance.

During your adoption leave you may take up to a maximum of ten Keeping in Touch (KIT) days. KIT days are intended to facilitate a smooth return to work from adoption leave. Should you wish to work KIT days, please arrange these with [contact name].

Between these times, we would still like to keep in touch, and you have told us that you are happy to

- receive regular calls from [contact name] to [telephone number]
- receive email updates to your [business and/or personal] email address [xxxxx@xxxxx]
- make contact when is convenient to yourself.

Members of the NHS pension scheme are liable to pay contributions on both paid and unpaid adoption leave. Contributions during your paid adoption leave will be calculated on your total gross salary i.e. including SAP. For the period of unpaid adoption leave pension contributions will automatically be recovered from your salary on your return to work. If you require

further details on the repayment, please contact the payroll department who will be able to discuss this further with you.

If you have any queries regarding this letter, please do not hesitate to contact me. In the meantime, may I take this opportunity to offer you my very best wishes for the forthcoming months.

Yours sincerely

**Appendix F**  
**Ordinary New Parent Support Leave Application Form**

**Employee's Details:**

Name:			
Home Address:			
Home Tel.			
NI no.			
Employee Number:		Contracted Hours:	
Directorate:		Dept.	

**New Parent Support Leave Request:**

	Date
I confirm that the expected week of childbirth is	
I confirm the child was *born / *placed with the adopter on (*delete)	
I would like my Ordinary New Parent Support Leave to start on (within 8 weeks of the date baby is born / placed with the adopter)	
I want to apply for *One week / *Two weeks (*delete)	
I shall be returning to work from my New Parent Support Leave on	

**Eligibility:**

Please read through the following eligibility requirements for New Parent Support Leave carefully prior to signing the declaration section below.

Employees must be able to tick all five boxes below to qualify for New Parent Support Leave as a birth or adoptive parent or partner.

	Tick
I am the child's biological father <u>or</u> married to or in a civil partnership with the mother / primary adopter <u>or</u> living with the mother / primary adopter in an enduring family relationship, but am not an immediate relative.	
I have responsibility for the child's upbringing.	
I am taking time off work to support the mother and care for the child.	
I have been continuously employed by HEIW for at least 26 weeks / 52 weeks (delete as appropriate) by the end of the 15 <sup>th</sup> week before the week the baby is due or in which I have been notified of being matched with the child for adoption.	

I have provided a MAT B1/ letter from the GP or Midwife confirming my partner's pregnancy <u>or</u> provided a 'Matching Certificate' from the adoption agency.	
---	--

**Declaration:**

I declare that I have read the eligibility criteria for new parent support leave above and confirm that I meet all the relevant conditions, as to the relationship with the child and the child's mother / primary adopter.

I understand that by giving false information it may disqualify me from payment and will be regarded as a serious disciplinary offence by HEIW.

Applicant's Signature: ..... Date:.....

**Evidence:**

	Please tick one box only
<b>New Parent Support Leave - Childbirth Applications</b>	
I attach a MAT B1 Form / Letter from GP / Midwife as evidence of my application	
<b>New Parent Support Leave – Adoption Applications</b>	
I attach a Matching Certificate from the adoption agency, as evidence of my application	

**New Parent Support Leave Approval:**

Manager's Name: .....

Manager's Signature: ..... Date:.....

Copy of this Ordinary New Parent Support leave Application Form and Maternity / Matching certificate must be forwarded to Payroll, a copy returned to the employee and a copy retained on the personal file.

**Appendix G**  
**Maternity / Adoption Leave Return to Work / Keep in Touch Form**

<b>A: Employee Details</b>			
Name:			
Home Address:			
Home Tel.			
NI no.			
Employee Number:		Contracted Hours:	
Directorate:		Dept.	

<b>B: Return to Work Details</b>	Date:
The above named returned to work on	
She will be paid *annual / *sick leave from (* delete as appropriate)	
She will be reducing her hours to .....per week from	
Comment:	

<b>C: Keeping in Touch (KIT) days worked (if appropriate)</b>				
Date (Maximum of 10 occasions / sessions)	Reason	Number of hours worked	Was employee on PAID leave on this date? (if no, additional hours to be paid)	Manager's Initials
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	
			Yes / No	

Manager's Name: .....

Manager's Signature: ..... Date:.....

A copy of this Return to Work / Keep in Touch Form must be forwarded to Payroll for pay to resume, and a copy retained on the personal file for reference.  
**Pay will not be processed until a completed and signed form is received by payroll.**

**Appendix H (Page 1 of 6)**

**Notice of Entitlement for Shared Parental Leave following the birth of a child/ren**

<b>Employee Details:</b>			
Name:			
Home Address:			
Home Tel.			
NI no.			
Employee Number:		Contracted Hours:	
Directorate:		Dept.	

I wish to provide HEIW with an initial indication of my proposed Shared Parental Leave Notice, as well as the required Declarations from myself and my partner.

**Section A: Information to be provided by employee**

*\*Delete as appropriate*

1	*My child's expected week of birth is / *my child was born on	
2	*My / *my partner's maternity leave *commenced/ *is expected to commence on	
3	*My / *my partner's maternity leave *ended/ *is expected to end on	
4	Amount of maternity leave *already / *to be taken (Minimum 4 weeks / maximum 52 weeks)	
5	Amount of shared parental leave to be taken (Minimum x weeks / maximum 48 weeks)	(Total cannot exceed 52 weeks)



Appendix H continued (Page 2 of 6)

Notice of Entitlement for Shared Parental Leave following the birth of a child/ren

**Indication of Shared Parental Leave and Pay**

Please complete the following table to provide your manager with an indication of how you intend to arrange your Shared Parental Leave and Pay with your partner:

<b>KEY</b>	
<b>M</b>	Payable Maternity Leave
<b>P</b>	Payable New Parent Support Leave
<b>S</b>	Payable Shared Parental Leave
<b>US</b>	Unpaid Shared Parental Leave

**Example**

<b>Wk.</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
You	M	M	M	M	M	M	M	M	M	M	S	S	S	S					S	S	S	S	S	S	S	S
Partner	P	P									S	S	S	S	S	S	S	S								

<b>Wk.</b>	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52
You										US	US	US	US	US	US	US	US	US	US	US	US	US				
Partner	S	S	S	S	S	S	S	S	S																	

**Employee's Indication of how they intend to arrange their Shared Parental Leave and Pay with their partner**

<b>Wk.</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
You																										
Partner																										

<b>Wk.</b>	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52
You																										
Partner																										

**Section B: Declaration to be completed by employee**

\*Delete as appropriate

I \*satisfy / \*will satisfy the following eligibility requirements to take Shared Parental Leave:

	<b>Tick</b>
I *have / *will have *26 weeks' / *52 weeks' continuous employment ending with the 15 <sup>th</sup> week before the expected week of childbirth and, by the week before any period of Shared Parental Leave that I take, I will have remained in continuous employment with HEIW.	
At the date of the child's birth, my partner and I *have / *will have the main responsibility for the care of the child.	
I am entitled to statutory *maternity leave/*New Parent Support leave in respect of the child.	
The information which *I / *we have provided is accurate and I will inform HEIW, if the information changes throughout the duration of the Shared Parental Leave period.	
*I / *we will immediately inform HEIW, if *I / *we cease to care for the child.	
*I have / *my partner has curtailed *my / *their maternity leave and returned to work before the end of *my / *their statutory maternity leave period.	

**Section C: Declaration to be completed by the employee's partner**

**NOTES:**

The start date of the first period of Shared Parental Leave that you wish to take must be at least eight weeks after you have provided this notice. This is to allow HEIW time to check that you are entitled to Shared Parental Leave and is not binding.

Shared Parental Leave must be taken in blocks of at least one week.

1	Name:	
2	Address:	
3	National Insurance Number:	
4	Employer Name and Address (if applicable):	

**Section C: Declaration to be completed and signed by the employee and employee's partner**

\*Delete as appropriate

	<b>Tick</b>
*I / *we have been employed or self-employed in at least 26 weeks of the 66 weeks immediately preceding the expected week of childbirth.	
*I / *we have average weekly earnings of at least £30.00** for any 13 of those 66 weeks. (* * This amount can be amended by the Secretary of State.)	
At the date of the child's birth, my partner and I *have / *will have the main responsibility for the care of the child.	
*I am / *we are entitled to *statutory maternity leave / *New Parent Support leave in respect of the child.	
I am the *parent / *main care giver of the child, or I am married to the parent of the child, or I am the *civil partner / *partner of the parent.	
I consent to the amount of Shared Parental Leave which my partner intends to take	
I consent to HEIW processing the information provided in this form.	
I will inform my partner of any changes to this form throughout the duration of the Shared Parental Leave period.	

**Signatures:**

Signed (Employee):	
Dated (Employee):	
Signed (Partner):	
Dated (Partner):	

**Section D: Declaration to be read and signed by the employee's partner's manager**

**Authorisation by Manager**

I confirm that our employee as identified above is eligible for Shared Parental Leave and I have informed the employee that in order to invoke Shared Parental Leave, a curtailment notice must have been provided, as well as the completion of a period of Shared Parental Leave Notice

Employee's Partner's Manager (Print name):			
Job Title:			
Work email address:			
Signed:		Date:	

Following authorisation, return this form to HEIW People Team (HEIW.People@wales.nhs.uk) from your work email address as soon as possible. Please ensure that the employee retains a copy for their records.

**Appendix I (Page 1 of 6)**

**Notice of Entitlement for Shared Parental Leave following the adoption of a child/ren**

<b>Employee Details:</b>			
Name:			
Home Address:			
Home Tel.			
NI no.			
Employee Number:		Contracted Hours:	
Directorate:		Dept.	

I wish to provide HEIW, with an initial indication of my proposed Shared Parental Leave, as well as the required declarations from myself and my partner.

**Section A: Information to be provided by employee**

\*Delete as appropriate

1	My child's expected week of placement *is / *was.	
2	*My / *my partner's adoption leave *commenced / *is expected to commence on.	
3	*My / *my partner's adoption leave *ended / *is expected to end on.	
4	Total amount of Shared Parental Leave my partner and I have available (52 weeks – total amount of adoption leave already taken).	
5	Total amount of Shared Parental Pay my partner and I have available (in total weeks) is 39 weeks – total amount of adoption pay (in weeks) already received.	

Notice of Entitlement for Shared Parental Leave following the adoption of a child/ren

**Indication of Shared Parental Leave and Pay**

Please complete the following table to provide your Manager with an indication of how you intend to arrange your Shared Parental Leave and pay with your partner.

<b>KEY</b>	
<b>A</b>	Payable Adoption Leave
<b>P</b>	Payable New Parent Support Leave
<b>S</b>	Payable Shared Parental Leave
<b>US</b>	Unpaid Shared Parental Leave

**Example**

<b>Wk.</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
You	A	A	A	A	A	A	A	A	A	A	A	A								S	S	S	S	S	S	S
Partner	P	P											S	S	S	S	S	S								

<b>Wk.</b>	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52
You	S	S	S	S					S	S	S	S	S							US	US	US	US	US	US	US
Partner					S	S	S	S						US	US	US	US	US	US							

**Employee's Indication of how they intend to arrange their Shared Parental Leave and Pay with their partner**

<b>Wk.</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
You																										
Partner																										

<b>Wk.</b>	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52
You																										
Partner																										

**Section B: Declaration to be completed by employee**

\*Delete as appropriate

I \*satisfy / \*will satisfy the following eligibility requirements to take Shared Parental Leave;

	<b>Tick</b>
I *have / *will have 26 weeks' continuous employment by the end of the week of being matched with a child and, by the week before any period of Shared Parental Leave I take, I will have remained in continuous employment with HEIW.	
At the date of being matched with a child, my partner and I *have / *will have the main responsibility for the care of the child.	
I am entitled to *statutory adoption leave / *New Parent Support leave in respect of the child.	
The information that I have provided is accurate and I will inform HEIW if the information changes throughout the duration of the Shared Parental Leave period.	
I will immediately inform HEIW, if I cease to care for the child.	
*I have / *my partner has curtailed my /their adoption leave and returned to work before the end of my/their statutory adoption leave period.	



**Section C: Declaration to be completed by employee's partner**

**Notes**

The start date of the first period of Shared Parental Leave that you wish to take must be at least eight weeks after you have provided this notice. This notice is to allow HEIW to check that you are entitled to Shared Parental Leave. It is not binding.

Shared Parental Leave must be taken in blocks of at least one week.

1	Name:	
2	Address:	
3	National Insurance Number:	
4	Employer name and address (if applicable):	

**Section C: Declaration to be completed by employee's partner**

\*Delete as appropriate

I have been employed or self-employed in at least 26 weeks of the 66 weeks immediately preceding the expected week of childbirth.	<b>Tick</b>
I have average weekly earnings of at least £30.00** for any 13 of those 66 weeks. (* ** This amount can be amended by the Secretary of State.)	
At the date of the child's birth, my partner and I *have / *will have the main responsibility for the care of the child.	
I am entitled to *statutory maternity leave / *New Parent Support leave in respect of the child.	
I am the *parent / *main care giver of the child, <u>or</u> I am married to the parent of the child, <u>or</u> I am the *civil partner / *partner of the parent.	
I consent to the amount of Shared Parental Leave which my partner intends to take.	
I consent to HEIW processing the information provided in this form.	
I will inform my partner of any changes to this form throughout the duration of the Shared Parental Leave period.	

**Signatures:**

Signed (Employee):	
Dated (Employee):	
Signed (Partner):	
Dated (Partner):	

**Section D: Declaration to be read and signed by the employee's partner's manager**

**Authorisation by Manager**

Employee Name:.....

Employee NI Number:.....

I confirm that the employee is eligible for Shared Parental Leave and that I have informed the employee in order to invoke Shared Parental Leave, a curtailment notice must have been provided, as well as the completion of a period of shared parental leave notice.

Employee's Partner's Manager's Name (please print):			
Job Title:			
Work email address:			
Signed:		Date:	

Following authorisation, return this form to HEIW People Team (HEIW.People@wales.nhs.uk) from your work email address as soon as possible. Please ensure that the employee retains a copy for their records.

**Appendix J**  
**Notice to Curtail Maternity / Adoption Leave**

Notes:

You should complete and submit this form alongside HEIW’s Notice of Entitlement Form (Appendix G/H).

Please think very carefully before you submit this form. Once this form is submitted, you can only revoke it in limited circumstances.

The date on which you end your maternity /adoption leave must be at least:

- eight weeks after the date on which you provide this notice to HEIW;
- two weeks after you give birth/been placed with a child;
- one week before what would have been the end of additional maternity/adoption leave.

Name of Employee:	
Directorate:	
Employee Number:	

\*Delete as appropriate

I wish to bring my \*ordinary / \*additional maternity / \*adoption leave and statutory \*maternity / \*adoption pay to an end to be able to take Shared Parental Leave. I have also completed the Notice of Entitlement Form declaring that both my partner and I are entitled to Shared Parental Leave and my partner has also provided a Notice of Entitlement to his/her employer. I consent to the amount of leave which my partner has agreed to take, as outlined within the Notice of Entitlement Form.

I wish to end my *ordinary / *additional maternity / *adoption leave and pay to end on the following date.		
Signed: (Employee)		
Date:		

**Authorisation by Manager**

I confirm that the employee’s maternity / adoption leave will end on:			
Manager (Print Name):			
Job Title:			
Signed:		Date:	

## Appendix K

### Period of Shared Parental Leave Notice

**Notes:**

You can request to take Shared Parental Leave in one continuous block or as a number of discontinuous blocks of leave, which would need prior discussion with your Manager. A maximum of three requests for leave, per pregnancy/adoption, can normally be made by each parent.

The start date of the first period of Shared Parental Leave that you wish to take must be at least eight weeks after you have provided this notice. Shared Parental Leave must be taken in blocks of at least one week.

This notice is to confirm to HEIW the Shared Parental Leave which you intend to take. You must have already submitted a Notice of Entitlement before using this form.

HEIW recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your Shared Parental Leave before submitting this form, as opportunities to amend requests for Shared Parental Leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or inform us in writing that you have changed your mind about Shared Parental Leave dates on a combined total of just three occasions.

You and your partner must take any Shared Parental Leave within 52 weeks of the birth of your child.

Name of employee:		
Directorate:		
Employee Number:		
Amount of Shared Parental Leave (in weeks), my partner and I have available.		
Amount of Shared Parental Pay (in weeks), my partner and I have available.		

I wish to take the following period(s) of Shared Parental Leave (please complete either Section A or Section B).

**Section A**

To be completed if the child has already been born / matched, or if you know the exact dates on which you would like to take Shared Parental Leave.

I intend to take Shared Parental Leave on the following dates (please include the start date and end dates for each period of leave, which you intend to take).
I intend to receive Shared Parental Pay for the following dates (in complete weeks).

**Section B**

To be completed if the child has not been born/matched and you wish for your Shared Parental Leave to start a specified number of days after the day on which your child is born/matched

I wish for my Shared Parental Leave to start the following number of days after the date in which my child is born /matched.	
I wish for my Shared Parental Leave to end the following number of days after the date on which my child is born / matched.	
I *wish / *do not wish to receive Shared Parental Pay for this period.	

Signed: (Employee)		Date:	
-----------------------	--	-------	--

**Authorisation by Manager**

I have discussed this period of Shared Parental Leave notice with the employee and I \*support / \*do not support the dates requested

Manager (Print Name):			
Job Title:			
Signed:		Date:	

**Appendix L**  
**Standard Letter Template:**  
**Confirmation of Periods of [Discontinuous Blocks of] Shared Parental Leave**

Dear [Employee First Name ]

**Your request for shared parental leave**

Thank you for your notice requesting [discontinuous periods of] shared parental leave [and your attendance at a meeting to discuss your request]. [We agree to the period/s of shared parental leave that you have requested. / Although we were not able to agree to your original request, I am pleased that we were able to reach a compromise.]

According to your employment details, you qualify for [Statutory / Occupational] Shared Parental Pay. Your periods of leave and pay, therefore, will be as follows [adapt as required]:

- Your first period of shared parental leave will start on [date] and finish on [date] during which you will receive [full pay for xx weeks] and/or [half pay, plus Statutory Shared Parental Pay (SShPP) (limited to full pay) for xx weeks] and/or [SShPP only for xx weeks] and/or [SShPP only for xx weeks or 90 per cent of your average weekly earnings, whichever is the lower] and/or [no pay for xx weeks].
- Your second period of shared parental leave will start on [date] and finish on [date] during which you will receive [full pay for xx weeks] and/or [half pay, plus Statutory Shared Parental Pay (SShPP) (limited to full pay) for xx weeks] and/or [SShPP only for xx weeks] and/or [SShPP only for xx weeks or 90 per cent of your average weekly earnings, whichever is the lower] and/or [no pay for xx weeks].
- Your third period of shared parental leave will start on [date] and finish on [date] during which you will receive [full pay for xx weeks] and/or [half pay, plus Statutory Shared Parental Pay (SShPP) (limited to full pay) for xx weeks] and/or [SShPP only for xx weeks] and/or [SShPP only for xx weeks or 90 per cent of your average weekly earnings, whichever is the lower] and/or [no pay for xx weeks].

If you subsequently wish to cancel one or more periods of shared parental leave or request a variation to the start and/or end dates of any of your periods of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. The form you will need to complete is on the intranet or included as Appendix K: Period of Leave Notice in the Maternity, Adoption, New Parent Support and Shared Parental Leave Policy.

Annual leave accrued prior to shared parental leave, where practical, should be used in advance of starting your adoption / maternity / shared parental leave. Excluding days already booked, you have [xx hours] remaining to take before the start of your leave on [xx/xx/xx].

You will continue to accrue annual leave at the normal rate during the period of your shared parental leave. This should be used immediately following any period of paid or unpaid absence. It can be used flexibly to create a longer continuous period of leave or, with the permission of your line manager, to have a phased reduction in working hours following your

return. If your shared parental leave period overlaps to another leave year, it is permissible to carryover and use all your accrued leave as outlined above. Assuming your dates do not change, you will have accrued [xx hours] annual leave, including [x days] Bank Holidays, which you have told us you wish to [amend according to individual plans].

In order to keep in touch during your leave, you and your partner, between you, are eligible to work for up to 20 days during your periods of shared parental leave, known as "shared-parental-leave-in-touch" (SPLIT) days, without bringing your shared parental leave to an end. Should you wish to work SPLIT days, please arrange these with [contact name].

Between these times, we would still like to keep in touch, and you have told us that you are happy to

- receive regular calls from [contact name] to [telephone number]
- receive email updates to your [business and/or personal] email address [xxxxx@xxxxx]
- make contact when is convenient to yourself.

Members of the NHS pension scheme are liable to pay contributions on both paid and unpaid shared parental leave. Contributions during your paid shared parental leave will be calculated on your total gross salary i.e. including SShPP. For the period of unpaid shared parental leave pension contributions will automatically be recovered from your salary on your return to work. If you require further details on the repayment, please contact the payroll department who will be able to discuss this further with you.

If you have any queries regarding this letter, please do not hesitate to contact me. In the meantime, may I take this opportunity to offer you my very best wishes for the forthcoming months.

Yours sincerely,



## Appendix M

### Where to go for more help

nct: [www.nct.org.uk](http://www.nct.org.uk)

Support parents through the first 1,000 days to have the best possible experience of pregnancy, birth and early parenthood  
Support line: 0300 330 0700

**Maternity Action:** [www.maternityaction.org.uk](http://www.maternityaction.org.uk)

Deliver free, specialist advice on employment rights, maternity pay, maternity benefits and the rights of migrant and asylum-seeking women  
Advice Line: 0808 802 0029

**Working Families:** [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

Provide [free legal advice](#) to parents and carers on [their rights at work](#)  
Advice line: 0300 012 0312

**ACAS:** [www.acas.org.uk](http://www.acas.org.uk)

For advice on employment rights or for Early Conciliation if you are thinking of making a tribunal claim.  
Helpline: 0300 123 11 00 (offers telephone interpreting service)

**Citizens Advice:** [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Advice Line (Wales): 03444 77 20 20

### **Civil Legal Advice**

To check your eligibility see [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)  
To search for specialist legal advisers or solicitors in your area see:  
[find-legal-advice.justice.gov.uk](http://find-legal-advice.justice.gov.uk)

Free legal advice on 0345 345 4 345 (offers translation service)

**Equality Advisory Support Service:** [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Help and advice on discrimination and human rights  
Helpline: 0808 800 0082 Textphone: 0808 800 0084  
Mon – Fri 9am – 7pm, Sat 10am – 2pm

### **Equalities and Human Rights Commission (EHRC)**

For information and advice about discrimination law see:  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

For information for employees and employers about pregnancy and maternity rights in the workplace see: [www.equalityhumanrights.com/about-us/our-work/key-projects/managing-pregnancy-and-maternity-workplace](http://www.equalityhumanrights.com/about-us/our-work/key-projects/managing-pregnancy-and-maternity-workplace)

**GOV.UK:** [www.gov.uk](http://www.gov.uk)

The government's online information service

### **Jobcentre Plus (Mon – Fri 8am – 6pm)**

To make new telephone benefit claims or request claim forms, including Maternity Allowance and Sure Start Maternity Grant: 0800 055 6688

For ESA/JSA/Income Support claims: 0800 169 0310

For Maternity Allowance claims: 0800 169 0283

For Sure Start Maternity Grant claims: 0800 169 0140

Universal Credit helpline: 0800 328 9344

Universal Credit helpline – for new claims and existing online claims: 0800 328 5644.

### **HM Revenue & Customs**

Tax Credit Helpline: 0345 300 3900

Mon – Fri 8am-8pm, Sat 8am-4pm, Sun 9am -5pm

Child Benefit: 0300 200 3100 Mon – Fri 8am-8pm, Sat 8am- 4pm

For queries about Statutory Maternity Pay, Adoption Pay, New Parent Support Pay and Shared Parental Pay:

Employees helpline 0300 200 3500

Employers helpline 0300 200 3200

For detailed guidance for employers on SMP, SAP, SNPSP and Statutory Sick Pay see [www.gov.uk/government/collections/\\_statutory-pay](http://www.gov.uk/government/collections/_statutory-pay)

### **HMRC Statutory Payments Disputes Team**

For payments of Statutory Maternity Pay/Adoption Pay/

New Parent Support Pay/Shared Parental Pay or Statutory Sick Pay when your employer is insolvent or refusing to pay: 0300 0560 630

### **Insolvency Service Helpline**

What you can claim when your employer goes out of business: [www.gov.uk/your-rights-if-your-employer-is-insolvent/claiming-money-owed-to-you](http://www.gov.uk/your-rights-if-your-employer-is-insolvent/claiming-money-owed-to-you)

National Insolvency Unit Helpline 0300 678 0015/0017  
Companies House 0303 1234 500  
Redundancy payments enquiry line 0330 331 0020

**Turn2us:** [www.turn2us.org.uk](http://www.turn2us.org.uk)

Online benefits calculator and grant search

**Your Employment Settlement Service:** [www.yesslaw.org.uk](http://www.yesslaw.org.uk)

For advice and help with settling disputes at work, including 15 minutes free advice  
Tel. 020 3701 7530/7531