

Reference Number: UHB 249
Version Number: 4

Date of Next Review: September 2022
Previous Trust/LHB Reference Number:

Maternity, Adoption, Paternity and Shared Parental Leave Policy

Policy Statement

To ensure the Health Board delivers its aims, objectives, responsibilities and legal requirements transparently and consistently, we will ensure that employees are made aware of their rights surrounding the maternity, adoption, paternity and shared parental leave provisions and any impact they may have on their employment. These provisions will be applied in a fair, consistent and effective way.

Policy Commitment

Employees are entitled to take reasonable time off to for ante-natal care or official meetings relating to the adoption process.

A risk assessment will be completed as soon as possible after a member of staff advises their manager that they are pregnant.

Maternity, adoption, paternity and shared parental leave is available to all employees irrespective of length of service. Entitlement to payment is dependent on length of service and whether or not the employee intends to return to work.

Employees retain all of their contractual rights during maternity, adoption, paternity and shared parental leave except for remuneration.

Employees and their managers are entitled to make reasonable contact during the leave period. The arrangements for doing this should be discussed in advance. If an employee and their manager agree, it may be possible for them to work Keeping in Touch (KIT) days

Fixed term, temporary or training contracts which are due to expire after the 11th week before the EWC/matching date will be extended to allow the member of staff to receive their maternity/adoption leave and pay entitlements.

Employees are entitled to return to work on their original job under their original contract and on no less favourable terms and conditions. If this is not reasonably practical they will be found suitable alternative employment, where the terms and conditions are not substantially less favourable than those of their original job.

If employees wish change their return to work date they may do so as long as they provide their manager with 28 days written notice.

If an employee wishes to return to work on different hours, their manager has a duty to facilitate this wherever possible, with the employee returning to work on different hours in the same job. If this is not possible, the manager must provide written, objectively justifiable reasons for this and the employee should return to the same grade and work of a

Document Title: Maternity, Adoption, Paternity and Shared Parental Leave Policy	2 of 4	Approval Date: 03 Sept 2019
Reference Number: 249		Next Review Date: 03 Sep 2022
Version Number: 4		Date of Publication: 04 Sept 2019
Approved: Strategy and Delivery Committee		

similar nature and status to that previously held.

If an employee states on their maternity or adoption leave application form that they intend to return to work for the UHB or another NHS employer, they are required to do so within 15 months of the beginning of their maternity or adoption leave. They will be required to work for a minimum of 3 months. If they fail to do so they will be liable to pay back all of their occupational maternity / adoption pay. The UHB has some discretion to waive their rights to recovery if it is believed that the enforcement of this provision would cause undue hardship or distress. In addition, the UHB may waive the rights to recovery if the individual returns to work a minimum number of shifts through the Temporary Staff Office.

Eligible employees may be entitled to take up to 50 weeks Shared Parental Leave during the child's first year in their family. The number of weeks available depends on when the pregnant employee/adopter brings their maternity/adoption leave to an end. They are entitled to a maximum of 52 weeks maternity or adoption leave, but can choose to end this early and take any remaining weeks as Shared Parental Leave.

Statutory Shared Parental Pay may be payable during some or all of Shared Parental Leave, depending on the length and timing of the leave, but there is no entitlement to occupational maternity or adoption pay while on shared parental leave.

All employees will be treated with dignity and respect regardless of any binary / gender identity or sexual orientation.

For the purposes of this Policy and the accompanying Procedures, the gender you were assigned at birth is not relevant as long as you meet the eligibility criteria described.

Supporting Procedures and Written Control Documents

This Policy and the supporting procedures describe the legal and contractual entitlements relating to:

- Maternity, Adoption, Paternity and Shared Parental Leave and Pay
- Working during pregnancy and before the leave period
- Annual Leave
- Keeping in Touch Days
- Fixed Term, Training and Rotational Contracts
- Returning to Work

Other supporting documents include:

- [Maternity Leave and Pay Procedure](#)
- [Adoption Leave and Pay Procedure](#)
- [Paternity Leave and Pay Procedure](#)
- [Shared Parental Leave Procedure](#)
- [Maternity Risk Assessment Procedure](#)
- [Combining Breast Feeding and Returning to Work Guidelines](#)
- [Sickness Policy](#)

Document Title: Maternity, Adoption, Paternity and Shared Parental Leave Policy	3 of 4	Approval Date: 03 Sept 2019
Reference Number: 249		Next Review Date: 03 Sep 2022
Version Number: 4		Date of Publication: 04 Sept 2019
Approved: Strategy and Delivery Committee		

- [Flexible Working Policy](#)
- [Supporting Transgender Staff Procedure](#)

Scope

This Policy sets out the relevant definitions and provisions concerning maternity, adoption, paternity and shared parental leave provisions and related benefits for doctors, dentists and staff employed under Agenda for Change Terms and Conditions.

Equality and Health Impact Assessment

An [Equality and Health Impact Assessment](#) (EHIA) has been completed for this and other family friendly policies and found there to be a positive impact. Key actions have been identified and these have been incorporated within the appropriate policy or procedures.

Policy Approved by

Strategy and Delivery Committee

Group with authority to approve procedures written to explain how this policy will be implemented

Employment Policy Sub Group

Accountable Executive or Clinical Board Director

Executive Director of Workforce and OD

Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Governance Directorate](#).

Summary of reviews/amendments

Version Number	Date Review Approved	Date Published	Summary of Amendments
1	May 2011	June 2011	Amended in line with legislation and other policy changes
2	April 2012	25 April 2012	Bank holiday entitlement included
3	March 2015	08 April 2015	Amendments to reflect introduction of Shared Parental Leave and new policy format
4	March 2019	29 April 2019	Section on trans / non-binary staff added
4a	September 2019	04 September 2019	Gender neutral language incorporated in line with recommendations from Stonewall

Document Title: Maternity, Adoption, Paternity and Shared Parental Leave Policy	4 of 4	Approval Date: 03 Sept 2019
Reference Number: 249		Next Review Date: 03 Sep 2022
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