



Belfast Health and
Social Care Trust

caring supporting improving together

FAMILY POLICY PACK

PAY & PROVISIONS



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INTRODUCTION

CONGRATULATIONS on your forthcoming event.

This pack has been compiled to provide you with important information on your leave and pay entitlement. It should be read in conjunction with Section 15 of the NHS Agenda for Change Terms and Conditions of Employment Handbook.

We hope that the information contained in this family pack will answer any questions you may have. If you require any further information, you should contact the HR Information Service:

Human Resource Information Service

Number: 028 96159615

Email: HRenquiry@belfasttrust.hscni.net

Email: ER-Maternity@belfasttrust.hscni.net

Occupational Health Department

2nd Floor: McKinney House

Musgrave Park Hospital

Extension: (950) 48665

Email:



SECTION A

MATERNITY LEAVE



GENERAL INFORMATION

MATERNITY LEAVE & PAY ENTITLEMENT

To qualify for Occupational Maternity Pay, employees must have 52 weeks continuous service with one or more NHS/HSC Employers (excluding agency work) at the beginning of 11th week before the EWC (expected week of childbirth). **(Staff with bank only contracts are not entitled to occupational maternity pay).**

To qualify for Statutory Maternity Pay, employees must have continuous service for 26 weeks up to the 15th week before the expected week of childbirth with Belfast Health and Social Care Trust. Employees' normal weekly earnings must not be less than the lower earnings limit for the payment of National Insurance contributions and they must still be pregnant by the 11th week before the expected week of childbirth. **(Bank staff may be entitled to statutory maternity pay if they meet the above criteria. This will be confirmed by Human Resources upon application)**

If employees do not qualify for statutory maternity pay, they may qualify for Maternity Allowance, for a period of 39 weeks. All pregnant employees are entitled to a maximum of 52 weeks maternity leave. Staff must take a minimum of two weeks maternity leave from the date of childbirth.

Please refer to Table 1 on page 8 for details of all pay provisions

PREPARING FOR MATERNITY AND NEW PARENTHOOD INFORMATION SESSIONS

Preparing for Maternity and New Parenthood Sessions are delivered bi-annually to provide advice and information to Trust employees regarding maternity, adoption and surrogacy provisions. These sessions include the following information; leave entitlements, work life balance policies, health benefits of physical activity during and after pregnancy and promoting a healthy lifestyle during pregnancy.

APPLYING FOR MATERNITY LEAVE & PAY

Employees should inform their line manager of their intention to apply for maternity leave as soon as possible, at least 15 weeks before expected date of birth. Once employees have received their MAT B1 certificate from their GP or Midwife (around 26 weeks), confirming pregnancy and due date, employees should arrange to meet with their line manager to discuss and agree entitlements, to agree the dates of leave and to complete the maternity leave application form. **Maternity leave is not processed on HRPTS and employees should complete a manual application form which is on page 41 and submit to ER-Maternity@belfasttrust.hscni.net**

Managers should also discuss arrangements for keeping in touch which may help employees keep up to date with developments at work, or help facilitate their return to work. The use of annual leave should also be agreed.

Confirmation of employee maternity arrangements will be provided to them by their line manager or Human Resources prior to commencing maternity leave after submitting their Maternity Application. **It is important that employees retain this information as it confirms when maternity leave commences and also their expected date back at work.**

Managers will forward the completed maternity leave application to ER-Maternity@belfasttrust.hscni.net or the Pay & Conditions Section, 5th Floor McKinney House, (return via email is preferred) **at least 28 days before the start of maternity leave.** The Trust also requires an employee's certificate of pregnancy (MAT B1) and this should be attached to all Maternity Leave applications. Applications will not be processed without this certificate. It is essential that managers complete all necessary administration processes to avoid any potential overpayment. Support and guidance from HR is available.

During pregnancy, employees are entitled to reasonable time off from work for antenatal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care. Line managers will require reasonable notice from employees of these appointments.

If a pregnant employee has a partner who works within the Trust, they can apply to their line manager for up to 2 weeks New Parents Support leave (formerly known as paternity leave), paid at full pay depending upon service. Further details can be found on page 21 in this document.

KEEPING IN TOUCH

Legislation enables the Trust as the employer to initiate reasonable contact during maternity leave. Before going on leave, the employee and line manager should discuss arrangements for keeping in touch during the employee's maternity leave. There are 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help employees keep in touch with the workplace and may ease return to work after maternity leave. KIT days are by mutual agreement - there is no obligation on the Trust to offer KIT days nor is there an obligation on the part of the employee to use them. However if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal days pay.

Where possible, managers should discuss this in advance of the employee going on maternity leave so that both Manager and employee are clear on whether KIT days will be used. KIT days can be used at any time during the maternity leave period with the exception of the two weeks immediately after the birth of the child.

Managers should complete a 'KIT Payment Request Form' to confirm KIT days taken indicating hours worked on each day.

Payroll cannot process KIT days for payment unless managers use the appropriate form below.

Managers: please ensure you type in the dates and information only. Hand written or scanned copies will not be accepted. KIT Payment Request Forms should be sent to ER-CCFs-non-live@belfasttrust.hscni.net

To access the form please [Click Here](#)

RETURNING FROM MATERNITY LEAVE

An employee who intends to return to work at the end of their full 52 weeks maternity leave period will not be required to give any further notification to their Manager and it will be expected that they return to work at the end of the maternity leave period as indicated on their original application.

If however they wish to return to work before the end of the 52 weeks maternity leave they must give at least 28 days' notice in writing, made directly to their Manager. The Manager must complete a '**Contractual Change Form**' on Manager Self Service (HRPTS) advising Human Resources and Payroll of the new date of return so that pay can be adjusted accordingly. Failure to advise HR will result in incorrect salary.

If the employee fails to return to work at the end of maternity leave due to sickness, normal sickness provisions will apply. The employee is required to report their sickness directly to their Manager and submit a certificate in accordance with the Management of Attendance Protocol so that pay can be adjusted accordingly.

UNPAID MATERNITY LEAVE

During unpaid leave, should employees wish to continue to pay their HSC Pension Scheme contributions, they should contact Payroll Shared Services on 028 9536 2190 for guidance.

FOLLOWING MATERNITY LEAVE

If employees have signed the undertaking to return to work for three months and are unable to do so, they shall be liable to refund any Occupational Maternity pay received less what they would have been entitled to under the Statutory Maternity pay scheme. For further details please contact HR Pay and Conditions Section on 028 9615 9615.

ANNUAL LEAVE

Annual leave and statutory leave will continue to accrue during maternity leave, whether paid or unpaid.

Unpaid maternity leave counts as continuous service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the line manager and the employee for the employee to take annual leave before and/or after the maternity leave (paid and unpaid) period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and the line manager before the employee commences maternity leave.

Miscarriage

Where an employee has a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply as necessary.

Still Birth/ Neonatal Death

Where an employee's baby is still born after the 24th week of pregnancy **OR** if the baby was born alive at any stage of pregnancy and then died, the employee will be entitled to the normal maternity leave and pay entitlements. The maternity leave will start the day after the birth.

Child Bereavement Leave and Pay

Bereaved parents will be entitled to two weeks contractual child bereavement pay. Pay is calculated on the basis of what the individual would have received had he/she been in work.

Within the Trust, there is no upper age limit of that child. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship is deemed to be reasonable.

Bereaved parents do not have to take the two weeks of leave at the same time. The employee should agree with their manager the leave they wish to take. It is not compulsory for the employee to take child bereavement leave if they instead, wish to return to work.

Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of their child. Should the parent wish to take child bereavement leave immediately following the death of a child, they shall be able to do so upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their manager reasonable notice of their intention to take the leave at this time.

Taking leave with other types of statutory leave

If employees are taking or due to take another type of statutory leave (for example, maternity leave or New Parent Support Leave) when the child dies or stillbirth happens, the Child Bereavement Leave will start after the other leave has ended but does not have to be taken immediately after. Please note the Child Bereavement Leave must still be taken within 56 weeks of the date of death of the child or stillbirth.

Sources of Support for employees

Bereavement Team: 028 9615 0222

Chaplaincy Service: 028 9615 2562 or e-mail derek.johnston@belfasttrust.hscni.net

Staffcare Counselling: 0800 731 3674

Lifeline: 0808 808 8000 or e-mail lifeline@belfasttrust.hscni.net

Recovery College:

Occupational Health: occupationalhealth@belfasttrust.hscni.net

Additional support is also available on the bWell website [Home | B Well Belfast \(hscni.net\)](http://Home | B Well Belfast (hscni.net))

FURTHER INFORMATION

Work Life Balance Policies

A range of work life balance policies and procedures are available within the Trust to support employees to balance their home and work life commitments and enable and support health and wellbeing.

The policies include: Job Share, Part-time Working, Term Time Working, Employment Break, Flexi Time, Home-Working, Compressed Working and Flexible Retirement.

Child Care Vouchers and Calculation of Statutory and Occupational Maternity Pay

If you are an existing member of the childcare voucher scheme please note that Statutory and Occupational Maternity Pay will be calculated on an employee's salary minus the value of the childcare vouchers. If employees continue to pay childcare vouchers during the average earning period, their statutory and occupational maternity pay will be reduced. The average earning period is calculated by finding the 15th week before the baby is due. For monthly paid staff the average earnings will be the average of the two pays before the above week and for weekly paid staff the average earnings will be the average of the 8 pays before the above week. It is advisable to opt out of the scheme during the average earning period. Please contact the Improving Working Lives Team regarding your pregnancy as early on as possible.

Tax Free Childcare Scheme

The Tax Free Childcare Scheme will allow eligible working families to claim 20% of their childcare costs, up to £2,000 per child per year, or £4,000 for a child with a disability, from the Government.

Please note the following important points:

- If employees leave the original Belfast Trust Childcare Voucher scheme and start using Tax-Free Childcare they will **not** be eligible to re-join the Childcare Voucher scheme.
- There is **no** employer involvement in the Tax-Free Childcare scheme.

For further advice and information on Tax-Free Childcare or a calculation setting out which form of financial support is best for their circumstances, employees should call the Employers For Childcare's Family Benefits Advice Service on 0800 028 3008. As an alternative please access the following link:

<http://www.employersforchildcare.org/parents/download-library/>

Parenting Focus Portal

The Parenting Focus Portal is a one-stop-shop for parents and families and is available to all Trust staff. The Portal can assist working parents and carers of children and young people to navigate the various challenges that can present and it is hosted on our [bWell Website](#)

Summer Scheme

The Trust recognises that many of its staff have challenging childcare needs, more so during the summer holidays. As a result, our socially responsible Summer Scheme has been established to assist staff in availing of quality childcare at very competitive rates. The Trust provides an annual summer scheme across four venues. The schemes enable staff to better balance their home/work life and reduce their child-minding concerns over the summer months.

Cycle to Work Scheme

Cycle to work is a government approved salary sacrifice initiative allowing you to buy a bike and accessories up to the value of £1500 and split the cost over a period of 1 year when using our Employer Code (BHSCTC2W). [Click here for further information.](#)

Car Leasing Scheme

If you are in a car lease scheme or thinking about the car lease scheme, you should consider that any salary sacrifice scheme will reduce your taxable earnings. As leave for new parents pay is calculated on earnings, any salary sacrifice scheme you have entered into may affect the amount of maternity pay you will receive.

Further information on any of the above can be sought from Improving Working Lives Team, HR , 4th Floor McKinney House, telephone 028 96159615 or email IWLTeam@belfasttrust.hscni.net



TABLE 1
LEAVE AND PAY PROVISIONS

Employee Intentions	Continuous Service Requirement	Leave Entitlement	employee Intentions
<p>Returning to work for at least three months after maternity, adoption or surrogacy*** leave.</p> <p>Returning to work for at least three months after maternity adoption or surrogacy leave.</p> <p>Returning to work for at least three months after maternity leave.</p>	<p>Working full or part-time for twelve months or more at the 11th week before expected week of childbirth.</p> <p>employee has 26 weeks continuous service in BHSCT at qualifying week *</p> <p>To qualify for maternity, adoption or surrogacy allowance an employee must have been employed for at least 26 weeks in the 66 weeks up to and including the week before the baby is due.</p>	<p>9 Months paid leave (39 weeks) : PLUS up to 13 weeks unpaid leave.</p> <p>39 weeks SMP (dependant on entitlement) 13 weeks unpaid leave.</p> <p>52 weeks unpaid leave.</p>	<p>8 weeks full pay. 18 Weeks half pay PLUS SMP at the current rate of SMP** per week. 13 Weeks at SMP only at the current rate of SMP as per HMRC regulations. 13 weeks unpaid.</p> <p>SMP for 39 weeks i.e. 6 weeks at 90% of full pay 33 weeks at the current rate of SMP as per HMRC regulations per week. 13 weeks unpaid.</p> <p>employee may be entitled to maternity allowance of 39 weeks at the current rate of SMP as per HMRC regulations per week. 13 weeks unpaid.</p> <p>Payroll will send employee SMP1 form to make claim for maternity allowance.</p>

* **this is the 15th week before the expected week of childbirth**

** current rate of SMP from 2 April 2023.

*** Surrogacy leave will be paid at the same rate as Statutory Adoption Pay.

Employee Intentions	Continuous Service Requirement	Maternity Leave Entitlement	Maternity Pay Provisions
Leaving Work	employee has one year's continuous service, full-time / part-time at the qualifying week.	N/A	<p>39 weeks SMP i.e. 6 weeks at 9/10 of full pay 33 weeks at the current rate of SMP as per HMRC regulations per week**</p>
Leaving Work	employee has 26 weeks continuous service at qualifying week.	N/A	<p>39 weeks SMP i.e. 6 weeks at 90% of full pay 33 weeks at the current rate of SMP as per HMRC regulations per week**</p>
Leaving Work	employee has less than 26 weeks continuous service at qualifying week.	N/A	<p>May be entitled to maternity allowance</p>

TABLE 2
EMPLOYEES ON TEMPORARY, FIXED TERM OR TRAINING CONTRACTS

Length of Service	Maternity Pay Provisions
<p>Employees who have twelve months service and whose contract expires after the 11th week before the expected week of confinement and before six weeks after the expected week of confinement</p>	<p>39 Weeks maternity leave. Eight weeks full pay followed by 18 weeks half pay PLUS SMP at the current rate of SMP as per HMRC regulations per week plus 13 weeks SMP only</p>
<p>Less than twelve months service</p> <p>(Employees may be entitled to Statutory Maternity Pay. If their contract expires after the 15th week before the expected week of confinement, but before 14 weeks after the expected weeks confinement, their contract shall be extended to allow them to receive Statutory Maternity Pay)</p>	<p>Statutory Maternity Pay, where applicable</p>
<p>Less than 26 weeks continuous service</p>	<p>If you do not qualify for statutory maternity pay, you may qualify for Maternity Allowance, which is paid by the DHSS for a period of 39 weeks. All pregnant employees are entitled to a maximum of 52 weeks maternity leave. Staff must take a minimum of two weeks maternity leave from the date of childbirth.</p> <p>Click here for more information about Maternity Allowance which is paid at £183.04 per week</p>
<p>Non UK Residents ie: Sponsered Workers</p>	<p>For those staff who are sponsered workers without 26 weeks qualifying service and working either on a certificate of sponsorship or on a dependent's visa, click here for details regarding your possible entitlement to Maternity allowance which is paid at £184.03 per week</p>

PLEASE NOTE

Employees' contracts will not be extended to cover a period of unpaid leave. If they have two years or more continuous service, an absence prior to their return to work in their next appointment for up to 29 weeks, starting with the week in which their confinement occurs, will not constitute a break in service.

*** By prior agreement with Payroll Services, Occupational Maternity Pay may be paid equally over 26 weeks/39 weeks/52 weeks. This option is not available to weekly paid staff.**

Please note: Only OMP will be spread equally over either of these periods. This does not apply to SMP which is paid in a different format.



FREQUENTLY ASKED QUESTIONS

[How do I qualify for Occupational Maternity Pay?](#)

To qualify for Occupational Maternity Pay, you must have 52 weeks continuous service with one or more HSC/NHS Employers at the beginning of 11th week before your EWC (expected week of childbirth).

[How do I qualify for Statutory Maternity Pay?](#)

To qualify for Statutory Maternity Pay, you must have continuous service for 26 weeks up to the 15th week before your expected week of childbirth with the Belfast Health and Social Care Trust. Your normal weekly earnings must not be less than the lower earnings limit for the payment of National Insurance contributions and you must still be pregnant by the 11th week before your expected week of childbirth.

[Who is entitled to Maternity Allowance?](#)

If you are pregnant and working and do not qualify for Occupational and Statutory Maternity Pay, you may be entitled to Maternity Allowance. This is payable weekly for up to 39 weeks by the Department for Communities. The claim form will be sent to you from Payroll Shared Services (028 9536 2190) following the submission of your maternity leave application. It is important that you retain your original MATB1 Certificate for administration of this allowance.

To qualify for maternity allowance, you must have been employed or self-employed for at least 26 weeks in the 66 weeks up to and including the week before the baby is due. This 26 week period does not have to be continuous. You must also have paid the full rate of National Insurance in at least 26 weeks out of the same year and have stopped work while receiving Maternity Allowance and not qualify for Statutory Maternity Pay.

[If I decide to give up work, can I still get Statutory Maternity Pay?](#)

If you are eligible, you can get Statutory Maternity Pay, even if you do not intend to return to work. As long as you were employed at the 15th week, known as the “qualifying week”, before your expected week of childbirth.

Can I choose when to stop work?

Yes, you can choose when to stop work from the 11th week before the expected week of childbirth and you may continue to work until the day before the due date, provided you give the required notice of **28 days** directly to your Manager.

What happens if I become sick and I have delayed the start of my maternity leave?

If you are off work ill, or become ill, with a pregnancy related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the you last worked whichever is the later. If your illness is not related to your pregnancy, then normal sick leave regulations apply until the agreed date of commencement of your maternity leave.

What happens if my baby is born prematurely?

Where an employee's baby is born prematurely (before 37th week), the employee will be entitled to extended maternity leave at full pay, by the number of days the baby was born prior to the due date.

Employees/parents returning to work following the birth of a premature baby will be provided with Occupational Health support if necessary to meet their unique needs and in acknowledgement of the premature birth. This support may include the offer of counselling services.

Upon return to work from maternity leave, where an employee's baby is born prematurely as described above and has ongoing medical needs (for example, requiring regular hospital appointments and check-ups), the Trust will follow best practice guidance, consider formal and informal flexible working patterns where appropriate and consider offering additional paid or unpaid leave. Further support and guidance will be provided by the Improving Working Lives Team, HR.

What happens if I become sick after my baby is born?

If you are absent on maternity leave, then your entitlement under the Sick Leave Scheme is suspended during the maternity leave period, however, if you have agreed the date you intend to return to work with your line manager and you become ill, then you will be managed under the Trust's Management of Attendance Protocol.

[Do I have the right to work on a part-time basis following maternity leave?](#)

No, you do not have a right to return on a part-time basis; however, you have the right to request flexible working. You should contact your line manager and ask them to consider your request. Flexible working options for employees to consider can be found in the Trust's Work-Life Balance Policy and an application to work flexibly can be made by any member of staff.

[Can I work as self-employed if I am receiving SMP from my current job?](#)

Providing you are registered as self-employed and pay your own tax and class 2 national insurance contributions, any self-employed work (this is not subject to Class 1 National Insurance contributions) does not affect any SMP that you receive from another job.

This means that you can do self-employed work during SMP maternity period after the birth without losing your SMP. If you work for an employer who is not liable to pay Class 1 National Insurance contributions, such as voluntary work or self-employment, you can still get SMP from employer 'A' both before and after the birth. You can also start self-employment after the birth and continue to receive SMP from employer 'A'. Please contact HMRC for information.

[Can I work with a secondary employer during my maternity leave in the Belfast Trust?](#)

It can cause pay implications if an employee works for another employer/secondary employment during their maternity leave from Belfast Trust. If you are in receipt of maternity pay (either occupational or statutory maternity pay) you are unable to work for any employer.

If an employee works for another employer/secondary employment during the statutory maternity pay period only, and they did not work with them during the 15th week (qualifying week) before the baby was due, Belfast Trust as the employer must stop paying statutory maternity pay to the employee from the start of the week that the employee starts work for the other employer/secondary employment. It is the employee's responsibility to inform their employer of this. You must do this as soon as possible, and make sure you return any SMP payment you get that covers the week you started work and any part of the period after you resumed work. Please contact Belfast Trust Pay & Conditions team in HR to stop paying your SMP if this is the case.

(Source <https://workingfamilies.org.uk/articles/what-work-can-you-do-during-maternity-adoption-parental-leave>)

[Can I work during my maternity leave in the Belfast Trust?](#)

In relation to doing any work within the Belfast Trust during maternity leave, this is capped at 10 Keeping in touch days only. Your manager must complete and return the KIT pro forma to HR in order to pay these to the staff member. Please refer to page 3 for the KIT process.

There is no other capacity for staff to work during their maternity leave in the Belfast Trust outside of Keeping in touch days. You can however decide to return to work from maternity leave early if you give sufficient notice to your manager and HR.

[Can I work in my bank post during my maternity leave in the Belfast Trust?](#)

It is only possible to work in your bank post during periods of unpaid maternity leave.

HEALTH & SAFETY ISSUES RELATING TO NEW & EXPECTANT STAFF



The Trust recognises its duty to provide a safe working environment, to assess risks to new & expectant mothers and to take steps to avoid or control risk. This specifically relates to physical, biological and chemical hazards and working conditions that may affect the health & safety of new & expectant mothers. A new and expectant mother is a member of staff who is pregnant, has given birth within the previous six months, or who is breastfeeding.

It is therefore important that they inform their line manager as soon as they know that they are a new or expectant mother or are breastfeeding so that their Manager can carry out an individual Risk Assessment to ensure that employee and their child are not exposed to risks identified by the assessment. Line managers should explain what controls will be taken or adjustments made to ensure that new or expectant mothers, are not exposed to the risks that could cause harm.

All staff who could in the future be pregnant or breast feeding should be aware of the potential risks associated with their particular work activity and what action will be taken to ensure they are not exposed to risks that could cause them harm – speak to your manager for a copy of the risk assessment relating to such.

Please also read the Belfast Trust Policy and Procedural Arrangements relating to New & Expectant Mothers Policy on the Belfast Trust Intranet. Further information is also available from the Public Health Agency as follows:

[Breastfeeding and Returning to Work: Promoting Breastfeeding for Mothers for Work](#)

[Promoting Breastfeeding for Mothers Returning to Work: A Guide for Employers](#)

The Health & Safety Managers are based in Corporate Risk Services, 6th Floor, McKinney House, Musgrave Park Hospital and can be contacted on 028 950 48882

SECTION B

ADOPTION LEAVE



1. The principles of Adoption Leave are the same as the provisions within the Maternity Leave Scheme. On this basis, staff who have one year's service ending with the week in which they are notified of being matched with a child for adoption, will qualify for 39 weeks Adoption leave paid at 8 weeks full pay, followed by 18 weeks half pay plus Statutory Adoption Pay (paid at the same rate as SMP) and 13 weeks Statutory Adoption pay. To qualify for Statutory Adoption Pay, which is 6 weeks at 90% and 33 weeks Statutory Adoption Pay (paid at the same rate as SMP) you must have continuous service for 26 weeks up to the 15th week before your matching date.

Staff with bank only contracts are not entitled to the occupational element of adoption pay, however bank staff may be entitled to statutory maternity pay if they meet the criteria. This will be confirmed by Human Resources upon application.

2. Eligibility for Occupational Adoption Pay will be one year's continuous NHS/HPSS service ending with the week in which they are notified of being matched with the child for adoption. This will cover the circumstances where employees are newly matched with the child by an adoption agency.

3. If there is an established relationship with the child, such as fostering prior to the adoption, or when a step-parent is adopting a partner's children, there is scope for local arrangements on the amount of time off for official meetings. i.e. appropriate time off to attend official meetings in the adoption process will be provided.

4. If both parents are employed by BHSCT, the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer is entitled to New Parents Support leave, payment of which will depend on length of service.

5. All adopters should be provided with up to 18 mornings to undertake "Nurturing Attachments" Adoption training. This is vital training and endorsed by BHSCT Social Services.

6. Only one period of leave will be made available regardless of whether more than one child is placed for adoption as part of the same arrangement. If a child's placement breaks down during a period of adoption, the employee may continue to avail of the entitlement for up to a maximum of eight weeks from the date the placement ended.

7. Adoption Leave can start from the date the child is placed for adoption or up to 14 days prior to the expected date of placement but not later than the date of placement.

8. All applications for this leave should be supported by documentary evidence issued by the Adoption Agency as proof of adoption, for example, the matching certificate should accompany an Adoption Leave application form

9. employees wishing to return to work from Adoption Leave earlier than anticipated must give 28 days' notice in writing of their intention to return to work.

10. Staff will also be entitled to an extended period of unpaid leave up to a maximum of 52 weeks in total (inclusive of the paid adoption leave). Annual leave and statutory leave will accrue during adoption leave whether paid or unpaid.

11. The legislation enables 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help employees keep in touch with the workplace and may ease return to work after adoption leave. KIT days are by mutual agreement - there is no obligation on the Employer to offer KIT days nor is there an obligation on the part of the employee to use them. However if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal days pay. Where possible, Managers should discuss this in advance of the employee going on adoption leave so that both Manager and employee are clear on whether KIT days will be used. KIT days can be used at any time during the adoption leave period with the exception of the two weeks immediately after the placement of the child. Managers should ensure that that they liaise with Payroll regarding payment for work done.

12. Managers should meet with the employee to complete the Adoption Leave application referring to the Adoption Leave Policy for guidance and should contact a member of the HR Pay & Conditions team if they require advice or assistance on 028 9615 9615.

ANNUAL LEAVE

Annual leave and statutory leave will continue to accrue during adoption leave, whether paid or unpaid.

Unpaid adoption leave counts as continuous service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the line manager and the employee for the employee to take annual leave before and/or after the adoption leave (paid and unpaid) period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and their line manager before the employee commences adoption leave.

THE PROCEDURE TO APPLY FOR ADOPTION LEAVE

Applications for adoption leave are not made via HRPTS. A manual application form is contained on page 41 of this document.

SECTION C

LEAVE FOR INTENDED PARENTS OF A CHILD BORN VIA SURROGACY



GENERAL INFORMATION

1. Employees wishing to become a parent through a surrogacy agreement will be entitled to Adoption Leave & Pay under the NHS occupational adoption pay scheme if they are the intended parent through a surrogacy agreement and commit to applying for a parental order within 6 months of the child's birth. The principles of this scheme are the same as the provisions within the Maternity Leave Scheme. On this basis, staff who have one year's service by the 15th week before the baby's due date and where the employee is eligible and intends to apply for a parental order, will qualify for 39 weeks Adoption leave paid at 8 weeks full pay, followed by 18 weeks half pay plus Statutory Adoption Pay (paid at the same rate as SMP) and 13 weeks Statutory Adoption pay. Staff with 26 weeks continuous service will qualify for Statutory Adoption Pay, which is 6 weeks at 90% and 33 weeks Statutory Adoption Pay (paid at the same rate as SMP)..

Staff with bank only contracts are not entitled to the occupational element of pay, however bank staff may be entitled to statutory pay if they meet the criteria. This will be confirmed by Human Resources upon application.

2. Eligibility for Occupational Pay will be one year's continuous NHS/HPSS service by the 15th week before the baby's due date where the employee is eligible, intends to apply for a parental order or adoption order and expects the order to be granted.

3. During the pregnancy of the surrogate, as the intended parent you are entitled to reasonable time off to attend antenatal care appointments. The leave should cover official meetings in the surrogacy process as well as time after the surrogacy birth itself. Your line manager will require reasonable notice of these appointments.

If you have a partner who works within the Trust, they can apply to their line manager for up to 2 weeks New Parents Support leave, paid at full pay depending upon service. Further details on this can be found in this pack.

4. If both parents are employed by BHSCT, the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer is entitled to New Parents Support leave/, payment of which will depend on length of service.

5. In the case of multiple births resulting from the same surrogate pregnancy, the entitlement remains the same as for a single birth.

6. Leave can start from the date the child is born or the day after.

7. All applications for this leave should be supported by a Parental Statutory Declaration as documentary evidence that the employee intends to apply for a parental order (if one intended parent is genetically related to the child).

8. employees wishing to return to work from this leave earlier than anticipated must give 28 days' notice in writing of their intention to return to work.

9. Staff will also be entitled to an extended period of unpaid leave up to a maximum of 52 weeks in total (inclusive of the paid leave). Annual leave and statutory leave will accrue during this period of leave whether paid or unpaid.

10. The legislation also enables 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help employees keep in touch with the workplace and may ease return to work after the period of leave. KIT days are by mutual agreement - there is no obligation on the line manager to offer KIT days nor is there an obligation on the part of the employee to use them. However if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal days pay. Where possible, Managers should discuss this in advance of the employee going on leave so that both Manager and employee are clear on whether KIT days will be used. KIT days can be used at any time during the leave period with the exception of the two weeks immediately after the birth of the child. Managers should ensure that that they liaise with Payroll Shared Services regarding payment for work done.

11. Managers should meet with the employee to complete the Surrogacy Leave application form referring to this guidance and should contact a member of the HR Pay & Conditions team if they require advice or assistance on 028 9615 9615.

ANNUAL LEAVE

Annual leave and statutory leave will continue to accrue during the period of new parent support leave, whether paid or unpaid.

Unpaid leave counts as continuous service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the line manager and the employee for the employee to take annual leave before and/or after the leave (paid and unpaid) period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and the Employer before the employee commences leave.

THE PROCEDURE TO APPLY FOR SURROGACY LEAVE

Applications for leave are not made via HRPTS. A manual application form is contained on page 46 of this document. It should be noted that HRPTS will code and reference surrogacy leave and payments as adoption leave. This will not affect entitlements or arrangements.

SECTION D

FOSTER CARERS LEAVE



Foster Carers' Leave is special paid leave and is designed to enable employees who are foster carers, but who are also employed within Health and Social care (HSCNI), to respond to the immediate needs arising from the emergency placement of a foster child.

Up to twelve days foster carers' leave with pay will be granted in any leave year. It may be granted as a minimum half-day period, but no single episode of foster carers' leave can exceed three days.

The employee must be directly employed in a permanent or fixed term contract by a Trust/HSC organisation to avail of this. Employees should indicate to their line manager that they are considering becoming a foster carer and keep their manager apprised of their foster journey. If applicable, managers are encouraged to link with their organisation's Fostering and Adoption team for further advice and support.

Additional leave, with pay, is also given for supporting the development and growth of a foster carer. It consists of the following:

- Two training days a year
- Two half days a year for attendance at "Looked After Children" meetings



SECTION E

NEW PARENTS SUPPORT LEAVE (FORMERLY KNOWN AS PATERNITY LEAVE)



GENERAL INFORMATION

1. New Parents Support leave is available to:
 - a. A biological Father or adoptive Father;
 - b. A partner/husband that is not the baby's biological Father;
 - c. A female partner in a same sex couple;
 - d. A nominated carer;
 - e. Any other situation will be considered by the Trust.

2. New Parents Support leave is paid/unpaid leave of absence and those with **12 (or more) months continuous NHS/HPSS** service at the beginning of the week in which the baby is due will be entitled to two weeks leave of absence with full pay which must be taken within 56 days of the child's birth or adoption. employees can choose to take one or two* whole weeks leave within the 56 days of the child's birth or adoption, if employees decide to take two weeks this must be taken consecutively, see SC3 Form

employees with bank only contracts are not entitled to New Parents Support leave Leave/Paternity leave.

* If employee's choose to take 2 weeks these must be taken together.

Statutory New Parents Support leave (SPP) entitlement: (If employees have less than 12 months continuous NHS/HPSS service at the beginning of the week in which the baby is due).

3. To qualify for Statutory New Parents Support leave, employees need to have 26 weeks service in the Belfast Health and Social Care Trust at the SMP qualifying week. (i.e 15 weeks before expected due date). Those with less than 12 months but more than 26 weeks in the Belfast Health and Social Care Trust continuous service will be entitled to two weeks leave paid at Statutory New Parents Support leave/Paternity Pay (SPP) rate which is the same as the SMP rate, see SC3 Form.

4. If employees do not qualify for Statutory New Parents Support leave/ by having 26 weeks service in the Belfast Health & Social Care Trust at the SMP qualifying week (i.e 15 weeks before expected due date) then they will be entitled to two weeks unpaid leave. Payroll Shared Services will send SPP1 Form to employees to explain the reason confirming non-entitlement to SPP.

5. New Parents Support leave cannot start until the birth of the baby / date of adoption. New Parents Support leave and pay will operate on a rolling week basis which allows leave to commence on any day of the week.

6. Appropriate paid time off to attend ante-natal classes will also be given.

7. If the baby is born earlier than the due date, the employee would have been continuously employed for the 12 months stated above, then the employee will be deemed to have sufficient service.

8. In the case of multiple births resulting from the same pregnancy, the entitlement remains the same as for a single birth.

ANNUAL LEAVE

Annual leave and statutory leave will continue to accrue during New Parents Support leave, whether paid or unpaid.

Unpaid New Parents Support leave counts as continuous service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the line manager and the employee for the employee to take annual leave before and/or after the New Parents Support leave (paid and unpaid) period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and their line manager before the employee commences New Parents Support leave .

THE PROCEDURE FOR APPLYING FOR NEW PARENTS SUPPORT LEAVE/PATERNITY LEAVE IS AS FOLLOWS:-

An employee must notify their line manager of their planned date of leave at least 28 days before New Parents Support leave is expected to start by completing the relevant application form (See New Parents Support leave Application form on Page 49). Where the birth is later than expected, an employee should advise their line manager as soon as is reasonably practicable of the actual date of birth. employees who wish to change the start of their planned New Parents Support leave period, may do so subject to the approval of their line manager and in light of the needs of the service at that time. Such requests will not be unreasonably refused. Where there is any change to the dates of leave applied for, the line manager will be responsible for keeping the Human Resources Department advised.

SECTION F

PARENTAL LEAVE (UNPAID)



PARENTAL LEAVE (UNPAID)

Eligibility for parental leave is open to any employee with 12 months continuous HSC service who have nominated parental responsibility, i.e.

- is the parent (named on the birth certificate) of a child who is under 18 years old;
- has adopted a child under the age of 18;
- has acquired formal parental responsibility for a child i.e. via a parental order or currently applying for a parental order

Parental leave is leave taken to look after a child or to make arrangements for the child's benefit. The reasons for the leave need not be connected with a child's health, for example, a parent may wish to take parental leave to settle a child at a new playgroup;

Parental leave is unpaid and staff who qualify will have the right to a total of 18 weeks unpaid leave per child. Entitlement will be pro rata for part-time staff.

A maximum of 4 weeks parental leave can be taken in any one year for each child.

In the case of multiple births there will be a separate entitlement for each child;

Periods of parental leave do not affect the employee's normal annual leave entitlement.

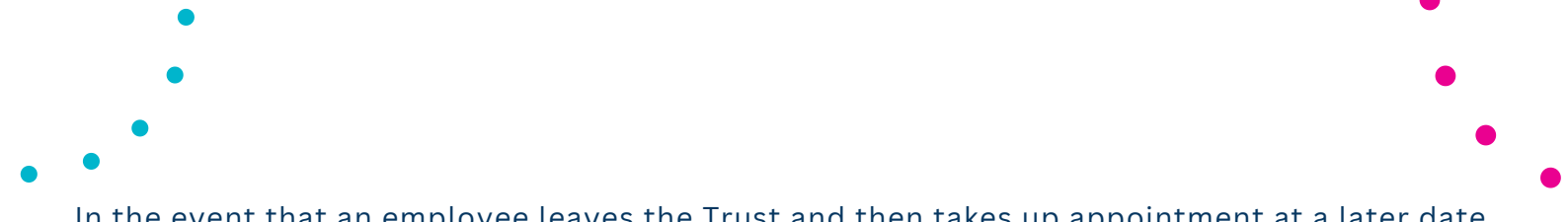
Parental leave must be taken in manageable blocks of one week, or in a minimum of half days at a time or in a pattern providing a reduced working week **up to a maximum of four weeks per child in any given year**. A week is based on the employee's working pattern. If the employee's working week varies, an average working week over a 52 week period is used.

Where a request cannot be accommodated due to service needs, parental leave can be postponed for up to 6 months but cannot be postponed so that the leave ends after the child's 18th birthday.

It is the responsibility of an employee wishing to pursue parental leave to consult with Payroll Services regarding the reductions in his/her income and any HSC Pension implications and to consult the following website for guidance www.gov.uk/national-insurance regarding National Insurance Contributions and any entitlements.

In the event that both parents of a child are employed by the Trust, they are not permitted to transfer their entitlement from one to the other. Both parents will have the right to access parental leave either simultaneously or subsequently subject to the needs of the service.

Following a period of parental leave, the employee will return to his/her former post or a post with the same terms and conditions and status. The employee will not be disadvantaged by taking parental leave and in the event of a redeployment or redundancy situation, will be treated as if they were working normally.



In the event that an employee leaves the Trust and then takes up appointment at a later date, their qualifying service for entitlement to parental leave may need to be verified with their previous employer.

Parental leave taken with a previous employer will be checked and verified for new employees once an application is made by the employee to ensure the appropriate entitlement is given.

Periods of parental leave will be treated as continuous service. Staff who fall sick during a period of parental leave who submit relevant medical notification in accordance with Trust Policy shall be entitled to payment under the Trust's Occupational Sick Pay Scheme. This period of medically certified sickness shall not count towards the parental leave taken.

THE PROCEDURE FOR APPLYING FOR PARENTAL LEAVE WILL BE AS FOLLOWS:-


Applications for Parental Leave should be made on the appropriate form. This form should be completed by the employee and submitted to the Manager for approval and forwarded to the Human Resources Department.

The employee should give their Line Manager 13 weeks' notice of their intention to take leave. In the event that this is not possible no less than 21 days' notice should be given.

It is reasonable for Managers to ask to see proof of a child's age to establish eligibility for Parental Leave – a Birth Certificate/parental order/applying for parental order/adoption order will be the standard document to request or you can liaise with HR in relation to the documents received.

The Manager must notify the employee in writing of the outcome of the request. Whilst the Trust will endeavour to facilitate a request for parental leave at the specified time there may be occasions having due regard to the needs of the service where the individual may be asked to postpone their request and agree alternative dates.

Although the leave is unpaid the employee will remain an employee of the Trust during the Parental Leave period and will be bound by all normal contractual regulations



SECTION G

SHARED PARENTAL LEAVE



Shared parental leave starts after the birth of the child or in the case of adoption and or surrogacy agreement, the child has been placed for adoption.

Shared parental leave is designed to enable working parents to share leave and to take time off in a more flexible way. This will allow both eligible parents to be at home together if this is what they choose. The intention is to allow families more choice over how they look after their children in the first year.

Eligible parents will be able to choose to end their maternity or New Parent Support leave early to create leave which they can share with their partner. This is known as Shared Parental Leave.

Shared Parental Pay will be payable where an eligible parent or adopter brings their maternity pay to an early end. The untaken statutory maternity pay will become available as Statutory Shared Parental Pay – up to a maximum of 39 weeks. (Please refer to HSC (GEN) 1/2018).

If you are eligible for Occupational Shared Parental Pay your overall entitlement will be in line with the Trust's Maternity leave policy. You will be entitled to:

- 8 weeks full pay less any occupational maternity/paternity leave and pay that has been taken;
 - 18 weeks half pay plus Statutory Maternity Pay or Maternity Allowance;
- And
- 13 weeks Statutory Maternity Pay or Maternity Allowance;

Shared Parental Leave

1. Shared Parental **Leave** will be created where an eligible person who gives birth / main adopter brings their maternity or adoption leave to an early end. This is called “curtailing” maternity or adoption leave. The untaken weeks of maternity or adoption leave can be taken as Shared Parental Leave if the mother and their partner are eligible for this – up to a maximum of 50 weeks. It should be noted that it is mandatory for person who gives birth to take a minimum of two weeks leave following the birth/placement hence that is why only 50 weeks out of the 52 week leave entitlement is available for sharing.

2. The amount of leave available for sharing will depend on the number of weeks maternity/adoption leave taken by the staff member/adopter from the overall maximum of 52 weeks maternity/adoption leave. For example:

52 weeks maximum maternity/adoption leave available to mother
30 weeks maternity/adoption leave taken by mother
22 weeks available for sharing

Shared Parental Pay

8. Shared Parental **Pay** will be payable where an eligible parent or adopter brings their maternity or adoption pay to an early end. It must be taken within one year of the birth of the child or the date the child was placed with family in cases of adoption. Employees who are eligible for shared parental pay will be entitled to claim up to 37 weeks (this excludes the two mandatory weeks the mother takes at the beginning of maternity/adoption leave) Shared Parental Pay less any weeks of statutory maternity pay, occupational maternity pay, maternity allowance or statutory adoption pay that has already been claimed. (See Appendix 2 HSC (GEN) 1 2018)

Eligibility for Occupational/Statutory Shared Parental pay will be based on the employee's service and earnings criteria.

9. In some families, both parents will be employed and meet the qualifying requirements for shared parental leave and pay. In these circumstances, the parents will need to decide how to divide the leave and pay entitlement. Leave or pay taken by one parent will reduce the pool of leave and pay that is available to the other parent. For an employee to be eligible for Shared Parental Leave **both** parents need to meet certain qualifying criteria.

Qualifying Criteria – Shared Parental Leave

10. To qualify for Shared Parental Leave, an employee must have been continuously employed by the Trust for 26 weeks up to and including the 15th week before the week in which their baby is due to be born, and still be employed by the Trust in the week before any Shared Parental Leave is due to start.

11. The other parent must meet an “**employment and earnings test**” for an employee to qualify for Shared Parental Leave. To meet this test, the other parent must have been an employee or self-employed earner for any part of at least 26 weeks of the 66 weeks leading up to the week in which the child is due (or matched for adoption) and have average weekly earnings in any 13 of those 66 weeks of at least £30 a week. (Source <https://www.gov.uk/shared-parental-leave-and-pay>)

Other conditions:

- An employee must share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent at the date of the child's birth or placement for adoption.
- It is an employee's responsibility to check they are eligible for shared parental leave and/or pay and they must give a written declaration confirming that they are eligible. They must also provide the name of their partner to ensure that he or she meets the employment and earnings test and consent to sharing the parental leave.

The Trust is not required to check or confirm the information given by the partner to determine whether an employee is eligible for shared parental leave and/or pay. It should be noted that a false declaration of entitlement will be considered benefit fraud by HMRC.

Qualifying Criteria Shared Parental Pay

For **Occupational Shared Parental Pay an employee must:**

- Have 52 weeks continuous service with one or more HSC/NHS Employers at the beginning of 11th week before your EWC (expected week of childbirth).

For **Statutory Shared Parental Pay an employee must:**

- Meet the qualifying requirement for Shared Parental Leave AND
- Have a partner who meets the 'employment and earnings test'
- Qualify for Statutory Maternity/Adoption Pay
- Qualify for Statutory New Parents Support leave and have a partner who qualifies for Statutory Maternity/Adoption Pay or Maternity Allowance

One or both parents must be employees of the Trust to avail of the above

Staff with bank only contracts are not entitled to the occupational element of shared parental pay, however bank staff may be entitled to statutory parental pay if they meet the criteria. This will be confirmed by Human Resources upon application.

Shared Parental Leave – How do I take it?

12. Eligible parents will be able to request to mix work with leave in the first year of their child's life and return to work between periods of leave if they wish.
13. Where both parents meet the eligibility requirements, shared parental leave can be shared between the parents who can alternate periods of work and leave or both parents can choose to be at home together.
14. Leave can be taken either as a continuous block or in a number of discontinuous blocks. Discontinuous blocks must be taken in a minimum block of one week at a time.

The following three options are available:-

- **Both parents can choose to be home together at the same time**

If taking leave at the same time this will be deducted from the leave pot for each parent. For example where both parents take a 4 week block off together, this will count as 8 weeks out of the total amount available.

- **Leave can be taken as one continuous period**

If an employee simply requests one period of continuous shared parental leave, the employee is entitled to take that leave provided they meet the eligibility criteria set out above.

- **Leave can be taken in discontinuous blocks (1 complete week at a time)**

Agreement with the employer is necessary if an employee requests discontinuous periods of shared parental leave – meaning two or more periods of leave separated by periods of work. An employee can choose to request three separate blocks of shared parental leave instead of taking it all in one go.

15. A manager cannot refuse a single block of continuous leave. A period of discontinuous leave can only be taken with the approval of the manager. The manager and the employee can agree different periods of discontinuous leave to those originally requested however if the manager does not approve the discontinuous period of leave then the employee can take the leave as a single block of leave.

16. Leave or pay taken by one parent reduces the leave or pay available in the ‘pool’ to the other parent.

Notification Requirements

17. An eligible employee must inform their line manager/Trust at least 8 weeks before they plan to take shared parental leave and/or pay

18. An employee can give up to 3 notices to book leave. Each of these notices may be to take a single block of continuous leave or to request a discontinuous period of leave. For each period of leave requested or notice to change the pattern of leave requested the employee must give a minimum 8 weeks’ notice.

19. If a child is born earlier the notice period can be shorter but should be as soon as practicable following the birth.

Payment of Statutory Shared Parental Pay (ShPP)

20. ShPP is paid at standard rate of SMP/SPP £172.48 per week or 90% of full pay whichever is the lesser for the duration of ShPP up to the 37 week maximum.

<https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>

As shared New Parents Support leave will have an impact on the employee’s payments these periods need to be shared in advance to allow calculations to be accurately created.

Shared Parental Leave Keeping In Touch Days (SPLIT Days)

21. An employee and their partner can each work up to 20 SPLIT days during Statutory Parental Leave. These days are in addition to the 10 Keeping In Touch (KIT) days a mother/adopter can work during maternity/adoption leave. The employee can work SPLIT days without losing their right to Shared Parental Leave or Statutory Shared Parental Pay (ShPP). For working SPLIT days an employee will be paid at their basic daily rate for the hours worked less appropriate ShPP payment. There is no obligation for the manager to offer these days or for the employee to agree to them.

Pension/National Insurance Contributions

22. employees paying Pension contributions will need to decide if they wish to continue making contributions during their period of shared parental leave. **Staff should contact Payroll Shared Services Centre to discuss further Telephone 028 9536 2190.**



FREQUENTLY ASKED QUESTIONS

Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)

In this document, “Maternity” can be read as “adoption”, “Mother” can be read as “main adopter” and “Partner” can be read as “the Father of the child, the spouse, civil partner or partner of the child's mother/adopter.

1. I am employed on a bank contract. Am I entitled to SPL and ShPP?

You may be, eligibility is based on service and earnings criteria. This is detailed in the policy document (See section E of this document)

2. I am taking a discontinuous block of leave. Can I reduce my hours for those periods I am returning to work between each block?

If you are requesting a change in your contractual hours you need to make the request in line with the Trust's arrangements for Flexible Working requests.

3. My pregnant daughter lives with me and I will be sharing in the care of the child. Am I entitled to SPL and ShPP? Are any other members of my family eligible for SPL/ShPP?

No. Only the spouse/partner of the mother at the time of the birth is eligible for SPL/ShPP. SPL/ShPP is not available to the mother's parent.

The mother's child, grandchild, grandparent, sibling, aunt, uncle, niece or nephew are also not eligible for SPL/ShPP.

4. I do not live with the Father of my child. If we meet the service and earnings criteria, are we eligible for ShPP/SPL?

Yes, if you both share caring responsibility for the child and sign a declaration to this effect.

5. Can I change my mind about curtailing my maternity leave?

Yes – 28 days' notice is required

6. Can I vary the dates I want to take SPL and ShPP?

Once the parties have agreed a period of leave, if the employee wishes to amend the period of leave, they must complete a 'notice to vary a period of SPL' form to vary the leave. The variation notice may:

- *vary start and end dates
- *vary the amount of leave
- *ask for a planned single block of leave to become discontinuous or vice versa

The notice must be given at least eight weeks before the variation and state the new date.

The employee may only give three 'periods of leave notice' and/or 'requests for variations' in total

7. What happens if my partner leaves their job when I am on SPL/ShPP ?

Shared Parental Leave is an arrangement between two parents – both parties must continue to satisfy the eligibility criteria for the duration of the arrangement. See question 10 for more information on what happens if your circumstances change and you are no longer eligible.

8. What happens if I decide to leave the Trust when I am on SPL/ShPP?

As above. SPL/ShPP is an arrangement between two parents, if you are no longer employed by the Trust your partner will need to make their employer aware of the change in circumstances.

9. What happens if there is a change in my circumstances and I or my partner or no longer eligible for SPL/ShPP?

If a change in circumstances means that you no longer meet the criteria for SPL, the Trust can ask you to remain on SPL. The Trust will try to accommodate an earlier return to work where possible, the latest date that this will be accommodated is within 8 weeks of being notified that you no longer meet the eligibility criteria.

10. What happens if my baby dies/the adoption arrangement comes to an end?

See above

11. Can I revert back to maternity leave after a period of SPL?

No, by providing a notice of curtailment of maternity/adoption leave, you have chosen to bring your maternity/adoption leave to an end. You cannot therefore revert to maternity leave/pay.

12. Will I accrue annual leave and statutory leave while on SPL?

Yes, you will continue to accrue annual and statutory leave

Shared Parental Leave/Pay Examples

Shared Parental Leave is an arrangement involving two parties – both parties must continue to be eligible for the duration of the arrangement. Providing that is the case, the examples below may apply.

Maternity leave has been used for the purposes of the examples below – this may also be read as Adoption Leave.

Where the term ‘mother’ has been used, this should be read as ‘birth mother/main adopter/other parent’

Where the term ‘Father’ has been used, this should be read as ‘Father of the child or the spouse, civil partner, or partner of the child’s mother/adopter

SPL/ShPP will also be available to intended parents through surrogacy if they qualify for adoption leave/pay

Subject to satisfying eligibility criteria, you will be entitled to a maximum of 50 weeks Shared Parental Leave (SPL). During these 50 weeks, you may receive Shared Statutory Parental Pay (ShPP) for up to 37 weeks, again, subject to meeting the criteria. The remaining 13 weeks can be taken as leave but will be unpaid.

Q. My partner and I want to take Shared Parental Leave. I've given my manager the appropriate notice to curtail (end) my maternity leave after (for example) 14 weeks. After 14 weeks we then want to split the remaining leave. How much SPL will we have to use?

A. All pregnant employees must take a compulsory 2 week period of maternity leave immediately after the birth. This leaves 50 weeks remaining to be shared out between both parents – 52 weeks in total. It is for the parents to decide how they split the leave and pay after the first 2 weeks. They may take one block each, one after the other. See example below:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	14 weeks (including the first 2 compulsory weeks)	Weeks 1-14	<ul style="list-style-type: none"> * 8 weeks full pay * 6 weeks half pay <u>plus</u> SMP at the current rate of SMP as per HMRC regulations per week
Partner	Shared Parental	16 Weeks	Weeks 15-30	<ul style="list-style-type: none"> * 16 weeks at ShPP at the current rate of SMP as per HMRC regulations per week
Mother	Shared Parental	22 Weeks	Weeks 31 - 52	<ul style="list-style-type: none"> * 9 weeks at ShPP - the current rate of SMP as per HMRC regulations per week * 13 weeks unpaid

Q. We can't afford for either of us to be without a salary - do we have to use all 52 weeks?

A. No, you don't have to use the full amount of leave – you can choose to return to work when you have used up your entitlement to Shared Parental Pay (ShPP) – 37 weeks See example below:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	14 weeks (including the first 2 compulsory weeks)	Weeks 1-14	* 8 weeks full pay * 6 weeks half pay <u>plus</u> SMP at the current rate of SMP as per HMRC regulations per week
Partner	Shared Parental	16 Weeks	Weeks 15-30	*12 Weeks half-pay plus SMP - at the current rate of SMP as per HMRC regulations per week * 4 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Mother	Shared Parental	9 Weeks	Weeks 31 - 39	* 9 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week

Q. Can we choose to be at home together for part of the time? Do we both get paid?

A. Can we choose to be at home together for part of the time? Do we both get paid?

A. Yes, you can both be at home at the same time. There is one pool of leave to be used totaling 50 weeks (after the first 2 weeks of maternity leave taken by the mother). For each week that either partner takes, the balance is reduced by 1 week. If both partners are off the same week, this counts as 2 weeks to be taken off the remaining balance. Subject to satisfying the eligibility criteria, you will both be paid ShPP at the same time. This is up to the maximum of 37 weeks' pay. One or other partner can then choose to remain on unpaid SPL up to the maximum of 50 weeks leave in the pool:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	11 weeks (including the first 2 compulsory weeks)	Weeks 1 - 11	* 8 weeks full pay * 3 weeks half pay plus SMP - at the current rate of SMP as per HMRC regulations per week
Mother	Shared Parental	14 weeks**	Weeks 12 - 25	* 14 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Partner	Shared Parental	14 weeks**	Weeks 12 - 25	* 14 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Either	Shared Parental	13 weeks	Weeks 26 - 38	* 13 weeks unpaid

**these two blocks of 14 weeks are running simultaneously which means that 28 weeks are deducted from the pool for this period

Q. My partner works within the HSC as well. Can he still claim New Parents Support leave if we want to take SPL as a couple?

A. Yes, providing your partner meets the criteria to qualify for (Occupational) New Parents Support leave then he may combine this with SPL: ** please note that New Parents Support leave is not counted in the calculation of weeks used from SPL allowance

Q. My partner and I both have projects coming up over the next year that we would like to be involved in. Do we have flexibility to take shorter blocks of leave broken up by periods in work at key times?

A. Yes you may take up to three discontinuous blocks of Shared Parental Leave. You can also choose to take some but not all of the 13 weeks unpaid leave:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	10 weeks (including the first 2 compulsory weeks)	Weeks 1 – 10	* 8 weeks full pay * 2 weeks half pay plus SMP at the current rate of SMP as per HMRC regulations per week
Father/ Partner	New Parents Support leave	2 weeks**	Weeks 2-3	* 2 weeks full pay
Father/ Partner	Shared Parental	4 Weeks	Weeks 11 - 14	*4 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Mother	Shared Parental	4 Weeks	Weeks 15 - 18	*4 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Father/ Partner	Shared Parental	12 Weeks	Weeks 19 - 30	*12 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Mother	Shared Parental	9 Weeks	Weeks 31 - 39	*9 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Father/ Partner	Shared Parental	4 Weeks	Weeks 40 – 43	*4 weeks unpaid

** please note that New Parents Support leave is not counted in the calculation of weeks used from SPL allowance

There are 16 weeks of half pay plus SMP to be taken by either party

Q. My partner who is giving birth is employed in the private sector/self-employed and I work in the Trust. Can I avail of occupational maternity pay under SPL and ShPP?

A. Subject to meeting the criteria, yes this is possible to avail of. In the example below the partner is returning from maternity leave 2 weeks after giving birth.

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	2 weeks (the first 2 compulsory weeks)	Weeks 1 - 2	* 2 weeks full pay
Father/ Partner	New Parents Support leave	2 weeks**	Weeks 1 - 2	* 2 weeks full pay
Father/ Partner	Shared Parental	24 Weeks	Weeks 3 - 26	*24 weeks at OMP
Father/ Partner	Shared Parental	12 Weeks	Weeks 27 - 39	*12 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week
Father/ Partner	Shared Parental	13 Weeks	Weeks 40 - 52	*13 weeks unpaid

Q. I qualify for Occupational Maternity Pay – is it ok for me to take advantage of the full period of occupational maternity pay before returning to work and letting my partner take over the childcare when my SMP would have been due to start?

A. Yes, if you are eligible to receive OMP then you are free to take as much of this as you wish before curtailing your maternity leave to allow your partner to take over the child care:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	26 weeks (including the first 2 compulsory weeks)	Weeks 1 - 26	* 8 weeks full pay * 18 weeks half pay plus SMP - at the current rate of SMP as per HMRC regulations per week
Partner	Shared Parental	13 Weeks	Weeks 27 - 39	* 13 weeks at ShPP - at the current rate of SMP as per HMRC regulations per week

New Parents Support leave Leave and pay (Previously known as Paternity Leave)

The two week period of ordinary New Parents Support leave pay will continue to be available to parents taking up Shared Parental Pay.

- Ordinary New Parents Support leave must be taken during the eight weeks following the birth of the child (but is not compulsory) and may not be shared with the pregnant employee.

Another option is that the mother can elect to bring maternity leave to an end early and opt-in to a period of shared parental leave instead.

SECTION H

SUPPORTING BREAST FEEDING EMPLOYEES



The following is 'Appendix 1' from the Belfast Trust's Supporting Breast Feeding employees (Reference No: TP106/18). The full policy is available on the Policy Section of The Hub. Link to policy: [Click here](#)

Introduction

The Trust subscribes to providing a workplace environment that supports breastfeeding employees in continuing to breastfeed their infants following their return to work. The Trust encourages employees and management to have a positive, accepting attitude toward colleagues who are breastfeeding.

Organisation's responsibilities

The Trust acknowledges that supporting breastfeeding has benefits to the organisation such as a reduction in absenteeism and staff turnover and important health benefits to parent and baby. Employees who wish to continue to breastfeed following return to work shall receive:

- **Breaks for breastfeeding or expressing milk**

Breastfeeding employees are allowed to breastfeed* or express milk during work hours using their normal breaks and as part of additional lactation breaks (usually 20 minutes once or twice a day) as agreed with their line manager.

If additional time is needed beyond the agreed set breaks and lactation breaks employees may use personal leave or may make up the time by coming into work earlier or leaving work later as appropriate to the needs of both the workplace and the employee.

- A temporary change to working arrangements should be considered to enable employees who wish to breastfeed following a return to work.

(*Breastfeeding during work hours would only be if a family member/carer could bring the baby for feeding. The Trust recognises that this would be a rare occurrence and the parent will assume responsibility for the baby whilst on work premises. Depending on workplace environment, this option may not be available for all employees.)

- **A private place to express milk and/or breastfeed**

A private room (not a toilet) will be made available if required for employees to breastfeed or express milk. The room will be private, lockable and clean, with access to a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. (Where it is not possible to wash a kit at work or rinse it under a tap, then the employee can bring it home for decontamination). If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk should be stored in a personal cool bag or if available the cool bag can be placed in a designated refrigerator.

- **Education**

The Human Resources department will signpost pregnant employees and returning employees to available information and support on breastfeeding and returning to work. Information is available at www.breastfedbabies.org and leaflets can be viewed at www.publichealth.hscni.net/publications. All work colleagues and line managers are expected to be supportive and sensitive to the needs of breastfeeding employees returning to work.

- **Staff support**

Line managers and Human Resources departments are responsible for alerting pregnant and breastfeeding employees to the Policy on Supporting Breast Feeding employees and for negotiating breaks and practices that will help facilitate each employee's infant feeding goals. It is expected that line managers and work colleagues will assist in providing a supportive and understanding approach to facilitating breastfeeding employees. Further information and advice can be obtained by contacting the Improving Working Lives Team 028 9063 5678.

Employee's responsibilities

- **Breastfeeding equipment**

Employees are responsible for leaving the designated milk expression area clean and tidy for the next user. Each breastfeeding employee is responsible for purchasing and maintaining all their own breast pump equipment. Cleaning of breast equipment should be undertaken as recommended in the Public Health Agency booklet "Promoting Breastfeeding for Mothers Returning to Work" and in accordance with manufacturer's instructions.

<http://www.acas.org.uk/media/pdf/2/i/Acas-guide-on-accommodating-breastfeeding-in-the-workplace.pdf>

- **Communication with Line Managers**

Employees who wish to breastfeed or express milk after their return to work shall keep Line Managers informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the workplace.

- **Milk storage**

Employees should label all milk expressed with their name and the date collected so that it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage and transportation of their own milk. It is recommended that personal cool bags are used including within a designated refrigerator if this is available. If a refrigerator is not available breastmilk can be stored at room temperature or in a cool bag for 6 hours. Storage of milk should be undertaken as recommended in the Public Health Agency booklet "Promoting Breastfeeding for Mothers Returning to Work."

- **Use of break times to express milk**

If more than one breastfeeding employee needs to use the designated expressing room, employees can use a sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.



Further information

- Health and Safety Executive NI (2014) A Guide for new and expectant mothers who work.
<http://www.hse.gov.uk/mothers/>
- Public Health Agency Promoting breastfeeding for mothers returning to work: a guide for employers.

<http://www.publichealth.hscni.net/publications/promoting-breastfeeding-mothers-returning-work-guide-employers-1>



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