



West Hampshire
Clinical Commissioning Group

MATERNITY, PATERNITY, ADOPTION LEAVE & SHARED PARENTAL LEAVE AND PAY POLICY

Version 2.4

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CCG owner:	Chief Officer
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Review date	July 2020
For action by:	All West Hampshire CCG Employees
Policy statement:	<p>This guidance provides managers, parents, expectant parents and adoptive parents with clear guidelines to paid and unpaid absence from work with regard to a new dependent child.</p> <p>This guidance will be applied to all West Hampshire Clinical Commissioning Group ('the CCG') employees (including hosted teams). It includes information on pay and leave arrangements for: maternity; paternity; adoption; parental; fostering and fertility treatment provisions.</p>
Responsibility for dissemination to new staff:	Line managers at induction
Mechanisms for dissemination:	All policies are published on the CCG website. All new / revised policies are promoted through the CCG staff newsletter.
Training implications:	Training and support will be provided to all line managers in the implementation and application of this policy.
Resource implications:	There are no resource implications arising from this policy.
Further details and additional copies available from:	https://westhampshireccg.nhs.uk/document-tag/hr-policies/
Equality analysis completed?	In line with CCG policy, an equality analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender

	reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy. The equality analysis is included in Appendix 1. Please also refer to section 5.
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Amendments Summary:

Amend No	Issued	Page(s)	Subject	Action Date
1	10 Mar 14	25 to 32	Replace Appendix 1 Risk Assessment	10 March 2014
2	Jun 17	Section 2.13 & 7.6	Amended so that bank holiday entitlement will now continue to accrue during paid or unpaid maternity leave and that Keep In Touch hour will be paid at basic daily rate for the <u>actual</u> hours worked.	Jun 17
3	Jan 18	28	Amend references to Whistleblowing & Concerns Policy to Conduct, Performance, Grievance & Absence Management Policy	Jan 18
4	Apr 19	12, 23	Addition of child / parental bereavement leave and amendments to shared parental leave pay (V2.3).	May 19
5	Oct 19	31 and EIA	Addition of ability to request a permit to use OH car pack and to reflect that Trans employees may request maternity / paternity leave (V2.4). Updated EIA	23 Oct 19

Review Log:

Include details of when the document was last reviewed:

Version Number	Review Date	Reviewer	Ratification Process	Notes
2	April 2015	HR Business Partner	Policy Sub Group / Corporate Governance Committee – July 2015	Complete review in light of latest legislation
2.01	June 2017	HR Business Partner	Policy Sub Group / Board July 2017	Complete review – minor amendments see amendment 2 above.

MATERNITY, PATERNITY, ADOPTION & SHARED PARENTAL LEAVE AND PAY POLICY

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MATERNITY, PATERNITY, ADOPTION & SHARED PARENTAL LEAVE AND PAY POLICY

1. PURPOSE

- 1.1 This guidance provides managers, parents, expectant parents and adoptive parents with clear guidelines to paid and unpaid absence from work with regard to a new dependent child.

2. SCOPE

- 2.1 This guidance will be applied to all West Hampshire Clinical Commissioning Group ('the CCG') employees (including hosted teams). It includes information on pay and leave arrangements for:

- Maternity
- Paternity
- Adoption
- Shared parental leave and pay
- Parental
- Fostering
- Fertilisation treatment

SECTION A MATERNITY PROVISIONS

1. PRINCIPLES

This policy is intended to promote an employee's awareness of their rights and entitlements during and following pregnancy and conforms to the NHS Staff Council Conditions of Service, the Employment Act 2002 and other current legislation.

2. ENTITLEMENT

2.1 Entitlement to maternity leave

- 2.1.1 Whilst all employees will be entitled to 52 weeks maternity leave, entitlement to paid leave will vary depending on the length of service and the intention following the end of the leave period.

2.2 Entitlement to statutory maternity pay

- 2.2.1 Statutory Maternity Pay (SMP) is applicable to all employees regardless of service.

- 2.2.2 The only exemption to SMP is those employees whose earnings are under the lower earnings limit for the payment of National Insurance contributions. In these instances, Maternity Allowance may apply. Human Resources (HR) will advise an employee if they are not eligible for Statutory Maternity Pay. The employee is advised to seek the guidance of their local Benefits Agency.

2.3 Entitlement to occupational maternity pay (OMP) under the NHS Scheme

- 2.3.1 An employee working full or part-time is entitled to Occupational Maternity Pay under the NHS scheme provided that she:
- Has 12 months continuous service (please refer to Agenda for Change Terms and Conditions, Section 12) with one or more NHS employers and continues to be employed by the CCG until at least the beginning of the 11th week before the expected week of childbirth (EWC); and
 - Notifies the CCG, on form 'notification of pregnancy form', (available from HR) on or before the 15th week before her expected date of childbirth (EDC) that she intends to take maternity leave (or as soon as is reasonably practicable thereafter), of the date she wishes to start her maternity leave and the intention to return to work for a minimum period of three months with the same or another NHS employer; and
 - Submits a statement (MAT B1) signed by a registered medical practitioner or a practising midwife at least 28 days before commencement of maternity leave, indicating the expected date of childbirth.

2.4 Entitlements under the scheme

- 2.4.1 An employee who **qualifies for full benefits and intends to return to work with the same or another NHS employer** will be entitled to 52 weeks maternity leave, paid as follows:-
- 8 weeks at full pay including any SMP, Maternity Allowance (MA) or equivalent benefits receivable
 - 18 weeks at half pay reduced only where half pay plus any SMP, Maternity Allowance (MA) or equivalent benefits payable exceeds full pay
 - 13 weeks at SMP, if payable
 - 13 weeks unpaid leave.
- 2.4.2 An employee who **qualifies for full benefits and does not intend to return to work for the same or another NHS employer** will be entitled to 52 weeks maternity leave, paid as follows:
- 6 weeks SMP, paid as 90% of full pay (average weekly earnings)
 - 33 weeks at the lesser of standard rate SMP or 90% of average weekly earnings
 - 13 weeks unpaid leave.

2.4.3 An employee who **does not qualify for full benefits under the NHS Scheme** but who has at least 26 weeks service by the 15th week before the EWC **and** meets the earnings rule whether or not she intends to return to work will be entitled to 52 weeks maternity leave, paid as follows:

- 6 weeks at 90% of full pay
- 33 weeks at the lesser of standard rate SMP or 90% of average weekly earnings
- 13 weeks unpaid leave.

2.4.4 Entitlement to Maternity Pay is summarised in the table below:

	12 months or more continuous NHS service at the beginning of the 11th week before EWC*	26 weeks to 12 months continuous service with the CCG at the 15th week before EWC	Less than 26 weeks continuous service with the CCG at the 15th week before EWC
OMP - Full Pay	8 weeks	n/a	n/a
OMP - Half Pay plus SMP**	18 weeks	n/a	n/a
SMP at higher rate (i.e. 90% of full pay)	n/a	6 weeks	n/a
SMP at the lower fixed rate***	13 weeks	33 weeks	n/a
Unpaid leave	13 weeks	13 weeks	52 weeks
Total paid leave	39 weeks	39 weeks	n/a

* Please note, in the specific event an individual has 12 months continuous NHS service but has just started employment with the CCG and has less than 26 weeks continuous service with the CCG at the 15th week before EWC, the individual would qualify for OMP but not SMP.

** If half pay plus SMP exceeds full pay then only payment up to full pay will be made. Please note SMP is paid at the lower fixed rate.

*** SMP at the lower fixed rate is set by the Government.

2.4.5 An employee who **does not qualify for SMP**, whether or not she intends to return to work, will be entitled to 52 weeks maternity leave. No payments will be made during the maternity leave period although maternity allowance or other benefits may be payable directly from Jobcentre Plus.

2.4.6 By prior agreement with the employer, occupational maternity pay may be paid in a different way, for example, a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.

2.4.7 In exceptional circumstances, for example in the case of a multiple birth or sick pre-term babies, the unpaid element of leave may be extended beyond 13 weeks. Requests for this should be submitted in writing to the employee's line manager who may seek advice from the HR department.

2.5 Timing of leave

- 2.5.1 Maternity leave may commence at any time between eleven weeks before the EWC and the expected week of childbirth, provided the required notice is given. Early childbirth and maternity related sickness absence will affect this as follows:

2.6 Early childbirth

- 2.6.1 Where childbirth occurs 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.
- 2.6.2 Where childbirth occurs 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.
- 2.6.3 Where an employee's baby is born before the 11th week before the EWC, and the baby is in hospital, she may split her maternity leave entitlement, taking a minimum period of two weeks' leave immediately following the birth and the rest of her leave following the baby's discharge from hospital.
- 2.6.4 Where an employee has a miscarriage before the 25th week of pregnancy then normal sick leave provisions will apply.
- 2.6.5 In the event of a still birth after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.
- 2.6.6 Parents who experience a still birth from the 24th week of pregnancy will be eligible for child bereavement leave as set out in the Leave and Flexible Working Policy. In the case of the mother, this would be in addition to other paid leave i.e. maternity leave. Bereavement leave and pay may be extended to members of staff, by local arrangement, in these circumstances where they were hoping to become parents under surrogacy arrangements.
- 2.6.7 The CCG recognises that this will be a difficult and traumatic time and would encourage the use of the Employee Assistance Programme. This service is available to both employees and family members.

2.7 Sickness absence during pregnancy and leave

- 2.7.1 Where an employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the EWC, 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 employee last worked, whichever is the later. Absence prior to the last four weeks before the EWC, supported by a medical certificate or self-certificate will be treated as sick leave in accordance with normal leave

provisions. Normal sick leave provisions will be suspended once maternity leave has commenced.

2.7.2 Odd days of pregnancy related illness during the period may be disregarded if the employee wishes to continue working until the maternity leave start date previously agreed.

2.7.3 Where an employee is absent due to illness which is not pregnancy related then normal sick leave provisions will apply until the date previously agreed that maternity leave would commence.

2.7.4 In the event that an employee receives childcare vouchers and their sick pay entitlement has reduced to a level where their salary is no longer able to fund their childcare vouchers; the cost will continue to be paid by the CCG but will be reclaimed from the employee.

2.8 Ante-natal and post-natal care

2.8.1 Pregnant employees have the right to reasonable paid time off for ante-natal care including relaxation and parent craft classes.

2.8.2 Employees who return to work shortly after giving birth, having taken a minimum period of two weeks' leave immediately following the birth, will be given paid time off for post natal care e.g. attendance at health clinics.

2.9 Calculation of pay

2.9.1 Maternity pay is calculated on average earnings paid for two months prior to the qualifying week which is the 15th week before the EWC. Employees with average weekly earnings below the Lower Earnings Limit who do not qualify for SMP may be entitled to MA or other benefits.

2.10 Implementation of a pay award or annual increment

2.10.1 Absence on maternity leave, whether paid or unpaid, counts as service towards the normal annual increment.

2.10.2 Where a pay award and/or annual increment are implemented from a date prior to the paid maternity leave period, the maternity pay will be calculated as though the pay award had effect throughout the entire SMP calculation period. If a pay award is agreed retrospectively, the maternity pay will be recalculated on the same basis

2.10.3 Where a pay award and/or annual increment is implemented from a date during the paid maternity leave period, the maternity pay due from the operative date of the pay award or annual increment should be increased accordingly. Again, if such a pay award were agreed retrospectively, the maternity pay should be recalculated on the same basis.

2.11 Employees on a fixed-term or training contract

- 2.11.1 An employee who is entitled to full benefits under the NHS Scheme, i.e. who satisfies the conditions under [Section 2](#) and whose contract is due to end after the 11th week before the EWC, will have her contract extended to enable her to receive 52 weeks maternity leave which includes paid occupational and statutory maternity pay and the remaining 13 weeks of unpaid leave.
- 2.11.2 Under these circumstances, there will be no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred.
- 2.11.3 Employees who do not satisfy the conditions under section 2.1 and whose contract ends after the 15th week prior to the EWC but before the 11th week prior to the EWC, will not be entitled to maternity leave but SMP may be payable. In this case, the contract will not be extended but the CCG will be responsible for paying any SMP due. Under these circumstances, the employee must inform the CCG if she starts work for another employer following the birth of the baby and must still provide evidence of pregnancy via the MAT B1 form.

2.12 Contractual rights

- 2.12.1 An employee retains all her contractual rights, except remuneration, during the maternity leave period.

2.13 Annual leave

- 2.13.1 Annual leave including public holiday entitlement will continue to accrue during paid or unpaid maternity leave periods.
- 2.13.2 Where the amount of accrued leave would exceed the normal carry over provisions, the manager and employee should agree arrangements for the leave to be taken either prior to or immediately following the maternity leave period.
- 2.13.3 In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.
- 2.13.4 All maternity leave, including unpaid maternity leave, will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.

2.14 Pension

- 2.14.1 Contributions will be deducted from salary as normal during paid maternity leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be recovered and deducted from salary over an agreed period of time.

2.15 Pay progression framework

- 2.15.1 The expectation is that an employee on maternity leave will progress through a pay progression gateway on the due date if concerns have not been raised about the employee's performance prior to maternity leave commencing.

3. PROCEDURE

3.1 How to claim maternity leave and pay

- 3.1.1 A 'notification of pregnancy and risk assessment form' (available from HR) should be completed no later than the end of the 15th week before the EWC and signed by the employee and their line manager or equivalent. The original form should be sent to HR.
- 3.1.2 Maternity leave can start on any day of the week. Any annual leave to be taken before the commencement of maternity leave should be taken into account.
- 3.1.3 On receipt of the MAT B1 form from a registered medical practitioner or a practising midwife, the original should be sent to HR along with the 'maternity leave and pay notification form', at least 28 days before the commencement of leave. Payroll can then determine whether the employee qualifies for SMP. If the employee does not qualify for SMP, they will be sent form SMP1 together with the Maternity Certificate MAT B1. These forms will be needed to claim Maternity Allowance from Jobcentre Plus.
- 3.1.4 The employee will receive written confirmation within 28 days of receipt of Form M1 of:
- their maternity entitlements, both paid and unpaid
 - her expected return date based on 52 weeks paid and unpaid leave unless an earlier return date has been given
 - details of any accrued annual leave that is to be taken at the end of the maternity leave period
 - the need for her to give at least 28 days' notice if she wishes to return to work before the expected return date. Form M2 to be included with the letter.
- 3.1.5 If the employee subsequently decides that she wishes to change the start date of her maternity leave she must notify her line manager at least 28 days beforehand or where this is not possible as soon as is reasonably practicable.

3.2 Return to work

- 3.2.1 A return to work form (available from HR) will need to be completed and sent to HR. If the employee wishes to take her full entitlement to

maternity leave she need not give any further notification of her return to work. An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.

3.2.2 If the employee wishes to return to work before the end of her full entitlement to leave, she must give at least 28 days' notice of her date of return. Form M2 will be included with the letter mentioned in [3.1.4](#) above for use in these circumstances.

3.2.3 An employee has the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their line manager and will be given fair and objective consideration. Please refer to the Leave Policy / Flexible Working Guidelines for further guidance.

3.3 Sickness following the end of maternity leave

3.3.1 Where an employee is unable to return to work following the date she was due to return as a result of illness, normal sick leave provisions will apply.

3.4 Failure to Return to Work

3.4.1 An employee who has notified the CCG of her intention to return to work for a minimum of three months for the same or another NHS employer, and fails to do so within 15 months of the beginning of her maternity leave, will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay received, (see [paragraph 2.4.1](#)).

4. HEALTH AND SAFETY

4.1 Where an employee is pregnant, has recently given birth or is breastfeeding, then a risk assessment of her working conditions will be carried out by Occupational Health. If it is found, or if a medical practitioner considers, that an employee or her child would be at risk were she to continue with her normal duties, she will be provided with suitable alternative work for which she will receive her normal rate of pay. In this instance advice should be sought from SCW Consult HR.

4.2 These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from successfully breastfeeding.

5. COMPULSORY PERIOD OF MATERNITY LEAVE

5.1 The legal minimum period of maternity leave which an employee is required to take is 2 weeks. This will commence on the day that the baby is born.

6. CHILDCARE VOUCHER SCHEME

6.1 Information on the childcare voucher scheme and provisions available locally can be obtained from the SCW ConsultHR Team.

7. KEEPING IN TOUCH

- 7.1 Before going on maternity leave employees should discuss and agree with their line manager any voluntary arrangements for keeping in touch during their leave. It should be noted that staff absent on maternity leave should receive details of vacancies and other pertinent business information; this is normally done via the post to the employee's home address.
- 7.2 Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the maternity pay period without loss of SMP for the week. They are intended to facilitate a smooth return to work for women returning from maternity leave and can include attending an away day, training or other activities such as attending staff briefings or meeting with their line manager which enable the employee to keep in touch with the workplace. KIT days are voluntary and should not be imposed on employees.
- 7.3 Working for part of any day will count as a whole KIT day.
- 7.4 An employee may work a maximum of 10 KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity period.
- 7.5 An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.
- 7.6 The employee will be paid at their basic daily rate for the actual hours worked less appropriate maternity leave payment for KIT days worked
- 7.7 Any work must be by agreement and neither the employer nor the employee can insist upon it.
- 7.8 Employees who are breastfeeding will be risk assessed in accordance with [paragraph 4.2](#) and facilities will be provided, where possible, in accordance with [paragraph 7.2](#).

8. PROVISION FOR NURSING MOTHERS

- 8.1 If you are a nursing mother returning to work, please inform your line manager as soon as possible so they are able to make the necessary arrangements.
- 8.2 An employee who is breastfeeding will be given suitable access to a private room to express and store milk in an appropriate refrigerator. Requests for flexible working arrangements to support breastfeeding mothers at work will be considered.

SECTION B PATERNITY PROVISIONS

1. POLICY STATEMENT

- 1.1 Paternity leave (Maternity support) is provided to allow employees time away from work following the birth or adoption of a child.
- 1.2 This entitlement will apply to the following categories of staff:
- Biological and adoptive fathers
 - Husband or partner of the child's mother (whether opposite or same sex) and
 - Nominated carers.

2. ENTITLEMENT

2.1 Ordinary paternity leave (OPL)

2.1.1 All eligible staff are entitled to 2 weeks' of OPL for each pregnancy (irrespective of multiple births).

2.1.2 Staff may take 1 or 2 weeks of the leave as detailed above, however if they choose to take 2 weeks, this must be taken as two consecutive weeks; it cannot be taken as odd days or split weeks.

2.2 Ordinary paternity pay

2.2.1 To qualify for up to two weeks Ordinary-Paternity Pay, an employee must:

- Have, or expect to have, responsibility for the child's upbringing
- Be the biological father of the child, or be the mother's spouse, partner or civil partner but not the father of the child, or be the adopter's spouse or partner
- Have worked continuously for 12 months for one or more NHS employers by the beginning of the week in which the baby is due or the adopted child is due to be placed.

2.2.2 Where an employee satisfies the conditions in [2.2.1](#) above, payment will be made at full salary, including regular payments and bonus, for up to two weeks.

2.2.3 An employee who satisfies the conditions in [2.2.1](#) above, except bullet point 3, will be entitled to Statutory Paternity Pay (SPP) and leave provided they:

- Have 26 weeks continuous service with one or more NHS employers, ending with the 15th week before the baby is due or the week in which notification of the adoptive match occurs

- Will continue to be employed up to the date of birth or placement of a child
 - Have average weekly earnings at or above the Lower Earnings Limit.
- 2.2.4 SPP is the same as the standard rate for Statutory Maternity Pay, or 90% of average weekly earnings if this is less than SPP.
- 2.2.5 If the baby is born earlier than the fourteenth week before it is due and, but for the birth occurring early, the employee would have been employed continuously for 26 weeks, then the employee will be deemed to have the necessary length of service.
- 2.2.6 Employees can choose to take either one week's, or two separate or continuous weeks, leave (i.e. not odd days). Only two weeks leave is available irrespective of whether more than one child is born as a result of the same pregnancy or more than one child placed together for adoption.
- 2.2.7 Leave can start from:
- The date of the child's birth or placement (whether this is earlier or later than expected), **or**
 - A chosen number of days or weeks after the date of the child's birth or placement (whether this is earlier or later than expected), **or**
 - A chosen date.
- 2.2.8 Leave can start on any day of the week on or following the child's date of birth or placement but must be completed:
- Within 56 days of the actual date of birth or placement of the child, **or**
 - if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.
- 2.2.9 Employees will be entitled to reasonable time off to attend ante-natal classes or official meetings in the adoption process.
- 2.2.10 Annual leave will accrue during ordinary paternity leave.
- 2.2.11 Paid special/other leave may be granted where there are difficulties at the time of birth.

2.3 Child / Parental Bereavement Leave

- 2.3.1 Parents who experience a still birth from the 24th week of pregnancy will be eligible for child bereavement leave as set out in the Leave and Flexible Working Policy. In the case of the mother, this would be in addition to other paid leave i.e. maternity leave. Bereavement leave and pay may be extended to members of staff, by local arrangement, in these circumstances where they were hoping to become parents under surrogacy arrangements.

SECTION C ADOPTION LEAVE PROVISIONS

1. INTRODUCTION

- 1.1 The CCG recognises that there is a considerable commitment required to meet the requirements of the adoption process.

2. ELIGIBILITY

- 2.1 The following arrangements and entitlements will be available to employees wishing to adopt a child through an approved adoption agency and who have primary care responsibilities for that child.
- 2.2 **Reasonable time off with pay** – should be given to allow staff adopting a child (or children) to attend official meetings in the adoption process. Other time as required may be granted at the manager's discretion.
- 2.3 If both adoptive parents are employed by the CCG, the period of adoption leave and pay must be shared as follows. One parent should be identified as the primary adopter and be entitled to the majority of leave. The partner of the primary adopter may be entitled to paternity leave and pay (see [Section B](#)). Either partner may choose to be identified as the primary adopter.
- 2.4 The agreement for time off after the adoption should cover circumstances where the child is initially unknown to the adoptive parents. If there is an established relationship with the child, such as fostering prior to adoption, time off for official meetings only should be considered.
- 2.5 Where the child is below age 18 adoption leave and pay will be in line with the maternity leave and pay provisions set out in [Section A](#).
- 2.6 If the same employer employs both parents the period of leave and pay may be shared. If one parent is identified as the primary carer, then she/he should be entitled to the majority of the leave with the other person being entitled to paternity leave and pay.

3. NOTICE OF INTENT TO TAKE ADOPTION LEAVE

- 3.1 Employees are required to inform their line manager of their intention to take adoption leave within 7 days of being notified by the adoption agency that they have been matched with a child for adoption unless this is not reasonably practicable.
- 3.2 Employees are able to change their mind about the date on which they want their leave to start providing they inform their line manager at least 28 days in advance (unless this is not reasonably practicable).

4. ADOPTION LEAVE

4.1 All employees who are the designated primary carer are entitled to take 52 weeks adoption leave.

4.2 Adoption leave can start from:

- The date of the child's placement (whether this is earlier or later than expected) or
- A fixed date which can be up to 14 days before the expected date of placement
- Adoption leave can start on any day of the week

4.3 Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same agreement.

5. ADOPTION PAY

5.1 To be eligible for occupational adoption pay employees need to have 12 months' continuous NHS service ending with the week in which they are notified of being matched with a child for adoption.

5.2 Adoption pay will be in line with the maternity leave and pay provisions as set out in [Section A](#), as long as the child is below the age of 18.

5.3 Employees, who are not eligible for occupational adoption pay, may still be entitled to Statutory Adoption Pay (SAP) subject to qualifying conditions. The rate of SAP is the same as for Statutory Maternity Pay.

6. RETURN TO WORK

6.1 Please refer to [Section A, sub-section 3.2](#)).

SECTION D SHARED PARENTAL PROVISIONS

1. PRINCIPLES

1.1 Staff may be entitled to **Shared Parental Leave (SPL)** and **Statutory Shared Parental Pay (ShPP)** if:

- Their baby is due on or after 5 April 2015
- They adopt a child on or after 5 April 2015
- They or their partner **end ('curtail') their maternity or adoption leave or pay early** (see Section 9.5.1).

1.2 The remaining leave will be available as SPL. The remaining pay may be available as ShPP. SPL must be taken in blocks of at least 1 week. Parents can choose how

much of the SPL each of them will take. SPL and ShPP must be taken between the baby's birth and 1st birthday (or within 1 year of adoption).

2. ENTITLEMENT

2.1 If an employee is eligible **and** they or their partner **end ('curtail') maternity or adoption leave and pay (or Maternity Allowance) early**, then they can:

- Take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as SPL
- Take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as ShPP.

2.2 A mother must take a minimum of 2 weeks' maternity leave following the birth.

3. SHARED PARENTAL LEAVE (SPL)

3.1 For staff to be eligible to take SPL, both parents must meet certain eligibility requirements.

3.2 Mother's eligibility for SPL

3.2.1 The mother is eligible for SPL if she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the EWC and remains in continuous employment with the CCG until the week before any period of SPL that she takes;
- Has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- Is entitled to Statutory Maternity Leave in respect of the child; and
- Complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of Statutory Maternity Leave), and SPL notice and evidence requirements.

3.2.2 **In addition, for the mother to be eligible for SPL, the partner must:**

- Have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth
- Have average weekly earnings of at least the Maternity Allowance threshold for any 13 of those 66 weeks; and
- Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

3.3 Partner's eligibility for SPL

3.3.1 The partner is eligible for SPL if he/she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the EWC and remains in continuous employment with the CCG until the week before any period of SPL that he/she takes

- Has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- Complies with the relevant SPL notice and evidence requirements.

3.3.2 **In addition, for the partner to be eligible for SPL, the mother must:**

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the EWC
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- Be entitled to Statutory Maternity Leave, Statutory Maternity Pay or Maternity Allowance in respect of the child; and
- Comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

3.4 Please note, **sometimes only one parent in a couple will be eligible** to get SPL and ShPP. This means that they can't share the leave.

4. STATUTORY SHARED PARENTAL PAY (ShPP)

4.1 ShPP is available for eligible parents to share between them while on SPL. The number of weeks' ShPP available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

4.2 An employee who qualifies for full benefits and intends to return to work with the same or another NHS employer will be entitled to occupational maternity pay.

4.3 **It is up to the parents as to who is paid the ShPP and how it is apportioned between them.**

4.4 For staff to be eligible for Statutory ShPP, one of the following must apply:-

- They qualify for Statutory Maternity Pay
- They qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay.

4.5 For staff to be eligible for Occupational ShPP the following must apply:-

- They qualify for Occupational Maternity Pay (outlined in Section 2.3, page 7)
- They qualify for Occupational Maternity Pay and have a partner who qualifies for Occupational Maternity Pay.

- 4.6 Any ShPP due during SPL will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

5. NOTIFICATION REQUIREMENTS FOR SHARED PARENTAL LEAVE (SPL)

- 5.1 At the earliest opportunity when a member of staff knows about an impending birth, the individual may wish to talk to their line manager on the possibility of taking SPL and how this could be accommodated. A 'shared parental leave form and maternity leave curtailment notice (available from HR) must be submitted to HR.
- 5.2 In the form, the mother must state the date on which maternity leave is to end. That date must be:
- After the compulsory maternity leave period, which is the two weeks after birth
 - At least 8 weeks after the date on which the mother gave the maternity leave curtailment notice to her line manager ; and
 - At least 1 week before what would be the end of the additional maternity leave period.

5.3 Revocation/withdrawal of maternity leave curtailment notice

- 5.3.1 The mother can withdraw her notice curtailing her maternity leave in limited circumstances (by completing the 'form for a mother to revoke the notice curtailing her maternity leave' (available from HR). The withdrawal of a maternity leave curtailment notice can only be given if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:
- It is discovered that neither the mother nor the partner are entitled to SPL or ShPP and the mother withdraws her maternity leave curtailment notice within 8 weeks of the date on which the notice was given
 - The maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within 6 weeks of the child's birth; or
 - The partner has died.
- 5.3.2 **If the member of staff is the partner**, a 'shared parental leave – for a partner' form (available from HR) must be submitted to HR. Please note, the form requires a declaration signed by the partner that:
- He/she satisfies, or will satisfy, the eligibility requirements to take SPL
 - The information given by the partner in the notice of entitlement and intention is accurate; and
 - He/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer

meets the requirement to have curtailed her maternity leave or pay period.

5.3.3 In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

- Specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number)
- Declaring that the mother satisfies, or will satisfy, the eligibility criteria (see [paragraph 3.2](#)) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance
- Declaring that the mother consents to the amount of leave that the partner intends to take
- Declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- Declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

5.4 Request for further evidence of eligibility

5.4.1 The CCG may, within **14 calendar days** of receiving a 'notice of entitlement and intention' from the member of staff, request:

- A copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- The name and address of the other parent's employer (or a declaration that the other parent has no employer).

5.4.2 The member of staff has **14 calendar days** from the date of the request to send the organisation the required information.

5.5 Limit on number of requests for leave – a statutory maximum of 3 requests

5.5.1 The member of staff can provide a combined total of up to 3 requests/periods of leave notices or variations of period of leave notices per pregnancy.

5.6 Continuous period of SPL

5.6.1 If the member of staff submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave. For example, this could be a notification for a period of 6 weeks' leave.

5.7 Discontinuous periods of SPL

- 5.7.1 The member of staff may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities i.e. for the mother this could involve 4 weeks' SPL followed by 3 weeks back at work, followed by a further 4 weeks' SPL.

6. SPL IN TOUCH (SPLIT) DAYS

- 6.1 An individual can agree to work for the organisation (or attend training) in accordance with KIT days (refer to [Section A, sub-section 7](#)).

7. RETURN TO WORK

- 7.1 Please refer to [Section A, sub-section 3.2](#).

8. FRAUDULENT CLAIMS

- 8.1 The CCG can, where there is a suspicion that fraudulent information may have been provided or where the CCG has been informed by the HM Revenue & Customs (HMRC) that a fraudulent claim was made, investigate the matter further in accordance with the CCG's usual investigation and disciplinary procedures.

SECTION E PARENTAL LEAVE PROVISIONS

1. POLICY STATEMENT

- 1.1 Parental leave is provided to enable employees to take time off work to look after a child or make arrangements for a child's welfare. Parents or those who have formal parental responsibility can use it to spend more time with children and strike a better balance between their work and family commitments.
- 1.2 This policy should also be seen as operating with the provisions on flexible working arrangements and employment breaks (see appropriate policies for more information). It should be noted that parental leave is unpaid.

2. PRINCIPLES

- 2.1 Employees who have nominated caring responsibility for a child under 14, or 18 in cases of adoption or a disabled child are eligible for parental leave
- 2.2 Training and support will be provided to all line managers in the implementation and application of this policy

3. ENTITLEMENT TO LEAVE

- 3.1 The right to parental leave entitles all employees who have completed 12 months continuous NHS service to take a period of unpaid leave to care for each child under 14, or 18 in cases of adoption or a disabled child.
- 3.2 The entitlement is 18 weeks unpaid leave per child to be taken in periods of at least one week at a time and 18 weeks for each adopted child or child entitled to a disability living allowance. In the case of twins, each parent will be entitled to 18 weeks for each child (18 weeks for parents of each adopted or disabled child)
- 3.3 A maximum of four weeks can be taken in any one year. Both parents can take parental leave.
- 3.4 An application for unpaid leave for parental leave form, (available from HR) will need to be completed and submitted to their line manager for approval.
- 3.5 Requests for parental leave must not be wilfully incorrect in any material fact of they could be considered fraudulent and dealt with in accordance with the CCG's [Local Anti-Fraud, Bribery and Corruption Policy](#).

4. TIMESCALES FOR TAKING PARENTAL LEAVE

- 4.1 Up to 18 weeks leave up until the child's 14th birthday; or if the child is disabled (defined as being eligible to receive Disability Living Allowance) or adopted, up to 18 weeks leave up until the child's 18th birthday.
- 4.2 Parents can start taking parental leave as soon as a child is born or placed for adoption, or as soon as they have completed one years' continuous NHS service, whichever is later.

5. REQUESTS FOR PARENTAL LEAVE

- 5.1 All requests for parental leave must be made on the appropriate form (available from HR), signed by a departmental manager and copied to HR and Shared Business Services for monitoring and recording and payment purposes.

6. APPEALS

- 6.1 Employees have the right to appeal against the decision to not be granted parental leave by their line manager which must be submitted in writing within 7 working days. The manager has to provide an appeal hearing date within 10 working days of the written request being received. All appeals need to be documented.

7. PROCEDURE

7.1 Applying for parental leave

7.1.1 When applying for parental leave the employee must, where possible, complete and hand in the form PAR 1 (available from HR) and:

- Specify the length of leave required
- Give at least 21 days notice before the beginning of the period of leave.

7.2 Postponing parental leave

7.2.1 Parental leave may be postponed in exceptional circumstances where the timing would cause significant operational problems.

7.2.2 If a request for leave is postponed:

- It will only be deferred once and alternative dates will be offered
- Postponement will be for no longer than three months;
- Deferred leave offered will be for the same length of time as that requested, and the start and end dates of deferred leave will be mutually agreed
- An employee will be given reasonable written notice of a deferral together with the reasons.

7.2.3 The minimum notice will be:

- Two weeks before the start of the requested leave where the leave is for two weeks or less
- Where the leave is more than two weeks, the same length as the parental leave requested.

7.2.4 An employee who considers that his/her request for leave has been unreasonably postponed, may appeal through the CCG's grievance procedure (please refer to the CCG's [Conduct, Performance, Grievance & Absence Management Policy](#)).

7.3 Arrangements during parental leave

7.3.1 Whilst taking parental leave, employees are on unpaid leave.

7.3.2 During the period of parental leave, the employee will retain all contractual rights except remuneration, including entitlement to annual leave, eligibility for an annual incremental payment, and pension rights. Pension contributions will continue to be payable during periods of parental leave. Arrears of contributions will be deducted by the salaries department over an agreed period of time.

8. RETURN TO WORK

- 8.1 Please refer to [Section A, sub-section 3.2](#).

SECTION F FOSTERING PROVISIONS

1. If any employee requires time off work, to undertake foster care then this will be dealt with on an individual basis. Any applications for time off whether paid or unpaid should be made through the line manager who will then discuss this with HR, to provide a consistent approach across the CCG.
2. Requests for foster leave must not be wilfully incorrect in any material fact or they could be considered fraudulent and dealt with in accordance with the CCG's Local Anti-Fraud, Bribery and Corruption Policy.

SECTION G FERTILITY TREATMENT PROVISIONS

1. PRINCIPLES

- 1.1 Fertility treatment leave guidance is for both managers and staff who are undertaking IVF treatment or have a partner who is receiving treatment.
- 1.2 It outlines the procedure to be followed when a member of staff requests leave to attend appointments for treatment and how to apply for fertility treatment leave.
- 1.3 At all times managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality.

2. ELIGIBILITY

- 2.1 An employee who has 12 months continuous service with the CCG at the time of applying and who is undergoing fertility treatment may be granted fertility treatment leave.
- 2.2 Employees are asked, wherever possible, to arrange appointments outside of work, however where this is not possible, an employee may be granted up to 5 working days of paid fertility leave in the 12 months immediately preceding that date in order to undertake fertility treatment and attend appointments specifically associated with the 'end part' of the IVF process (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs etc.)
- 2.3 The fertility treatment paid leave can be taken to suit the member of staff's needs, for example, 5 days in one block, separate days or ½ days.
- 2.4 If an employee should require any additional time off, then alternative leave arrangements should be agreed with their line manager to include annual leave or unpaid leave.

3. PARTNER ELIGIBILITY

- 3.1 If it is an essential requirement within the course of treatment for the partner to attend a specific appointment, the CCG will also allow up to 2 day of fertility treatment leave in the 12 months preceding that date to undertake fertility treatment.
- 3.2 The fertility treatment paid leave can be taken to suit the member of staff's needs, for example, 2 days in one block, separate days or ½ days.
- 3.3 Where partners are not receiving treatment but would like to attend appointments with their partner they would be expected to take annual leave or unpaid leave.

4. APPLICATION FOR LEAVE

- 4.1 Employees should advise their manager as soon as possible that they are undergoing treatment and wish to apply for fertility treatment leave.
- 4.2 Employees may be required to provide documentary evidence of all appointments (letter or appointment card).
- 4.3 Employees should try and arrange for appointments that will cause minimum amount of inconvenience to the service.

5. SICKNESS AS RESULT OF TREATMENT

- 5.1 Should the employee require time off due to side effects of the treatment which may include recommended periods of rest, this will be recorded in line with CCG's sickness absence procedure.

GENERAL

3. ACCESSING AVAILABLE SUPPORT

Occupational Health 023 8071 3300

Employee Assistance Programme (EAP) Right Management 0800 1116 387 available 24/7 365 days a year. Free and confidential access to information, advice and support.

4. TRAINING

- 4.1 Training and support will be provided to all line managers in the implementation and application of this policy.

5. EQUALITY ANALYSIS

- 5.1 In line with CCG policy, an equality analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy. The equality analysis is included in [Appendix 1](#).
- 5.2 Where an employee has a disability the CCG will consider and make (wherever possible) reasonable adjustments to ensure that the implementation of this policy is accessible and fair. Where an employee is the parent / carer for a disabled infant or child the CCG will consider requests for flexible implementation of this policy in order to avoid discrimination by association.
- 5.3 The CCG has introduced a process whereby employees can request a permit to use the Omega House car park. This enables employees in the 35+ week of pregnancy, or earlier if a pregnancy related health need should arise, to request a space in the office car park if they need it. Staff in the later weeks of pregnancy should ask the Omega House Business Manager if they feel they would benefit from having a permit.
- 5.4 The CCG recognises that individuals with other non-binary gender identities can apply for maternity / paternity leave (for example Trans male employee asking for maternity leave). The organisation will respond positively should this be requested.

6. SUCCESS CRITERIA / MONITORING THE EFFECTIVENESS OF THE POLICY

- 6.1 The effectiveness of this policy will be monitored by the HR team to ensure the correct procedures have been followed and timescales met. Any learning points and trends will be identified by the HR business partners who will make recommendations to the CCG about changes which need to be made.

7. REVIEW

- 7.1 This policy may be reviewed at any time at the request of either staff side or the CCG but will be reviewed automatically every three years or in the event of new legislation or guidance emerging.

8. REFERENCES AND LINKS TO OTHER DOCUMENTS

- www.gov.uk – Gov.uk is a Government online resource which provides Government information on statutory maternity, adoption and paternity rights.
- www.hmrc.gov.uk – HM Revenue & Customs are the UK's Tax Authority and provides the necessary forms to enable payment of statutory maternity, adoption and paternity pay.

- [Local Anti-Fraud, Bribery & Corruption Policy](#)
- [Conduct, Performance, Grievance & Absence Management Policy](#)
- [Leave & Flexible Working Policy](#)

Equality analysis

Title of policy, project or proposal:
MATERNITY, PATERNITY, ADOPTION LEAVE & SHARED PARENTAL LEAVE AND PAY POLICY

Name of lead manager: Human Resources Business Manager
Directorate: ConsultHR – South Central and West Commissioning Support Unit

<p>Q1 What are the intended outcomes of this policy, project or proposal?</p> <p>To provide managers, parents, expectant parents and adoptive parents with clear guidelines to paid and unpaid absence from work with regard to a new dependent child. The policy covers information on pay and leave arrangements for:</p> <ul style="list-style-type: none"> • Maternity • Paternity • Adoption • Shared parental leave and pay • Parental leave • Fostering • Fertilisation treatment <p>This policy is intended to promote an employee’s awareness of their rights and entitlements during and following pregnancy and conforms to the NHS Staff Council Conditions of Service, the Employment Act 2002 and other current legislation.</p>
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<p>Q2 Who will be affected by this policy, project or proposal?</p> <p>The policy guidance affects all West Hampshire Clinical Commissioning Group (CCG) employees (including hosted teams).</p>

<p>Evidence</p> <p>Q3 What evidence have you considered?</p> <ul style="list-style-type: none"> • CCG Workforce Diversity Profile 2018/19 • Data collected by HR on maternity, paternity and adoption leave requests. <p>Whilst completing this equality analysis, we discovered that we do not hold data about requests for leave for fostering or IVF treatment.</p>
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Under the policy there are provisions for paid time off to undergo fertility treatment. Staff engagement linked to the policy review highlighted potential for unfairness if for example, some employees can afford to pay for repeated cycles of IVF whereas others may be only able to have one cycle. It was concluded that this would be difficult to reflect in the policy, and as this would apply to very small numbers of staff agreed that will not change policy at this stage but continue to monitor.

Age

The CCG Workforce Diversity Profile 2018/19 gives an indication of the age profile of employees (snap shot date 31 December 2018):

	2013	2014	2015	2016	2017	2018	Comparator
Total number of employees	190	197	204	229	275	322	
Age group							National CCG workforce
16-24	3.7%	2%	1.5%	1.7%	2.2%	4%	2%
25-44	28.9%	35.5%	35.3%	37.6%	40%	42%	43%
45-64	65.8%	60.4%	60.8%	59.4%	56.4%	53%	53%
65+	1.6%	2%	2.5%	1.3%	1.5%	1%	2%

- The age profile of the CCG workforce has been shifting year-on-year with a gradual increase in 25-44 year olds, and a decrease in staff aged 45-64 (although this older age group still make-up the majority the workforce).
- Employees aged less than 24 years and over 65 years, make-up a small proportion of the workforce at just 4% and 1% respectively.

This coupled with the CCG Workforce Diversity Profile which shows that on 31 December 2018:

- 79.5% of employees were female
- 20.5% were male.

This highlights that the CCG has a predominantly female workforce, with an increasing proportion of staff of child bearing age. This means the CCG needs to ensure that robust arrangements are in place to support staff whilst ensuring service delivery – the Maternity, Paternity, Adoption Leave and Shared Parental Leave and Pay Policy aims to support this and ensure requests are dealt with fairly and consistently. The policy aims to have a positive impact for all age groups in the workforce.

Disability (physical and mental)

The CCG Workforce Diversity Profile 2018/19 gives an indication of disability amongst employees (snap shot date 31 December 2018):

	2013	2014	2015	2016	2017	2018	Comparator
Total number of employees	190	197	204	229	275	322	
Disability							National CCG workforce
No disability	-	31%	72.5%	76.4%	77.1%	78%	71%
Yes I have a disability	-	1%	2%	4%	3%	4%	3%
Prefer not to say	-	19.8%	21.1%	16.2%	10.9%	8%	0%
Undefined	-	48.2%	4.4%	3.9%	8.7%	10%	26%*

- The proportion of declared disability in the CCG workforce remains low and does not reflect levels of disability in the local population (7%).

Should be no negative impact for members of staff with a disability as all staff have equal entitlement to reasonable time off for ante-natal and post-natal care, leave and pay under this policy. The policy states that where an employee has a disability the CCG will consider and make (wherever possible) reasonable adjustments to ensure that the implementation of this policy is accessible and fair.

There is extra parental leave provision for the care of disabled children and staff also have the right to request flexible working arrangements: refer to the [Leave & Flexible Working Policy](#). The policy states that where an employee is the parent/carer for a disabled infant or child the CCG will consider requests for flexible implementation of this policy in order to avoid discrimination by association.

Dementia

As far as we know, no employees have a diagnosis of dementia.

Gender reassignment (including transgender)

The policy aims to have a positive impact irrespective of transgender status. All members of staff have equal entitlement to reasonable time off for ante-natal and post-natal care, leave and pay under this policy.

The CCG recognises that an employee could be a Trans Man and still request maternity leave. Similarly we could have a Trans female employee that requests paternity leave. We will consider individual needs on a case by case basis, with the aim of responding positively.

Marriage and civil partnership

The policy reflects an inclusive approach enabling single people, same sex couples and unmarried couples to apply for adoption leave as well as married couples.

Pregnancy and maternity

The CCG has implemented a scheme allowing female employees to request a permit to temporarily use a parking space in the Omega House car park during the last weeks before maternity leave. This means that the employee has the option (if needed) to use a wider parking space to facilitate easier exit and entry of their vehicle, and a short distance to walk into the office. For some women this may be better than continued use of the Mitchell Road multi-storey car park that employees have access to.

Further work is needed to establish what data we currently hold/ it is practical to collect about number of employees taking maternity leave, paternity and adoption leave. Also about the experience of female staff on their return to work. This will be picked up in the action plan.

Race

The CCG Workforce Diversity Profile 2018/19 gives an indication of the ethnic make-up of employees:

	2013	2014	2015	2016	2017	2018	Comparator
Total number of employees	190	197	204	229	275	322	
Ethnic background							Local population
White British	-	69.6%	80.9%	86.5%	84.7%	84%	93%
Any other White background	-	2%	3.5%	3.1%	3.3%	3%	3.1%
Mixed ethnicity	-	0.5%	1%	1%	1%	2%	1.2%
Black, Asian and Minority Ethnic	-	2.5%	3%	3%	4%	5%	4.1%
Other specified	-	0%	0.5%	0.4%	1.8%	0%	0.2%
Undefined/ not stated	-	25.3%	11.3%	6.1%	4.7%	6%	0%

- The proportion of staff from 'White other' ethnic backgrounds reflects the ethnic diversity of local population. This includes staff from European backgrounds
- For the first time since 2013, this year the proportion of employees from 'Black, Asian and Minority Ethnic' and 'Mixed' ethnic backgrounds is higher than the ethnic diversity of the local population. Previously these groups were under-represented in the workforce.

The policy aims to have a positive impact for all staff regardless of their ethnic background. All staff have equal entitlement to reasonable time off for ante-natal and post-natal care, leave and pay under this policy.

Religion or belief

The CCG Workforce Diversity Profile 2018/19 shows there remain significant data gaps for the employee protected characteristic of religion or belief. This means we do not know the faith profile of the workforce.

	2013	2014	2015	2016	2017	2018
Religion or belief						
Atheism	-	5.1%	6.4%	7%	11.6%	14%
Christianity	-	15.2%	33.8%	37.6%	40.7%	41%
Other	-	0%	10.3%	12.6%	11.6%	13%
Prefer not to say	-	33.5%	48.5%	40.2%	30.9%	25%
Undefined	-	45.2%	1%	3%	5%	7%

The policy aims to have a positive impact for all staff regardless of their religion, belief or non-belief.

Sex (gender)

The CCG Workforce Diversity Profile shows that on 31 December 2018:

- 79.5% of employees were female
- 20.5% were male.

The gender balance of the workforce has remained similar since 2013, at around 80% female and 20% male.

The policy aims to have a positive impact for all staff regardless of their gender. All staff have equal entitlement to leave and pay under this policy. However, we need to understand whether it is possible to gather data as to whether staff take the leave they are entitled to i.e. paternity leave / adoption leave provisions.

Sexual orientation

The workforce diversity profile for 2018/19 shows that we have 1% of employees who state their sexual orientation as Lesbian, Gay or Bi-sexual (LGB), and 66% as heterosexual. This is not an accurate picture however, as 25% of staff 'prefer not to say' and 8% of records are 'undefined'.

The policy aims to have a positive impact for all staff regardless of their sexual orientation. All staff have equal entitlement to leave and pay under this policy.

The policy has been written to reflect that the partner/ co-parent may be same sex.

Carers

In relation to Parental Leave the policy allows for increased entitlement where a child is disabled. We are looking into what data we collect routinely (for example number of staff requesting parental leave). We do not hold records on time off for fostering or IVF.

Serving Armed Forces personnel, their families and veterans

We do not currently have data about whether employees are reservists or veterans. Policy is intended to have a positive impact for these groups.

Meeting psychological needs

Staff engagement as part of policy review highlighted that the policy only partially supports staff in a situation where they experience post-natal depression. Paternity leave provides up to two weeks leave, and parental leave could be used but requires at least 21 days' notice. Policy sub-group/ staff forum to consider this.

Other identified groups

Involvement and consultation

For each engagement activity, briefly outline who was involved, how and when they were engaged, and the key outputs.

Q4 How have you involved stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?

We have convened a group of staff representatives to review, gather evidence and complete the equality impact assessments for Human Resources policies, including the Maternity, Paternity, Adoption Leave and Shared Parental Leave and Pay.

Q5 How have you involved stakeholders in testing the policy or programme proposals?

As above.

Q6 For each involvement activity, please state who was involved, how and when they were engaged, and the key outputs:

CCG staff involved in the equality impact assessment process:

- Business Manager (Omega House)
- Business Manager (CHC Fareham Civic Offices)
- Equality and Diversity Manager
- Governance Manager
- Head of Organisational Development
- HR Advisor

Equality statement

The current version of the Maternity, Paternity, Adoption Leave and Shared Parental Leave and Pay Policy has been in place since June 2017. As part of the policy review process it was noted that the previous equality impact assessment set out insufficient evidence to demonstrate 'due regard' to the Equality Act. To remedy this, a group of staff representatives was convened to gather evidence, complete the equality analysis and propose amendments to the policy if required.

The analysis found that the policy aims to have a positive equality impact for employees from protected characteristic groups. Also that the policy already shows consideration of equality for gender, disability, marriage and civil partnerships, and sexual orientation (see positive impacts below).

When gathering evidence it was highlighted that we do not routinely collect data on requests for the different types of leave covered by the policy. This includes:

- Number of employees taking maternity, paternity, adoption leave, shared parental leave, leave for fostering or fertility treatment
- Whether requests are approved or not
- The protected characteristics of staff requesting leave under the policy.

As this makes it difficult to demonstrate fair implementation of the policy we will take action to improve this. We also felt that we should develop a mechanism to gather regular feedback from staff about how this and other HR policies are implemented.

The equality analysis flagged that the policy does not currently mention the CCGs new permit process for requesting use of a space in the Omega House car park for staff in the 35+ week of pregnancy. Also that the policy should mention how the CCG will respond to requests from Trans male and female employees. These were added to the policy.

Further work is needed to consider if the CCG needs to make better provisions for partners of people who experience post-natal depression.

Positive impacts

- The policy makes clear that any gender (with the exception of maternity leave and pay) is entitled to the benefits. Putting maternity, adoption, paternity and parental leave into one policy allows employees to see all of the entitlements that they and their partner may be entitled to regardless of gender
- Policy provides greater flexibility for female members of staff to allow them to share their leave with their partner
- The policy reflects an inclusive approach enabling single people, same sex couples and unmarried couples to apply for adoption leave as well as married couples
- The policy reflects an inclusive approach for employees with a disability (reasonable adjustments will be considered in how policy is implemented), and employees who have a child with a disability (extra parental leave provision)
- The policy allows employees of all protected characteristics to be aware of the benefits and leave they can receive in relation to maternity, paternity, adoption leave, and shared parental leave, subject to policy requirements.

Negative impacts

No negative impacts were identified. Some amendments were proposed to the policy so employees in the 35+ week of pregnancy would be aware of the permit space option in the Omega House car park. Also to state that the CCG will respond positively to requests for leave under the policy from Trans male and Trans female employees.

An opportunity to improve the provisions in the policy for employees whose partner experiences post-natal depression was identified. Further work is needed on this.

Health inequalities

Please outline any health inequalities highlighted by the evidence (for example, differential access to services or worse health outcomes for particular groups or localities).

Not applicable.

Action planning for improvement, and to address health equalities and discrimination

Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.

Action	Person responsible	By date	Progress/ review (Add new actions if required)
1. Develop a survey/ organise a focus group to gain feedback from staff on the application of this policy. Areas for exploration include: whether breast feeding employees have been given access to private room to express milk; whether employees returning after maternity leave request flexible working/ reduce their hours and whether approved; whether female staff are promoted in the 5 years after returning to work?	Equality and Diversity Manager	29 November 2019	
2. Add reference to policy about option of permit for Omega House car park for staff in week 35+ of pregnancy	Equality and Diversity Manager	21 October 2019	Completed
3. Add reference to CCG responding positively to requests from Trans employees under this policy.	Equality and Diversity Manager	21 October 2019	Completed

Action	Person responsible	By date	Progress/ review (Add new actions if required)
4. To ensure the provisions within this policy are promoted to staff	HR Adviser, Line Managers, Head of Organisational Development, Communications and Engagement Team	Ongoing	
5. Check records to see if we have data on numbers of maternity, paternity and adoption leave, also to check if there is anything included in line manager reporting/ CSU manual spreadsheet regarding Shared Parental Leave.	HR Advisor		
6. Monitor take up of requests for paid time off under provisions for employees having fertility treatment	HR Advisor	Ongoing	Review as part of policy evaluation in three years' time
7. Define the data we will collect to monitor effectiveness of the policy and add this detail to the <i>Monitoring the Effectiveness of the Policy</i> section		29 November 2019	Draft metrics to be discussed at HR Policy EIA Group on 20 November 2019

For your records

Name(s) of person who carried out this assessment:

Paula Barrett, Human Resources Advisor

Nick Birtley, Equality and Diversity Manager

Samantha Dowland, Interim Human Resources Advisor

Kate Hardy, Head of Organisational Development

Trudie Higby, Business Manager Omega House

Jackie Pointer, Business Manager Fareham

Jackie Zabiela, Governance Manager

Date assessment completed: 21 October 2019

Date to review actions: Action tracker to be reviewed at ongoing HR Policy EIA Group

Name of responsible Director: Director of Quality and Board Nurse

Date assessment was approved: 13 November 2019