

Maternity, Adoption, Maternity Support (Paternity) and Shared Parental Leave Policy	
Summary statement: How does the document support patient care?	This policy supports the health, wellbeing and work life balance of staff which in turn will support the provision of high quality of care for patients.
Staff/stakeholders involved in development: <i>Job titles only</i>	Workforce Managers and HR Advisors, Employee Partnership Forum
Division:	Corporate – Organisational Development and Leadership
Department:	Human Resources
Responsible Person:	Director of Organisational Development and Leadership
Author:	Divisional HR Advisor
For use by:	All staff
Purpose:	This policy explains the entitlements available to staff in relation to maternity, adoption, maternity support (paternity) and shared parental pay and leave and the actions that are required to secure those entitlements.
This document supports: <i>Standards and legislation</i>	Employment Act (2002), Equality Act (2010), Part Time Workers (protection from less favourable treatment) Regulations (2000), Fixed Term Employees (Protection from less favourable treatment) Regulations (2002), Employment Rights Act (1996) Section 80 F-I, Work and Families Act (2006), The Statutory Maternity Pay, Social Security (Maternity Allowance) and Social Security (overlapping benefits) (Amendment) Regulations 2006, The Statutory Paternity Pay and Statutory Adoption Pay (General) and Statutory Paternity Pay and Statutory Adoption Pay (weekly Rates) (Amendment) Regulations (2006), The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2006, Care Quality Commission core standard 2009/10 C7e – Healthcare organisations challenge discrimination, promote equality and respect human rights, Agenda for Change Terms and Conditions, Shared Parental Leave Regulations 2014, Shared

	Parental Pay (General) Regulations 2014, Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014, Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014, Child and Families Act 2014
Key related documents:	Special Leave Policy, Health and Wellbeing Policy, Equality Impact Assessment Policy and Toolkit, Annual Leave Policy, Flexible Working Policy
Approved by: <i>Divisional Governance/Management Group</i>	Employee Partnership Forum Management Board
Approval date:	
Ratified by Board of Directors/ Committee of the Board of Directors	
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If you require this document in another format such as Braille, large print, audio or another language please contact the Trusts Communications Team	
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Version	date	Author	Status	Comment
1.0	December 2009	HR Advisor	Archived	Amended to be in line with new legislation.
2.0	October 2011	HR Advisor	Archived	Annual review
3.0	March 2013	HR Advisor	Live	
4.0	May 2015	Divisional HR Advisor	Live	Amended to be in line with new legislation.
5.0	May 2018	Divisional HR Advisor	Draft	Annual review

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1.0 PURPOSE

- 1.1 University Hospitals Sussex NHS Foundation Trust strives to be both the provider of choice for patients and the employer of choice for employees. The Trust is committed to its vision “We Care” and believes that it is essential to have a skilled workforce with the right values, attitudes and behaviours who put care and compassion for patients and colleagues at the forefront of all they do and strive to work together to deliver excellence in everything they do. Employees are expected to demonstrate appropriate behaviours and attitudes that contribute to an organisational culture where patients are at the heart of everything they do. This means being kind, friendly, respectful, professional, compassionate and working as a team.
- 1.2 The Trust recognises that the birth or adoption of a child is one of the most important events in the lives of our employees. The purpose of this policy and accompanying procedures is to explain the entitlements available to employees and the action employees should take to secure their entitlement. The procedures also provide details on other issues arising when an employee needs to take maternity, paternity, adoption or parental leave.
- 1.3 The leave and pay entitlements covered within this policy and accompanying guidance notes include:
- Maternity
 - Adoption
 - Maternity Support (paternity)
 - Shared Parental Leave
- 1.4 In applying the procedures on maternity, adoption, maternity support (paternity) and shared parental leave and pay the following guiding principles will always apply:
- **Openness and Transparency** – entitlements and how decisions are reached will be open and shared with employees at all times.
 - **Fairness and equity** – employees will be treated fairly and equitably as an individual recognising that they are all unique.
 - **Consistency of approach** – the entitlements detailed in the procedure will be applied consistently to all staff.
 - **Confidentiality** – information given to managers and Human Resources regarding employee’s circumstances will be treated in complete confidence.
 - **Organisational learning** – the Trust will continually seek to learn and improve on the application of this policy.

2. SCOPE

- 2.1 This policy and associated procedures are intended to apply to all employees of the Trust. There are some additional and different arrangements which also apply for junior doctors in their terms and conditions, so Medical and Dental staff should read the relevant section of the Terms and Conditions for NHS Doctors and Dentists in Training in conjunction with this policy and procedure.

2.0 MONITORING, REVIEW AND LEARNING

- 3.1 The Human Resources department will maintain records of all maternity, adoption, maternity support (paternity) and shared parental leave requests and monitor trends. This will be reported on a yearly basis to the Trust Board.
- 3.2 The Employee Partnership Forum will monitor the implementation of this policy as part of its formal arrangements.
- 3.3 As this policy and accompanying procedures are heavily influenced by a number of key pieces of legislation they will remain under review as legislation changes and key case law decisions are made.
- 3.4 Advice will be available to the manager on the application of this policy and particularly the principles to be adopted. Guidance for managers will be available for further information on the process.
- 3.5 Where issues are identified with the process or the application of the processes contained within this policy, learning will be applied across the Trust. Guidance for managers will therefore be continually improved in the light of operational practice and experience.
- 3.6 When planning an individual's return to work following a period of leave, consideration should be given as to whether any skill updates or mandatory training is required.

4. EQUALITY IMPACT ASSESSMENT

Section 1 – About the Policy, Service, Function, Proposal, Strategy or Consultation

1.1 Name of Policy, Service, Function, Proposal, Strategy or Consultation	Maternity, Adoption, Maternity Support (Paternity) and Shared Parental Leave Policy
1.2 Name of person completing this assessment (and role/department)	██████████ Divisional HR Advisor
1.3 Brief description of the aims of the policy, service, function, proposal, strategy or consultation? (include details of who is affected by, involved in and/or benefits from it)?	This policy explains the entitlements available to staff in relation to maternity, adoption, maternity support (paternity) and shared parental leave and pay and the actions that are required to secure those entitlements. It relates to the health and safety of staff during pregnancy, advises them of entitlements to leave and pay and supports them in a return to work
1.4 Which department owns the policy, service, function, proposal, strategy or consultation?	Human Resources
1.5 Is responsibility for implementation of this policy, service, function, proposal, strategy or consultation shared with another agency/department?	No
1.6 Does the policy, service, function, proposal strategy or consultation have direct consequences or implications for service users and/or staff?	Yes

Section 2 – Equality Impacts

2.1 Have you made sure that the views of stakeholders, including key people likely to face exclusion have been influential in the development of the policy, service, function, proposal, strategy? (please indicate which)

External	Partners	Internal	
Service user interviews	Care Quality Commission	Staff event	
Focus Groups	Multi Agency event	Staff interviews	
Public events	Joint Working group	Staff workshop/focus groups	
Patient experience surveys	Regional Minority network	Management Board	
Voluntary organizations	Regional equality forum	Trust Executive Committee	
Minority group events/forums	GP Practice groups	Diversity Matters Group	
Carer Forum	Local/County Council	Staff side reps	✓
LINKs	Equality and Human Rights Commission (EHRC)	Staff minority forums (e.g disability, BME, sexual orientation, religion/beliefs) (please state)	
HOSC	Other NHS Trust (please identify below)	Trust Board	
On line forums		Staff survey results	✓
Local media		Annual General Meeting	
Published research into minority needs		Other (please state)	
Census data or other external demographic reports			
Comments:			

Section 3 – Equality Analysis Template

To be used to analyse the effect of your policy or service on the protected groups in equality law, resulting in either:

1. removing or minimizing disadvantages suffered by people due to their protected group characteristics (i.e. gender, race, age, disability, sexual orientation, gender reassignment, pregnancy or maternity, religion or belief, civil partnership or marriage)
2. taking steps to meet the needs of people from protected groups where these are different from the needs of other people
3. no further action required

Equality law protects people on the following grounds:	Is your policy or service relevant to this area of equality or human rights?		If relevant, is the effect positive or negative		Evidence of the effect (e.g. statistics, research, surveys, results of engagement, etc)	Is further action required?	
	Yes	No	Positive effect	Negative effect		*Yes	No
Disability	✓		✓				
Gender (including pregnancy & maternity)	✓		✓				
Gender Reassignment	✓	✓	✓				
Race & Ethnicity	✓	✓	✓				
Religion & Belief	✓	✓	✓				
Sexual Orientation	✓	✓	✓				
Marriage and civil partnership	✓	✓	✓				
Age	✓	✓	✓				
Human Rights	✓	✓	✓				

* Complete the following Equality Analysis Action Plan only for the equality grounds marked: *Yes further action required.

Equality Analysis Action Plan								
Equality grounds ticked *yes requiring further action:	Does your policy or service:			Any action taken to date	Action to be taken	Target date	Responsible Person(s)	Expected Outcome (including monitoring arrangements)
	Discriminate?	Eliminate discrimination or promote equality?	Promote good relations between groups?					
Disability								
Gender								
Gender Reassignment								
Race/Ethnicity								
Religion/Belief								
Sexual orientation								
Age								

Equality Analysis: Equality and Diversity Lead sign off			
Signed		Date	