

New Parent Support Leave and Pay Policy

Version 1

Document Summary

The purpose of this document is to meet the statutory and regulatory requirements of the Trust in providing staff with consistent ‘user friendly’ accessible policy documents and provide guidance to trainees regarding New Parent Support leave and pay.

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ACCOUNTABLE DIRECTOR	Director of Human Resources
POLICY AUTHOR	HR Business Partner
TARGET AUDIENCE	All management and Trainees employed by StHK Lead Employer Trust, Host organisations and Health Education England.

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments

Version 1

Document Control

Section 1 – Document Information	
Title	New Parent Support Leave and Pay Policy
Directorate	Human Resources
Brief Description of amendments	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes

Section 2 – Consultation Information*

*Please remember to consult with all services provided by the Trust, including Community & Primary Care where applicable

Consultation Completed		<input type="checkbox"/> Trust wide	<input type="checkbox"/> Local	<input type="checkbox"/> Specific staff group
Consultation start date	N/A	Consultation end date	N/A	

Section 3 – Version Control

Version	Date Approved	Brief Summary of Changes
1	May 2021	Maternity, Paternity and Adoption Policy and Shared Parental Leave Policy merged to create New Parent Support Leave and Pay Policy.

Section 4 – Approval *To be completed by Document Control*

Document Approved	<input type="checkbox"/> Approved
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Date approved	Review date

Section 5 – Withdrawal *To be completed by Document Control*

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1 SCOPE

This Policy applies to all medical and dental trainees employed by StHK Lead Employer, including those training in Public Health, employed under Agenda for Change Terms and Conditions (“Trainees”).

2. INTRODUCTION

The Trust has a duty to follow legislation in relation to the amount of Maternity/New Parent/Shared Parental Leave (SPL)/Paternity/Adoption Leave that may be taken and also to NHS Terms and Conditions of Service Handbook for trainees with regard to eligibility for the amount and type of leave and pay for new parents.

3. STATEMENT OF INTENT

This policy is designed to ensure that all trainees are aware of their entitlement to New Parent leave and pay, and to ensure that trainees who qualify understand those rights.

This policy is designed to inform trainees and Host Organisations about the entitlements, eligibility and application process for Maternity/Shared Parental Leave/Adoption/Paternity/New Parent Support leave and pay.

The Trust takes a zero tolerance approach to discrimination and will make every effort to ensure that no trainee is discriminated against either directly or indirectly on the grounds of pregnancy/maternity race, gender, disability, age, religion/ belief, sexual orientation, gender identity or reassignment, marital or civil partnership status,

The objectives of the policy are to ensure that the Trust

- is legally compliant
 - complies with NHS Terms and Conditions of Service Handbook (Section 15 Leave and pay for new parents)
 - promotes the Policy within the organisation
- provides an easily understood process for staff to follow when applying for Maternity/Shared Parental Leave/Adoption/Paternity/New Parent Support leave

4. DEFINITIONS

The following definitions/abbreviations will be used throughout the policy:

SMP:	Statutory Maternity Pay
OMP:	Occupational Maternity Pay
EDC:	Expected Date of Childbirth. The date is confirmed in the MATB1 Certificate
EWC:	Expected Week of Childbirth. This is calculated from Sunday to Saturday, i.e. the week in which the baby is due
KIT	Keeping in touch
MA:	Maternity Allowance
OShPP	Occupational Shared Parental Pay
SAP:	Statutory Adoption Pay

SPL:	Shared Parental Leave
ShPP:	Shared Parental Pay
SPLIT:	Shared Parental Leave In Touch
OAP:	Occupational Adoption Pay
EWM:	Expected Week of Matching
ONPSP:	Occupational New Parent Support pay
SPP:	Statutory Paternity Pay
SRTT	Supported return to training
Qualifying Week	is the 15 th week prior to your EWC (i.e. 25 weeks pregnant).

Trainees

- Core trainees
- Specialty Registrars
- Medical and Dental Public Health Specialty Registrars
- Non-medical Public Health Specialty Registrars

HEE: Health Education England

Host Organisation The location where the trainee is undertaking their current training placement

Host Manager

The designated individual within the Host Organisation who is allocated responsibility for the management of Trainees, for example Clinical Supervisor, Practice Manager or Medical HR, to be determined via local policy and processes

5. DUTIES ACCOUNTABILITIES AND RESPONSIBILITIES

5.1 The Chief Executive

The ultimate responsibility in the area of legislative adherence lies with the Chief Executive.

5.2 Executive Directors

The Board are responsible for ensuring that the policy is being adhered to, both collectively and by the management and staff in their area of responsibility. The monitoring of the impact of the policy will be delegated to the Workforce Council and the auditing to the HR management team, however the HR Director and HR Council will highlight any areas of significant shortfall identified to the Board.

5.3 Director of Human Resources

The Director of Human Resources has a responsibility to ensure all legislation in this area is adhered to at all times. Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the function but the final responsibility remains with the Director. The senior management team within the Lead Employer HR are responsible for escalating any areas of concern following monitoring to the HR Director who, where necessary, will highlight to the Board.

5.4 Host Managers

N.B For the purposes of this policy the term 'Host Manager will be applied to the designated individual within the Host Organisation who is allocated responsibility for the management of Trainees, for example Clinical Supervisor, Practice Manager or Medical HR, to be determined via local policy and processes

The Host Organisation has a responsibility to ensure that the trainee can take their Maternity/Paternity/New Parent Support/Adoption/Shared Parental leave as their entitlement. Host Organisations must ensure that they complete a Risk Assessment as soon as is reasonably practicable after being informed that a trainee on placement with them is pregnant. Once completed, a copy of this risk assessment must be sent to the Lead Employer Human Resources Department by the trainee.

5.5 Trainee

It is the responsibility of the trainee to inform the Lead employer and their Host Organisation as soon as reasonably practicable and no later than 28 days before the intended start date of Maternity/Shared Parental Leave/Adoption/Paternity/New Parent Support leave that they wish to take this leave. It is also the responsibility of the trainee to ensure that the relevant documentation as outlined below is submitted to the Lead Employer Human Resources Department to process in line with the timescales set out below.

NB: The Trust can, where there is a suspicion that fraudulent information may have been provided, investigate the matter further in accordance with the Trusts disciplinary policy

5.6 Lead Employer Human Resources

It is the responsibility of the Lead Employer Human Resources Department to confirm to the trainee their eligibility for Occupational Maternity/ Shared Parental Pay/Adoption Pay/New Parent Support or Statutory Maternity/Shared Parental / Adoption / New Parent Support. Human Resources must also inform the Payroll Department of any leave that is to be taken by trainees so that their pay can be calculated in a timely manner.

The Lead Employer HR has the responsibility for liaising and meeting with the trainee (on the phone if necessary) in relation to their application for Occupational Maternity/Shared Parental/ Adoption / New Parent Support pay

It is the responsibility of the Lead Employer Human Resources Department to liaise with Host Organisations and HEE with regards to applications received and to confirm to the trainee their eligibility for Occupational Maternity/Shared Parental / Adoption /New Parent Support pay. Lead Employer Human Resources must also inform Pay and Staff Services of any Occupational Maternity/Shared Parental / Adoption / New Parent Support leave that is to be taken by trainees so that their pay can be calculated in a timely manner.

5.7 Pay and Staff Services

It is the responsibility of the Lead Employer Payroll Team to confirm to the trainee details of the amount of pay that will be received during the period of Maternity/ Shared Parental / Adoption / New Parent Support Leave 6 weeks prior to the commencement of leave.

6. POLICY INFORMATION

6.1 Maternity, SPL and Adoption Leave and Pay

6.1.1 Eligibility for Maternity Leave and Pay

Occupational Maternity Pay (OMP) may be granted to trainees who have 52 weeks continuous service with the Trust or another NHS organisation at the beginning of the 11th week before the expected week of childbirth (EWC). The trainee must;

- Notify the Lead Employer in writing before the 15th week before the EWC stating the date that she wishes to start maternity leave;
- provide a MATB1 certificate; and
- confirm whether she intends to return to work with the Lead Employer or another NHS employer for a minimum period of three months at the end of the Occupational Maternity Leave period.

To be eligible for **Statutory Maternity Pay (SMP)** The trainee must have completed 26 weeks continuous service with the Trust by the 15th week before the expected week of childbirth.

If a trainee elects to take Shared Parental Leave, she will cease her Maternity Leave and will no longer be entitled to claim either OMP or SMP.

6.1.2 Eligibility for SPL and Pay

SPL enables eligible parents, adopters, carers, etc. to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. SPL can be used either concurrently or consecutively between both parents.

Eligible parents who are sharing responsibility for a child can get SPL in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

Eligibility criteria

A trainee seeking to take SPL must satisfy each of the following criteria:

- The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- Trainees must still be working for the Lead Employer at the start of each period of SPL;
- Trainees must have 52 weeks continuous service with one or more NHS Employers at the beginning of the 11th week before the expected week of

childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement;

- The trainee's partner must meet the 'employment and earnings test', which requires them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks (This amount can be amended from time to time by the Secretary of State)
- Trainees must correctly notify the Lead Employer HR of their entitlement and complete the application forms as required providing at least 8 weeks notice of their intention to take SPL.

Eligible trainees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

Eligibility Criteria

In addition to meeting the eligibility requirements for SPL, a trainee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The trainee must intend to care for the child during the week in which ShPP is payable;
- The trainee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The trainee must remain in continuous employment with the Trust until the first week of ShPP has begun;
- The trainee must give appropriate notification in accordance with the rules set out below:

Where a trainee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give the HR Lead Employer a completed Notification of Entitlement form.

From the 1st April 2019 shared parental pay will be paid at the same levels of OMP. Please note: Mothers who curtail their Maternity Leave in order to take SPL will be entitled to ShPP in replace of OMP, in line with the below entitlements.

6.1.3 Eligibility for Adoption Leave and Pay

Occupational Adoption Pay (OAP) may be granted to trainees who have 52 weeks continuous service with the Trust or another NHS Organisation at the beginning of the week in which they are notified of being matched with a child for adoption and has primary care responsibilities for that child. The trainee must;

- Notify the Lead Employer in writing before the 15th* week before the EWM stating the date they wishes to start their adoption leave

- Provide a Matching certificate (or placement order under fostering to adopt); and
- Confirms that they intend to return to work with the Trust or another NHS employer for a minimum period of three months following adoption leave.

*Please note: In the exceptional circumstance whereby the trainee is unable to provide notice within this time period in line with the above time frames due to changes in the date of placement or, where there is limited time between the date the trainee was matched and the date the child was placed, the trainee should give notice as soon as reasonably practicable. If acceptable notice is not provided, the date of the start of the trainee's leave and pay may be delayed. This will not, however, impact on the trainee's start of leave after the date of placement.

To be eligible for **Statutory Adoption Pay (SAP)** the trainee must have completed 26 weeks continuous service with the Trust ending with the week in which they were notified of being matched with a child for adoption.

6.1.4 Pay Entitlement

Occupational Maternity Pay (OMP), Occupational Shared Parental Pay (OShPP) and Occupational Adoption Pay (OAP)

Trainees who fulfil the eligibility criteria outlined above, the amount of OMP, OShPP and OAP are entitled to the following:-

For the first 8 weeks of leave - full pay (less any SMP/ShPP/SAP to which they may be entitled)

For the next eighteen weeks of leave - half of full pay plus SMP/ShPP/SAP (reduced only to the extent that half pay and SMP/ShPP/SAP do not exceed full pay)

For the next 13 weeks of Leave – SMP/ShPP/SAP only (Extension of Maternity/Shared Parental/Adoption Pay)

For the next 13 weeks - staff may take additional unpaid maternity/shared parental/adoption leave making a total of 52 weeks

By prior agreement with the employer this entitlement 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.

Trainees who are eligible for **SMP/SAP/ShPP** only will be entitled to the following:-

For the first 6 weeks of leave - 90% of salary

For the next 33 weeks of leave - standard rate of SMP/SAP (please check [here](#) for current SMP/ShPP/SAP rate) or 90% of the trainees average weekly earnings if lower

The additional 13 weeks of additional maternity/shared parental/adoption leave -will be unpaid

An NHS employer will not pay more than 26 weeks, 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational maternity or adoption or shared parental pay in aggregate to an eligible

couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

Trainees who are not eligible for SMP may be entitled to **Maternity Allowance (MA)**.

MA - either 90% of your average weekly earnings (before tax) or the current statutory rate which can be found [here](#) – whichever is the lower. Maternity Allowance is tax free and you will normally also receive National Insurance credits during the period that you receive the allowance, which is important because they count towards your State Pension entitlement.

MA is paid for a maximum of **39 weeks**, and you can start claiming 11 weeks before your baby is due.

To claim Maternity Allowance, contact your Jobcentre Plus, Call Jobcentre Plus on 0800 055 6688 or download a claim form from www.gov.uk.

6.1.5 Calculation of Maternity, Shared Parental and Adoption Pay

Full pay periods will be calculated using the average weekly earnings rules used for calculating SMP/ShPP/SAP entitlements. Calculation of full pay is based upon the applying parents average weekly earnings.

In the event of a pay award or annual increment being implemented before the paid maternity or adoption leave period begins the maternity or adoption pay should be calculated as though the pay award or annual increment had effect throughout the entire SMP/ShPP/SAP calculation period.

If such a pay award was agreed retrospectively, the maternity, shared parental or adoption pay should be re-calculated on the same basis.

In the event of a pay award or annual increment being implemented during the paid maternity, shared parental or adoption leave period, the maternity, shared parental or adoption pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity, shared parental or adoption pay should be re-calculated to include this. In the event that an Annual Review of Competency Progression (ARCP) is due during a period of maternity, shared parental or adoption leave, the ARCP will take place upon return to work from maternity, shared parental or adoption leave. Should the ARCP result in a move up to the next nodal point, this would be back dated to the date that the ARCP would have taken place had there not been a period of maternity, shared parental or adoption leave, pay will therefore be recalculated to reflect the change in nodal point.

In the case of a trainee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for SMP/ShPP/SAP purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

6.1.6 Commencement and duration of Maternity/Adoption Leave

Maternity leave shall not normally commence prior to the 11th week before the EWC (29 weeks pregnant) but can commence at any time from the 11th week before the

EWC up to the EWC (For Premature births, please see 6.1.11).

Within 7 days of being matched with a child, trainees must inform the Lead Employer and their Host Organisation of the following details;

- Expected Placement Date
- Date on which Adoption Leave will begin
- Amount of leave to be taken

Adoption leave will not normally commence prior to 14 days before the expected date of placement.

6.1.7 Commencement and duration of Shared Parental Leave

SPL will be created when an eligible mother or adopter brings their maternity or adoption leave to an end early. This is called 'curtailing' maternity or adoption leave. The untaken weeks of maternity or adoption leave can be taken as SPL if the mother/adopter or their partner is eligible for this, up to a maximum of 50 weeks.

ShPP will be created where an eligible mother or adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. This is called curtailing the maternity or adoption pay period or the maternity allowance period. The period of untaken maternity or adoption pay or maternity allowance will become available to both parents as shared parental pay, up to a maximum of 37 weeks.

Eligible trainees may be entitled to take up to 50 weeks SPL during the child's first year in their family.

The number of weeks available is calculated using the mothers/adopter's entitlement to maternity/adoption leave. This allows them to take up to 52 weeks' leave. If mothers/adopter reduces their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust their two weeks occupational paternity leave entitlements as detailed in section 6.6 (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements. Please note: In this situation, the combined period(s) of shared parental leave and maternity leave combined must not exceed 52 weeks in total.

SPL will generally commence on the trainee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the trainee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see Shared Parental Pay (ShPP) below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

At our discretion we may request additional information on the trainee's circumstances, where this is reasonable and necessary to determine entitlements.

6.1.8 How to curtail maternity or adoption leave

An eligible mother who wants to take SPL, or who wants to enable her partner to take SPL will be able to end her maternity/adoption leave in one of two ways:

- Returning to work before the end of her maternity/adoption leave period, therefore bringing her maternity/adoption leave to an end; or
- Give notice to the Lead Employer HR to end her maternity/adoption leave on a specified date in the future. Notice must be given at least 8 weeks before her 52 weeks maternity/adoption leave is due to end.

6.1.9 Notifying the Lead Employer HR of an entitlement to Shared Parental Leave

A trainee entitled and intending to take SPL must give the Lead Employer HR notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

Part of the eligibility criteria requires the trainee to provide the Lead Employer HR with correct notification. The forms for providing notification and/or applying for SPL/ShPP can be found in the Shared Parental Leave Toolkit.

6.1.10 Discussions regarding Shared Parental Leave

A trainee considering/taking SPL is encouraged to contact the Lead Employer HR to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

The Lead Employer HR may, upon receiving a completed notification of entitlement form (see SPL/ShPP Toolkit) seek to arrange an informal discussion with the trainee to talk about their intentions and how they currently expect to use their SPL entitlement. This discussion will in most circumstances be over the telephone.

Upon receiving a completed leave booking notice (see SPL/ShPP Toolkit) the Lead Employer HR may arrange to discuss this prior to the request being confirmed with the trainee but given the geographical distances involved most frequently this will be on the phone. Confirmation will be provided to the trainee within 14 days.

The purpose of the meeting would be to discuss in detail the leave proposed and what

will happen while the trainee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the trainee, Host Organisation and HEE, and what the outcome may be if no agreement is reached. It will be the responsibility of the Lead Employer to liaise with the Host Organisation and HEE throughout.

6.1.11 Booking Shared Parental Leave

It is imperative that Trainees wishing to book Shared Parental Leave follow the steps detailed below; this is to ensure that pay is calculated correctly during periods of SPL.

The trainee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either

- a) a single period of weeks of leave; or
- b) two or more weeks of discontinuous leave, where the trainee intends to return to work between periods of leave.

Please note: SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. Where a trainee returns to work between periods of SPL, the next period of SPL can also start on any day of the week.

The trainee must book SPL by completing the appropriate forms at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP. Please see the separate SPL/ShPP Toolkit.

Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

A trainee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

A trainee may submit up to three separate notifications for continuous periods of leave.

A trainee is not entitled to withdraw a notice for a single continuous block of leave but may do so with the employer's express permission.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the trainee returns to work (for example, an arrangement where a trainee will take six weeks of SPL and work every other week for a period of three months).

A two-week discussion period between the trainee, Lead Employer HR, the Host Organisation and HEE will commence from the date the trainee submits the booking

notice.

Where there is concern over accommodating the notification, the Lead Employer HR or the trainee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the trainee and the department (see “Discussions regarding Shared Parental Leave” above). Again this may be over the phone.

The Lead Employer HR will consider a discontinuous leave notification but has the right to refuse it after consulting with the Host Organisation and HEE. If the leave pattern is refused, the trainee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks’ leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the trainee but be no less than eight weeks from the date the original notice was provided to the employer. The trainee has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the trainee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.

A trainee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice providing an agreement has not been reached about when they will be absent from work. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks’ notice must be provided.

If a notice is withdrawn it will not count towards the three booking notifications cap.

6.1.12 Responding to a Shared Parental Leave Request

Once the Lead Employer HR receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the trainee and to the department against any adverse impact to the Host Organisation/ Lead Employer and on their training following consultation with HEE.

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

The trainee will be informed in writing by Lead Employer HR as soon as is reasonably practicable, but no later than the 14th calendar day after the leave notification was made. The request may be granted in full or in part: for example, the Lead Employer HR may propose a modified version of the request.

If a discontinuous leave pattern is refused then the trainee may withdraw the request without detriment on or before the 15th calendar day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

If the trainee chooses to take the leave in a single continuous block, the trainee has until the 19th calendar day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the trainee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

6.1.13 Variations to arranged Shared Parental Leave

The trainee is permitted to vary or cancel an agreed and booked period of SPL up to a maximum of three times, provided that they advise the Lead Employer HR by completing the variation/cancellation of booked leave notice (see SPL/ShPP Toolkit) at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the trainee, including notice to return to work early, will usually count as a new notification reducing the trainee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Lead Employer requesting it be changed, and the trainee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Lead Employer HR.

6.1.14 Fostering to Adopt

Trainees with whom a child is placed under the fostering to adopt scheme will be entitled to Adoption Leave and Pay and these entitlements will be calculated from the first day that the child is placed with the family (or up to 14 days before the expected date of placement) Where more than one child is placed with a trainee as part of the same placement (eg twins or siblings of different ages) the trainee will be entitled to only one period of adoption leave.

In the event that another child is placed with the trainee soon after the placement of the first child in a separate placement, the trainee will be entitled to a second period of adoption leave. The adoption leave restarts when the second placement begins.

Please note: There is no statutory right to paid time off for trainees who foster a child, except in a "foster to adopt" situation, or if they later adopt the foster child, in which case the regular adoption leave provisions will apply.

Fostering to adopt will commence on the date of the placement order, or up to 14 days before the expected placement date

6.1.15 Health and Safety Pre and Post Birth

The Management of Health and Safety at Work (Amendment) Regulations 1994 requires employers to make special provision, where necessary, to safeguard the health and safety of new and expectant mothers and their babies.

Trainees must have a risk assessment of their working conditions with their Host Organisation regardless of whether there are any work-related precautions that need to be taken whilst working during pregnancy. The risk assessment must be completed as soon as the trainee notifies the Lead Employer and the Host Organisation of their pregnancy.

In the event that a risk assessment identifies that the trainee requires adjustments to their duties, the trainee shall continue to receive their normal rate of pay. For further information see www.hse.gov.uk/mothers/faqs.htm

On returning from Maternity Leave trainees should have a further health and safety risk assessment particularly for the first six months following the birth and in the event that a trainee is breast feeding.

Should trainees need breast feeding facilities this should be discussed with their Host Organisation prior to their return to agree a plan. Trainees should discuss breastfeeding facilities with their host organisation.

6.1.16 Ante-Natal Leave

Prior to the birth, pregnant trainees are entitled to paid time off to attend antenatal care, which may include relaxation and parent craft classes when these cannot be arranged outside normal working hours. Trainees must provide evidence to Lead Employer and their Host Organisation that they are attending appointments.

6.1.17 Leave for Adoption Appointments

From day one of employment a trainee looking to adopt who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption is entitled to leave to attend adoption appointments arranged by or at the request of the adoption agency which made the notification.

A trainee proposing to adopt a child on either their own or jointly having elected to be the primary adopter for the purposes of the adoption is entitled take paid time off for up to 6.5 hours on each occasion to attend up to five such adoption appointments. The trainee wishing to use this leave will be asked for a document showing the date and time of the appointment in question and that it has been arranged by the adoption agency.

Secondary adopters are entitled by law to unpaid leave to attend up to 2 appointments with the maximum time capped at 6.5 hours for each appointment. However under this policy a trainee is entitled, to claim up to six hours of this time in total across these two appointments as additional paid leave.

The granting of time off for additional appointments will be at the discretion of the trainees host organisation and if granted will be unpaid or covered by annual leave as agreed between the two parties.

Until ESR is modified such paid leave will be entered on ESR as ante natal leave and unpaid as additional unpaid leave hours plus 'other' in the drop down menu.

6.1.18 Sickness and Absence Prior to the Birth

The normal sick leave provisions apply up to the commencement of maternity leave.

If a trainee becomes ill with a pregnancy-related illness during the last four weeks before the EWC then maternity leave will automatically commence.

6.1.19 Premature Births

If a trainee's child is born before the elected date for the commencement of maternity leave, their maternity leave will commence the day after the birth. They should inform the Lead Employer as soon as possible in order to ensure that appropriate payments are made.

If a trainee's baby is born alive prematurely the trainee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

If a trainee's baby is stillborn after 23 weeks and 6 days of pregnancy the trainee will be entitled to the same amount of maternity/shared parental leave and pay as if their baby was born alive.

If a trainee has a miscarriage before 24th weeks of pregnancy normal sick leave provisions will apply as necessary.

6.1.20 If Adoption Leave is Cut Short

If a child is no longer placed, the adopter continues to be eligible for up to a further 8 weeks of statutory adoption leave and pay (unless leave/pay has already been used up) if adoption leave ends under the following circumstances:

- if the trainee has already begun their adoption leave and the adoption agency notifies the trainee that the placement will not occur, or
- the child dies during adoption leave, or
- the child is returned to the adoption

After these 8 weeks, the trainee would be expected to return to work. It is advisable to keep employers informed if this should happen.

6.2 Keeping in Touch during the Maternity, Shared Parental or Adoption Leave period

Before a trainee's Maternity, Shared Parental or Adoption Leave begins, the Host Organisation will discuss the arrangements for them to keep in touch during their leave. The Lead Employer, Host Organisations, Universities and HEE reserve the right in any event to maintain reasonable contact with the trainee from time to time during their Maternity, Shared Parental or Adoption Leave. This may be to discuss the trainee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training needs or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Trainees will, with their Host manager's agreement, and after the two-week compulsory maternity leave following the birth, be able to work for up to 10 KIT days without losing their right to Maternity or Adoption Leave. Trainees will be able to work for up to 20 SPLIT days without losing their right to Shared Parental Leave. The type of 'Work' undertaken during a KIT/SPLIT day may include, but is not limited to, training, team meetings etc.

Trainees in receipt of SMP, SAP or ShPP at the time of their KIT/SPLIT day will receive their SMP, SAP or ShPP topped up to the pay rate they would usually get for a full day's pay.

Trainees are not permitted to undertake and be paid for KIT or SPLIT days during the no pay period of Maternity, Shared Parental or Adoption leave, or during the period of accrued annual leave that is taken at the end of Maternity, Shared Parental or leave. Trainees are however permitted to replace any number of KIT or SPLIT days, with Supported Return to Training (SRTT) days, taken in line with Health Education England's Supported Return to Training Programme. (refer to region HEE support website)

If SRTT days are taken during the unpaid period of Maternity, Shared Parental or Adoption leave, the trainee will be paid for a day's pay in line with their contract of employment. If the SRTT day is worked on an annual leave day during the period of accrued annual leave, the trainee will be taken off from leave and given the day's leave at the end of the accrued annual leave period.

The total number of KIT days and SRTT days combined must not exceed 10 days.

The total number of SPLIT days and SRTT days combined must not exceed 20 days.

Trainees wishing to undertake additional work outside of their contract with the Lead Employer should discuss this in the first instance with the Lead Employer and HEE to discuss any implications that additional paid work may have on their Maternity/Shared Parental/Adoption Leave and Pay.

6.3 Return to work

Trainees should give 8 weeks statutory notice of their return to work date or in any case a minimum of 28 days.

If they are unable to attend work due to sickness or injury, the Lead Employer's Attendance Management Policy and Procedure absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

6.3.1 Change to working hours

If a trainee wishes to increase or reduce their working hours upon their return to work at the end of their maternity, shared parental or adoption leave, they should discuss their requirements with the Less Than full Time Team initially. Their new holiday entitlement will be calculated from the date of the contractual change of hours.

6.3.2 Failure to Return to Work

If a trainee fails to return to work, after they have informed the Lead Employer that they intend to do so or fails to provide evidence of employment with another NHS employer within 15 months of the beginning of their Maternity, Adoption or Shared Parental leave, they will be liable to repay the whole of the Maternity, Adoption or Shared parental pay less any Statutory Pay to which they were entitled. The Lead Employer will normally expect immediate repayment of outstanding monies.

However, if there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth / shared parental leave had not occurred or been taken, the repayment provisions will not apply.

6.4 Terms and conditions during Maternity, Adoption or Shared Parental Leave

6.4.1 Pension

If a trainee is a member of the NHS Pension Scheme, all service including periods of no pay will be subject to superannuation payments. These will be paid on return to work by payroll deductions over the same period of time as the unpaid leave.

6.4.2 Annual leave

Trainees will continue to accrue annual leave during maternity/ shared parental/adoption leave including Bank Holidays. Trainees are encouraged to take any annual leave accrued during periods of maternity/shared parental/adoption leave prior to their return to work. Trainees will continue to accrue annual leave when taking periods of accrued annual leave.

If possible, trainees should take any outstanding annual leave before they start their maternity/adoption or shared parental Leave.

6.4.3 Childcare Vouchers and Salary Sacrifice Schemes

Being enrolled in a Childcare Voucher Scheme (or any other Salary Sacrifice Scheme i.e. Car Lease Scheme, Cycle Scheme, etc.) will have an effect on your Maternity/Adoption/Shared Parental Pay.

By remaining in the Salary Sacrifice Scheme during the qualifying weeks leading up to the child's expected due date/matching date will reduce the amount of Maternity, Adoption or Shared Parental Pay will be reduced.

You must carefully consider if you would like to remain in Salary Sacrifice Schemes and notify Pay and Staff Services prior to the 17th week of your pregnancy if you do not wish to continue in the Scheme(s).

Advice individual cases can be sought from the Lead Employer Team.

6.5 Paternity/New Parent Support Leave and Pay

Under Agenda for Change (Applicable to Non-Medical Public Health Trainees), the New Parent Support (NPS) provisions apply to biological or adoptive fathers, or a mother's husband or partner (of either sex provided they have an enduring relationship and live with the mother) ("New Parents"), where that individual (New Parent) is to have or expected to have responsibility for the child's upbringing; or to Nominated Carers (see 6.2.2 for definition of Nominated Carers).

6.5.1 Eligibility

Occupational New Parent Support Leave / Pay (ONPSP) New Parents or nominated carers who have 12 months continuous service with the NHS at the beginning of the expected week of childbirth or expected date of adoption.

To be eligible for Statutory Paternity leave / Pay (SPP) the trainee must be taking time
New Parent Support Leave and Pay Policy Version 1

off to look after the child and have completed 26 weeks continuous service with the Lead Employer by the 15th week before the expected date of childbirth or expected date of adoption. The trainee must also be the biological or adoptive father or the mother's husband or partner (of either sex provided they have an enduring relationship and live with the mother) and in all cases must have or be expected to have responsibility for the child's upbringing.

6.5.2 Entitlement

Trainees who are eligible for New Parent Support Leave (NPS leave) as outlined above will be entitled to 2 weeks leave, paid at their normal rate of pay, which must be taken as one period of two weeks. This will be inclusive of any SPP to which they may be entitled. They must provide a copy of their partners MATB1 Certificate and complete / submit their own SC3 form (which will be provided by the Lead Employer Human Resources Department). The leave must be taken within 56 days following the date of birth or adoption.

Note: under Agenda for Change mothers' relatives who are identified as Nominated carers are eligible for NPS Leave and Pay however they are not entitled to SPP.

Trainees who are eligible for SPP only will be entitled to up to 2 weeks leave at the Statutory Paternity Leave pay rate which can be taken any time within the 56 days following the birth. The leave can be taken in either a one or two week block but not as two separate weeks.

6.5.3 Ante-Natal Leave

From day one of employment, a trainee with a 'qualifying relationship' is entitled by law to unpaid leave to attend up to 2 ante-natal appointments to 'accompany' a pregnant woman with the maximum time capped at 6.5 hours for each appointment. A 'qualifying relationship' is defined as being 'the woman's husband or civil partner, who lives with the woman in an 'enduring family relationship' or is the expected child's father'. However under this policy a trainee in a qualifying relationship is entitled, to claim up to six hours of this time in total across these two appointments as additional paid leave.

The trainee wishing to apply for this leave will be asked for a written declaration stating the date and time of the appointment, the nature of the relationship between them and the expectant mother or child and for confirmation that the appointment has been made on the recommendation of a medical professional (such as a doctor, midwife or nurse). This declaration should be provided to the LE HR Team.

The granting of time off for additional ante-natal appointments will be at the discretion of the trainees Host Organisation and if granted will be unpaid or covered by annual leave as agreed between the two parties.

Such paid leave will be entered on ESR as ante natal leave and unpaid as additional unpaid leave hours plus 'other' in the drop down menu.

6.5.4 Contractual Benefits

Staff are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary, throughout their NPS leave. However most staff will be entitled to SPP or OPP for this period.

6.5.5 General Principles

The New Parent or Nominated Carer needs to inform their Host Organisation and the Lead Employer Human Resources Department that their partner is pregnant or that they are adopting a child. Trainees are expected to give at least 28 days' notice of their requirement to take Paternity Leave/NPS Leave.

The Lead Employer Human Resources Department will then send a Paternity/New Parent Support Application form (Appendix 5) and where appropriate an Inland Revenue SC3 Form to the trainee to be completed and returned to Lead Employer Human Resources Department to process. The Human Resources Department will confirm the individual's eligibility and entitlement in writing to the trainee.

The Host Organisation documents all ante-natal/adoption support leave and Paternity/NPS leave and enters these onto the Electronic Staff Record (ESR)

7. TRAINING

Advice and guidance on the application of this policy will be provided to trainees and managers as required.

There is no mandatory training associated with this policy.

8. MONITORING COMPLIANCE WITH THIS DOCUMENT

The table below outlines the Trusts' Key Performance indicators and monitoring arrangements for this policy/document. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.

8.1 Key performance Indicators of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1	Ensure 14 day response from HR Team to individual, following receipt of application form into HR Office.

8.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations
Ensure 14 day response from HR Team to individual, following receipt of application form into HR Office	HR Advisors	Audit of application dates and response letter dates	Annually	Workforce Council	Head of Human Resources

9. REFERENCES/ BIBLIOGRAPHY

No	Reference
1	Working Families Act 2006
2	Employment Act 2002
3	Employment Relations Act 1999
4	The Human Rights Act 1998
5	Employment Rights Act 1996
6	EU Directive on Pregnant Workers 1994
7	Management of Health and Safety at Work (NHSW) Regulations 1992
8	The Equal Pay (Amendment) Act 1986
9	Sex Discrimination Act 1975
10	The Shared Parental Leave Regulations 2014
11	The Shared Parental Pay (General) Regulations 2014
12	Child and Families Act 2014
13	The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
14	Equality Act 2010

10. RELATED TRUST POLICY/PROCEDURES

No	Related Document
1	Annual Leave Policy
2	Recruitment and Selection Policy

11. Equality Analysis

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Patient Inclusion and Experience Lead for monitoring purposes, Cheryl.farmer@sthk.nhs.uk. If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff

Equality Analysis for this policy

Equality Analysis			
Title of Document/proposal /service/cost improvement plan etc:		Special Leave Policy	
Date of Assessment	02.02.2021	Name of Person completing assessment /job title:	Natalie Villegas
Lead Executive Director	Director of Human Resources		HR Business Partner
Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their:		Yes / No	Justification/evidence and data source
1	Age	No	Click here to enter text.
2	Disability (including learning disability, physical, sensory or mental impairment)	No	Click here to enter text.
3	Gender reassignment	No	Click here to enter text.
4	Marriage or civil partnership	No	Click here to enter text.
5	Pregnancy or maternity	Yes	Nature of the leave
6	Race	No	Click here to enter text.
7	Religion or belief	No	Click here to enter text.
8	Sex	Yes	Yes by their very nature maternity and paternity leave and pay issues largely affect one gender
9	Sexual Orientation	Yes	Homosexuals are statistically less likely to utilise maternity and paternity leave and pay
Human Rights – are there any issues which might affect a person’s human rights?		Yes / No	Justification/evidence and data source
Right to life		No	Click here to enter text.
Right to freedom from degrading or humiliating treatment		No	Click here to enter text.
Right to privacy or family life		No	Click here to enter text.
Any other of the human rights?		No	By nature of ability to have or care for child or dependant
Lead of Service Review & Approval			

Service Manager completing review & approval Job Title:	Debbie Livesey
	Head of Human Resources

Appendix 1

FREQUENTLY ASKED QUESTIONS & ANSWERS

Q. *What is a MATB1 form?*

A. This is the form that officially certifies that you are pregnant and indicates your expected week of childbirth. You should receive this form from your midwife or GP around 20 weeks into your pregnancy. The original MATB1 certificate must be handed over to the:

Workforce Planning Department
St Helens & Knowsley Teaching Hospitals Trust
Floor 2 Court Block
Alexandra Park
Prescot Road
St Helens
WA10 3TP

It is the responsibility of the employee to ensure that the MATB1 certificate is received here and no responsibility will be accepted for documents that go missing in the post.

Q. *What happens if I decide not to return to work?*

A. If you have indicated that you intended to return to work but then decide not to do so, you do not have to pay back payments made to you under Statutory Maternity, Shared Parental or Adoption Pay. However, if you have qualified for and been paid Occupational Maternity, Shared Parental or Adoption Pay you do have to return to work for at least three months, otherwise you would have to pay back those payments (minus your entitlements to SMP/ShPP/SAP).

Q. *Can I come back from Maternity/shared Parental/Adoption Leave to reduced or flexible hours?*

A. Any request for consideration to changes in your contracted hours when you return to work must be discussed with your local HEE less than full time team.

Q. *Can I change the start date for my maternity/shared parental/adoption leave once I have submitted my forms?*

A. Yes, but you must inform your manager and the Employment Services Department as soon as possible, to discuss your circumstances preferably giving them at least 28 days written notice.

Q. *Is my incremental date affected by my going on maternity leave?*

A. No, your incremental date is not affected at all.

Q. **What happens if I am on a fixed term contract that expires during my maternity leave?**

A. If you are employed on a temporary or fixed term contract which expires during the period from 11 weeks before your baby is due, to fifteen weeks after the expected week of childbirth, and you would have otherwise have qualified for Occupational Maternity Pay, your contract would be extended to enable you to receive that entitlement. As you would not have the right to return to work because your contract would have expired if your pregnancy had not occurred, you would not have to repay any monies to the Trust. If you do not qualify for OMP, your contract would be extended to cover any period of SMP you are entitled to.

Q. *Will I get the normal cost of living increase if it is awarded whilst I am on maternity/shared parental/adoption leave?*

A. You will benefit from any pay increase being implemented whilst you are on maternity/shared parental/adoption leave and your maternity/shared parental/adoption pay entitlement will automatically be re-calculated to take this into account.

Q. *Can I return to work earlier than originally planned?*

A. Yes. Normally 8 weeks (56 days) written notice is required before returning to work, but clearly if you are planning to return to work earlier than originally planned you should discuss this with your manager at the earliest opportunity. There is also a statutory requirement that trainees take at least two weeks maternity leave following the birth of your baby.

Q. *What if I am unsure about returning for work?*

A. If you have over one year's continuous service but are not sure about whether or not you wish to return to work following your maternity/shared parental/adoption leave, you will be paid as though you are not returning to work (see section 6.1.4). If you then do return to work you will then receive the difference between that and full Occupational Maternity/Shared Parental/Adpotion Pay once you have been back at

work for three months.

Q. *Can I return to work with another NHS employer?*

A. Yes. Your entitlement to maternity/shared parental/adoption leave and pay is not affected if you return to work with another NHS employer rather than this Trust (the same requirement to return to work for at least three months still applies). This is dependent on your notifying the Trust of this intention no later than 21 days before your maternity leave is due to end. You would also need to provide a copy of your letter of appointment with the other NHS employer to demonstrate that you will commence employment with the other Trust within 15 months of the start of your maternity leave. Failure to do so entitles this Trust to recover any Occupational Maternity/ Shared Parental/Adoption Pay that you had received.

Q. *I am breastfeeding are there any facilities I can use?*

A. Yes, you must discuss the arrangements with your Host Trust i.e. what times you are feeding etc.

TABLE OF ENTITLEMENTS

Appendix 2

<p>Occupational Maternity Pay Entitlement</p> <p>By prior agreement with the employer this entitlement 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</p>	<p>For the first 8 weeks of leave</p> <p>full pay (less any SMP to which they may be entitled).</p>	<p>For the next 18 weeks of leave</p> <p>half of full pay plus SMP (reduced only to the extent that half pay and SMP do not exceed full pay)</p>	<p>For the next 13 weeks of Leave</p> <p>SMP only (Extension of Maternity Pay)</p>	<p>For the next 13 weeks</p> <p>staff may take additional unpaid maternity leave making a total of 52 weeks</p>
<p>Statutory Maternity Pay (SMP) Entitlement</p>	<p>For the first 6 weeks of leave</p> <p>90% of salary</p>	<p>For the next 33 weeks of leave</p> <p>standard rate of SMP (please check here for current SMP rate) or 90% of the employee's average weekly earnings if lower</p>	<p>The additional 13 weeks</p> <p>will be unpaid</p>	
<p>Staff who are not eligible for SMP may be entitled to Maternity Allowance (MA)</p>	<p>Maternity Allowance</p> <p>a flat rate allowance is paid by the Department of Social Security for up to 39 weeks to individuals who are not entitled to SMP. Staff who do not meet the criteria for SMP but have worked at least 26 weeks in the 66-weeks ending with the week before the EWC may be eligible for this allowance</p>	<p>Employees who are entitled to MA will receive either 39 weeks paid at a rate of 90% of the employee's earning, or at the lesser rate of MA (£136.78 per week 2013/14)</p>	<p>Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements</p>	

Occupational Shared Parental Pay	For the first 8 weeks of leave full pay (less any SMP/SShPP to which they may be entitled).	For the next 18 weeks of leave half of full pay plus SMP (reduced only to the extent that half pay and SMP do not exceed full pay)	For the next 13 weeks of Leave SShPP only (Extension of Shared Parental Pay)	For the next 11 weeks staff may take additional unpaid shared parental leave making a total of 50 weeks
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Shared Parental Pay (ShPP) Entitlement	For the first 6 weeks of leave Standard rate of ShPP (please check here for current ShPP rate) or 90% of the employees average weekly earnings if lower	For the next 33 weeks of leave standard rate of ShPP (please check here for current ShPP rate) or 90% of the employee's average weekly earnings if lower	The additional 11 weeks will be unpaid	
Occupational Paternity Pay (Ordinary Paternity)	Ordinary Paternity leave will be entitled to 2 weeks Ordinary Paternity Leave, paid at their normal rate of pay. This will be inclusive of any statutory paternity pay to which they may be entitled	Statutory Paternity Pay up to 2 weeks leave at the Statutory Paternity Leave pay rate which can be taken any time within the 56 days following the birth. This allows the leave to be taken in either a one or two week block but not two separate weeks	Note under Agenda for Change whereas relatives who are nominated as carers are eligible for Occupational Paternity Pay they are not entitled to SPP	

<p>Occupational Adoption Leave Adoption Leave Entitlement</p> <p>By prior agreement with the employer this entitlement 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 adoption leave period</p>	<p>For the first 8 weeks of leave</p> <p>full pay (less any statutory adoption pay to which they may be entitled)</p>	<p>For the next 18 weeks of leave</p> <p>half of full pay plus SAP (reduced only to the extent that half pay and SAP do not exceed full pay)</p>	<p>For the next 13 weeks of Leave</p> <p>SAP only (Extension of Adoption Pay)</p>	<p>For the next 13 weeks</p> <p>staff may take additional unpaid adoption leave making a total of 52 weeks</p>
<p>Statutory Adoption Pay (SAP)</p>	<p>For the first 6 weeks of leave,</p> <p>90% of salary</p>	<p>For the next 33 weeks of leave,</p> <p>standard rate of SAP (currently 2007/8 £112.75 per week) or 90% of the employee's average weekly earnings if lower</p>	<p>The additional 13 weeks</p> <p>will be unpaid</p>	

<p>If staff do not meet the criteria for SAP but have worked at least 26 weeks in the 66-weeks ending with the week before the EWA they may be eligible for Adoption Allowance AA</p>	<p>Adoption Allowance, (AA) a flat rate allowance is paid by the Department of Social Security for up to 39 weeks to individuals who are not entitled to SAP</p>	<p>Employees who are entitled to AA will receive 39 weeks paid at a rate of 90% of the employee's earning, or at the lesser rate of AA (£34.90 2007/8)</p>		
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