

MATERNITY SUPPORT (PATERNITY) LEAVE GUIDANCE

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Document Version	Final 1.0
Date issued	February 2022

Contents

Section		Page
1	Introduction	3
2	Eligibility and pay	3
2.1	Leave	3
2.2	Occupational maternity support (paternity) pay	3
2.3	Statutory pay	3
3	Antenatal appointments and adoption appointments	4
3.1	Antenatal appointments	4
3.2	Adoption appointments	4
4	Maternity support (paternity) leave	4
5	Process for applying for maternity support (paternity) leave and pay	5
6	Employee rights whilst on maternity support (paternity) leave	5
7	Pre-term birth / still birth	5
8	Failure to return to work	6
9	Shared parental leave	6
10	Annual leave and bank holidays	6
11	Employee care services	6
Appendix		Page
1	Frequently asked questions	7
2	Application form for maternity support allowance (paternity) leave and pay	8
3	Useful contacts / information	10

Related policies:

Managing Attendance Policy
 Health, Safety and Welfare Policy
 Risk Management Policy and Procedure
 Parental Leave Guidance
 Maternity Leave Guidance

Flexible Working Policy
 Annual Leave Policy
 NHS Terms and Conditions of Service
 Handbook

1 Introduction

This guidance is intended for any employee wishing to take maternity support (paternity) leave.

The guidance applies to:

- the father of the child,
- the mother's (or adopter's) husband or partner (whether opposite or same sex),
- the intended parent (if you are having a baby through a surrogacy arrangement and intend to apply for a parental order).

It outlines eligibility and entitlement, however, further advice can be obtained from the Human Resources Department.

2 Eligibility and pay

2.1 Leave

All employees are entitled to two weeks' of maternity support (paternity) leave, which can be taken around the time of the birth or the placement of the child for adoption.

You get the same amount of leave if your partner has a multiple birth or you adopt more than one child at the same time.

You must take your leave in one go. A week is the same amount of days that you normally work in a week, e.g. if you only work on Mondays and Tuesdays a week is two days.

2.2 Occupational maternity support (paternity) pay

You must have 12 months' continuous NHS service (with one or more employers) at the beginning of the week (the Sunday) when the baby is due or the matching week¹, if adopting.

If eligible for occupational maternity support (paternity) allowance, employees will receive 2 weeks' full pay.

2.3 Statutory pay

If you are not entitled to occupational maternity support (paternity) pay, you may be entitled to statutory pay if:

- you have 26 weeks' continuous service with the Trust by the 15th week before the expected week of childbirth;

¹ The matching week is either the end of the week you are matched with the child or the date the child enters the UK (if adopting from overseas).

- you have 26 weeks' continuous service with the Trust by the 'matching week' if adopting;
- you earn at least the lower earnings level.²

Statutory paternity pay is paid at statutory rates³ or 90% of average earnings (whichever is lower).

3 Antenatal appointments and adoption appointments

3.1 Antenatal appointments

You can take paid leave to accompany a pregnant woman to ante-natal appointments if you are:

- the baby's father,
- the expectant mother's husband or partner (whether opposite or same sex),
- the intended parent (if you are having a baby through a surrogacy arrangement and intend to apply for a parental order).

They can attend up to 2 appointments of up to 6 and a half hours each.

Further unpaid time off to attend additional appointments can be granted at the manager's discretion.

3.2 Adoption appointments

If you are adopting a child you can take unpaid leave to attend 2 adoption appointments after you have been matched with the child.

You can attend up to 2 appointments of up to 6 and a half hours each.

Further unpaid time off to attend additional appointments can be granted at the manager's discretion.

Important note: If you take paid time off to attend adoption meetings you will not be entitled to claim maternity support (paternity) leave and pay (see Adoption Leave guidance).

4 Maternity support (paternity) leave

Leave cannot start before the birth and it must end within 56 days of the birth.

In the case of adoption, leave can start on the date of placement or the date the child arrives in the country (for overseas adoption) and it must end within 56 days of the placement.

You must give your manager 28 days' notice if you want to change the start date.

² Further details can be found at: <https://www.gov.uk/paternity-pay-leave/overview>

³ The latest statutory rates can be found at: <https://www.gov.uk/paternity-pay-leave/pay>

5 Process for applying for maternity support (paternity) leave and pay

The employee should complete the maternity support (paternity) leave application form (appendix 2) with their manager by the 15th week before the expected week of childbirth.

In the case of adoption, the application form should be completed no later than 7 days after being matched.

If you are the father of the child or the mother's partner, you must also complete form SC3.⁴

For adoption you must also complete form SC4.⁵

For overseas adoption you must also complete form SC5.⁶

The manager should forward the application form, a copy of the MatB1 or matching certificate and the SC3/4 or 5 to the HR Department, 2nd Floor, Stockdale House, Headingley Office Park, 8 Victoria Road, Leeds LS6 1PF or by email to lch.hr@nhs.net

6 Employee rights whilst on maternity support (paternity) leave

Your employment rights are protected whilst on maternity support (paternity) leave. This includes your right to:

- pay/incremental pay rises,
- the accrual of annual leave,
- returning to your substantive post.

7 Pre-term birth / stillbirth

Where an employee's baby is born alive prematurely, the employee will be entitled to the same amount of maternity support (paternity) leave and pay as if the baby had been born at full-term.

Where an employee's baby is stillborn after week 24 of pregnancy, the employee will be entitled to the same amount of maternity support (paternity) leave and pay.

⁴ Form SC3 can be found at: https://public-online.hmrc.gov.uk/lc/content/xfaforms/profiles/forms.html?contentRoot=repository:///Applications/PersonalTax_iForms/1.0/SC3&template=SC3.xdp

⁵ Form SC4 can be found at: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>

⁶ Form SC5 can be found at: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad-sc5>

8 Failure to return to work

Should an employee fail to return to work for the NHS for 3 months following the end of their maternity support (paternity) leave, they will be required to repay their occupational maternity support (paternity) pay.

9 Shared parental leave

Shared parental leave allows mothers, fathers and partners to choose how to share time off work after their child is born. In order to qualify for shared parental leave, the mother must end her maternity leave. See the Trust's Parental Leave Guidance for full details.

10 Annual Leave and Bank Holidays

Employees accrue annual leave and bank holidays during paid and unpaid periods of maternity support (paternity) leave.

Employees should, wherever possible, take any outstanding annual leave either directly before or after the period of maternity support (paternity) leave in order to take the leave in the leave year in which it is accrued in line with the Trust's Annual Leave Policy.

11 Employee Care Service (Leeds Teaching Hospitals Staff Health & Wellbeing Team)

Employee care services are part of Leeds Teaching Hospitals' staff health & wellbeing team offer sessions such as baby massage and baby yoga. They can be contacted on 0113 3928384 or via collette.brown@nhs.net

APPENDIX 1

Frequently asked questions

1. How much maternity support (paternity) leave can I take?

Two weeks.

2. When can I start my maternity support (paternity) leave?

From the date of birth or, in the case of adoption, from the date of placement or the date the child arrives in the UK (for overseas adoption).

All leave must be completed within 56 days of the date of birth or placement.

3. Can I change the start date of my maternity support (paternity) leave?

Yes. You must give your manager 28 days' notice wherever possible.

4. Can I have paid time off to attend antenatal appointments with my partner?

Yes. Your manager may ask for proof of any appointments.

5. Can I take paid time off to attend adoption meetings?

Yes, however, it is important to note that if you take paid time off to attend adoption meetings you will not be entitled to maternity support (paternity) leave and pay.

6. Will I return to work in my original role?

You have the right to return to your job under your original contract and on no less favourable terms and conditions.

7. What if I'm too unwell to return to work immediately following my maternity support (paternity) leave?

You must report as unfit for work in line with your local procedures. Your sickness will be managed in line with the Managing Attendance Policy.

APPENDIX 2

APPLICATION FOR MATERNITY SUPPORT (PATERNITY) LEAVE AND PAY

Payroll number	
Full Name	
Home Address (please ensure your correct contact details are updated on ESR)	
Contact Tel no.	
Job Title	
Base	
Manager's name	
Manager's email address	
Trust start date	
NHS start date	
Contract expiry date (if applicable)	
Expected date of childbirth (must match the date on the MatB1) OR expected date of placement (as per matching certificate)	
Start date of maternity support (paternity) leave (this should be no earlier than the date of childbirth or placement)	
Return to work date	

I have read the Maternity Support (Paternity) Leave Guidance and confirm I am eligible and wish to take the following option:

Option	Maternity Support (Paternity) Leave and Pay	Tick
1	Occupational Maternity Support (Paternity) Pay I have 12 months' continuous service with one or more NHS employers at the beginning of the week the baby is due to be born or the matching week.	<input type="checkbox"/>
2	Statutory Pay I am not eligible for occupational maternity support (paternity) pay but have worked for the Trust continuously for at least 26 weeks up to the 15 th week before the expected date of childbirth or matching week.	<input type="checkbox"/>

Employee's Declaration:

I confirm that I have read the Trust's Maternity Support (Paternity) Leave Guidance

I have completed form SC3 to claim statutory pay.	<input type="checkbox"/>
I have completed form SC4 to claim statutory pay (in the case of adoption).	<input type="checkbox"/>
I have completed form SC5 to claim statutory pay (in the case of overseas adoption).	<input type="checkbox"/>

Signed: _____ Date: _____

Manager's declaration:

I have discussed maternity support (paternity) leave with the above and am aware of the employee's intention to take leave.	<input type="checkbox"/>
I have completed the online SW2 on Elsie to inform payroll of the employee's intention to take maternity support (paternity) leave.	<input type="checkbox"/>
I have seen the original copy of the MatB1 or matching certificate.	<input type="checkbox"/>

Signed: _____ Date: _____

Once completed, please forward this form and a copy of the MatB1 or matching certificate with either the SC3/4 or 5 to:

Human Resources Department, 2nd Floor, Stockdale House, Headingley Office Park, 8 Victoria Road, Leeds, LS6 1PF

Or, email them to lch.hr@nhs.net

Useful contacts / information

LCH Pensions Department:	0113 2064874
Payroll:	Details of your payroll clerk can be found by searching for 'payroll' on Elsie
HR queries:	Lch.hr@nhs.net
Lease cars / salary sacrifice car queries:	0113 3055927
General information on entitlement to paternity leave and pay:	https://www.gov.uk/paternity-pay-leave
Nurseries and post-natal classes:	http://www.leedsth.nhs.uk/a-z-of-services/nurseries/
NHS terms and conditions of service :	
http://www.nhsemployers.org/tchandbook	